

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

139th Legislative Day

June 25, 1984

Speaker Greiman: "House will come to order. Members will be in their seats. The Chaplain for today would be the Reverend David Ashby, Pastor of Bible Baptist Church of Champaign. Reverend Ashby is a guest of Representative Tim Johnson. Will the guests in the gallery please rise for the invocation?"

Reverend Ashby: "Shall we pray. Our Father, we thank You for this day that You have given us. We thank You for the privilege of life that each of us enjoy. We thank You for these men and women who have come today to participate in our government. And I pray that You would bless them. I thank You for the liberty and the freedom that You give us to be able to participate in our government. And I pray that as each of these elected officials participates today that You give them the wisdom, the understanding, and the ability to do the things that are best for us in the State of Illinois. And we'll thank You and praise You for that. In Jesus name. Amen."

Speaker Greiman: "Representative Ropp will lead us in the pledge to the flag."

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 Greiman: "Roll Call for Attendance. Mr. Homer, excused. Mr. Clerk take the record. 117 Members having answered to the Roll Call, a quorum is present. For what purpose the Gentleman from Cook, Mr. Cullerton, seek recognition?"

Cullerton: "Yes. Mr. Speaker, before we get started on our long day today, you know, my district contains Wrigley Field. And in my district... And I... I understand that... I didn't catch the score of the game on Saturday. I know the

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Cubs were losing, 9 to 3, and I assume they lost. I wonder if anybody here knows what the final score was to that game on Saturday."

Speaker Greiman: "Which inning did you want?"

Cullerton: "I know they were losing 7 to 1, and then they were losing 9 to 3. And with Bruce Suter, you'd figure that the Cubs lost. I just didn't get the final."

Speaker Greiman: "We'll bring in the order of baseball scores later. The Gentleman from Lake, Mr. Peterson, for what purpose do you seek recognition, Sir?"

Peterson: "Thank you, Mr. Speaker. A point of personal privilege. I'd like to welcome back Representative Neff who is with us today after a long stay in the hospital, and we are very happy to have him back."

Speaker Greiman: "We're all glad to see Mr. Neff back. The Gentleman from DeWitt, Mr. Vinson, for what purpose do you seek recognition?"

Vinson: "Mr. Speaker, really for two purposes. One to advise the Chair that we have no excused absences today. And secondly, to take exception to the House going into Session and interfering with the deliberations of the Worlds' Fair Committee. I don't quite understand why that had to be. If you're going to run a railroad, you ought to run it on time and let those votes occur."

Speaker Greiman: "Well, Mr. Vinson, I suppose this may come as a shock to you, but they are a Committee of the House. We are not a Subcommittee of the Worlds' Fair Committee. Just so you understand that. On page two of the Calendar, on the Order of Senate Bills Third Reading Short Debate, appears Senate Bill 1659, Mr. Capparelli. Out of the record. I would advise you... all Members that today is the deadline for Senate Bills on Third Reading. On the Order of Senate Bills Third Reading Short Debate, appears

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Senate Bill 1735. Out of the record. On the Order of Senate Bills Third Reading Short Debate appears Senate Bill 1797. Out of the record. Alright. Mr. Nash, I have just called 1735. Do you wish to proceed with it? Out of the record. On the Order of... We're on Senate Bills Third Reading, page two of the Calendar. On the Order of Senate Bills Third Reading appears Senate Bill 495. Out of the record. On the Order of Senate Bills Third Reading, appears Senate Bill 626. Out of the record. On the Order of Senate Bills Third Reading appears Senate Bill 1223. Out of the record. On the Order of Senate Bills Third Reading appears Senate Bill 1236. Out of the record. On the Order of Senate Bills Third Reading, appears Senate Bill 1375 Mr. Tate. 1375. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1375, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

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

Tate: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 1375 initially was a Bill to deal with fraudulent claims by... which was a... The stimulus of the Bill came from U.S. Steel, in which last year, it had... had done a survey in the State of Indiana and had found that close to 10% of the claims which they had received were fraudulent claims which amounted to millions of dollars. Senate Bill 1375 had made knowingly a fraudulent claim a small misdemeanor. However, Representative Johnson has amended the Bill which... with Amendment 1, which has changed the Bill. And unfortunately, my seatmate isn't here right at the moment, but essentially, what that Bill did is it allowed for fines which... for business entities who are convicted individuals - the decision improperly - withhold payment or benefits, shall be guilty of a business offense punishable by a fine of at least \$50,000. I move

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for the adoption of the... I move for a favorable Roll Call."

Speaker Greiman: "The Gentleman from Lake has moved for the passage of Senate Bill 1375. And on that, is there any discussion? The Gentleman from Madison, Mr. McPike."

McPike: "Will the Sponsor yield?"

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

McPike: "Representative Tate, is Representative Johnson's Amendment still on this Bill?"

Tate: "Yes."

McPike: "His original controversial Amendment?"

Tate: "Yes."

McPike: "Thanks."

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

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

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

Ropp: "Representative, did I hear you say that the penalty was \$50,000?"

Tate: "Not for a fraudulent claim. There is a penalty that Representative Johnson has offered to the Bill for business entities, for whom the convicted individual made the decision of improperly withholding payments or benefits, shall be guilty of a business offense, punishable by a fine of 50,000 but no greater than \$100,000."

Ropp: "Is that a normal penalty? I mean under these circumstances, that seems kind of high."

Tate: "I would... tend... tend to agree with you, Representative Ropp. However, what we plan to do is put this Bill into a Conference Committee and take care of some of those problems."

Ropp: "Thank you very much."

Speaker Greiman: "Further discussion? The Gentleman from Bureau,

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Mr. Mautino."

Mautino: "Thank you very much, Mr. Speaker. I too, oppose the Amendment that has been adopted by Representative Johnson. The legislation was very controversial when he provided the Amendment. I would like to point out that the Senate Sponsor has requested that we pass this Bill out so that they will nonconcur on that particular Amendment. So I don't want my vote on this question misconstrued because I did oppose the Amendment in its original form."

Speaker Greiman: "Further discussion? There being none, the Gentleman from Macon to close."

Tate: "Well, Mr. Speaker, Ladies and Gentlemen of the House, this is an extremely important issue facing businesses, employers throughout the state and throughout the nation. Fraudulent claims are a tribute to rising health care costs which everyone else has to pay. And although this Bill is not in the best form, I would encourage an 'aye' vote and look for a favorable Roll Call."

Speaker Greiman: "Mr. Mautino, were you seeking recognition. No. Alright. The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Final passage. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 77 voting 'aye', 23 voting 'no', 5 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1384. Out of the record. On the Order of Senate Bills Third Reading appears Senate Bill 1395. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1395, a Bill for an Act to amend the Public Community College Act. Third Reading of the Bill."

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

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McGann: "Mr. Speaker, Members of the Assembly, much discussion took place in regards to Amendment #1 to Senate Bill 1395 that actually is the Bill. It was proved favorably, and I will not take the time of the House unless there are any questions. And I would appreciate this morning to have a favorable vote on Amendment #1 to Senate Bill 1395, which provides for recomputation of equalization grants with the respect to community college districts whose tax revenues are affected by court decision. Thank you, Mr. Speaker."

Speaker Greiman: "The Gentleman from Cook has moved for the passage of Senate Bill 1395. And on that, is there any discussion? We're having a little technical problem. Mr. Cullerton, you're seeking recognition? Alright. Mr. Culler... The Gentleman from Cook, Mr. Cullerton."

Cullerton: "I have a question of the Sponsor."

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

Cullerton: "Representative McGann, for the purposes of clarification. Do you intend to allow a district to get a retroactive adjustment to an equalization grant for past fiscal years?"

Speaker Greiman: "Yes."

Cullerton: "McGann."

Speaker Greiman: "Mr. McGann. Turn Mr. McGann on, would you?"

Cullerton: "He doesn't really need it but for the purposes of the tape, transcript."

Speaker Greiman: "Mr. Cullerton, we're having some technical difficulties. Alright, Mr. McGann, I think you're on."

McGann: "Thank you, Mr. Speaker. Representative Cullerton, presently there are no cases pending this actual piece of legislation. It is to protect them in the future."

Cullerton: "Alright. And one other question."

McGann: "So there will be no retroactive..."

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Cullerton: "What is the effect of Amendment #1?"

McGann: "Pardon me?"

Cullerton: "What is the effect of Amendment #1 which is on the Bill?"

McGann: "Amendment #1 is the Bill. Alright. And..."

Cullerton: "Well, what difference between Amendment #1, in the original Bill..."

McGann: "I believe... Just a moment, we'll get some technical... The difference, Representative, is that this grant program is subject to any prorated... reduction and equalization grants due to appropriation units. And also is... The common schools have this Act as a basic requirement, and we're following along in it."

Cullerton: "Well my... My analysis shows that East St. Louis Community College district was taken out with Amendment #1. I just thought you could explain why and what the significance of that is."

McGann: "Excuse me. Representative. Representative."

Cullerton: "Yes, I'm listening."

McGann: "East St. Louis has all state monies. They don't have any AB and so, therefore, there is no local equal assessment valuation. Is that satisfactory, Representative?"

Cullerton: "Is that the only community college district in the state that..."

McGann: "Yes, that is the only college district in the State of Illinois, is East St. Louis."

Cullerton: "Alright. Thank you very much."

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

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

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

Brummer: "Representative McGann, I was a little troubled, I guess, about your comment in response to Representative Cullerton's question about whether this has retroactive

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affect. This was sponsored in the Senate by Senator Bruce. There are some cases pending the outcome of which is unknown at this time, but there are some cases pending, I think, in community college districts which include part of Senator Bruce's district and part of my district. It was my understanding that it was not meant to affect any decision where a final... any situation where a final court decision has been made, but that it may have some affect with regard to those situations where a final court decision has not yet been made at this time. Is that correct?"

McGann: "I would say, essentially, that is correct. There are cases pending, but there are no final court decisions. And, therefore, as this question was asked the other day as far as what liabilities are we going to have in the state so far, there is none presently. Surely there would be, and it would be a separate line item that would be set to take care of these court decisions."

Brunner: "In any event, this is... there would be... there would have to be a separate line item appropriation to finance this, right?"

McGann: "And that is in the first part of the Amendment."

Brunner: "Okay. Thank you."

McGann: "Thank you."

Speaker Greiman: "Further discussion? There being none, the Gentleman from Cook, Mr. McGann, to close."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. Once again, I would just ask for a lot of green lights up there on Senate Bill 1395. Thank you."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk,

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take the record. On this Bill, there are 89 voting 'aye', 23 voting 'no', none voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1420. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1420, a Bill for an Act in relationship to delinquent taxpayers. Third Reading of the Bill."

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

Keane: "Thank you, Mr. Speaker. Senate Bill 1420 is known as the Tax Amnesty Bill. Basically, what it does is it provides as amended, a two month amnesty period for delinquent taxes. The amnesty period would run from October 1st thru November 30th of 1984. During that time, it reduces interest penalties and increases all monetary penalty provisions by 50% after the expiration date. The tax Acts that are involved are the; income tax, sales tax, motor fuel, cigarette, liquor and coin operated amusement device taxes. As I said, it's a two months period. It's available to those taxpayers who have failed to file a tax return for any year - those who have under reported tax liabilities, and those who are simply delinquent. It does, however, the... by Amendment says anyone who is a party, it prohibits taxpayers from the Act who are a party to a criminal investigation, as well as civil or criminal litigation, from participation. That recommendation's both from the Department of Revenue and the Attorney General. The revenues collected are specifically earmarked for the Common School Fund with the exception of the revenues collected pursuant to the personal property tax replacement. The taxpayers taking advantage of the program would be required to pay only one half the interest penalty due on their delinquent tax liabilities. Substantial

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penalties for those that would not take part in it, as I said earlier, would increase by 50%. One of the... Also on the Amendment, the... we added a repealer which is effective December 1, 1984, and that's to show that we're not going to repeat this tax amnesty again. I'd be happy to answer any questions and ask for favorable Roll Call."

Speaker Greiman: "The Gentleman from Cook moves for passage of Senate Bill 1420. And on that, is there any discussion? The Gentleman from Marion, Mr. Friedrich. Mr. Friedrich."

Friedrich: "Mr. Speaker, I'd like... would the Sponsor yield?"

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

Friedrich: "Would this include those who have already been identified as delinquent?"

Keane: "Yes. Yes, it would. The only people that would be... that have been already identified, would be those who are party to a criminal investigation as well as civil or criminal litigation. They would not be able to participate in this."

Friedrich: "Well, Mr. Speaker, briefly to the Bill. The Sponsor and I usually agree on almost everything around here, and this time I have to disagree because I don't think we ought to be rewarding people who are deliberately and knowingly violating the laws, when most of the taxpayers are honest people who pay their bills, including you and me and everyone else. I think I would like to go with the Governor's plan for stepped up enforcement and going after those people that we find. I don't think you're going to get enough volunteers to amount to anything anyway, but if we do, let's don't reward those who disobey the law."

Speaker Greiman: "The Gentleman from Bureau, Mr. Mautino."

Mautino: "Will the Gentleman yield, Mr. Speaker?"

Speaker Greiman: "He indicates he will yield for a question."

Mautino: "Representative Keane, last year we employed about 242

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people to do the processing and investigation on individuals in business who were delinquent in their taxes. Is this a result of their investigations?"

Keane: "No, not at all."

Mautino: "Has the Department of Revenue requested additional investigators in the area of; sales tax, income tax, motor fuel tax, to once again examine returns and funds that are due to the State of Illinois?"

Keane: "Not to my knowledge."

Mautino: "About another 200, I think, they've asked for. I guess my point is this, we're putting approximately 400 people to work, whose job it is to examine the returns, to examine the purchases and to receive the money that is due to the State of Illinois by virtue of the citizenry purchasing those products. That's the state's money. My question and concern is, why should we then say to those individuals who do owe that money to the State of Illinois, that you have two months of amnesty, when, in fact, the rest of the business community, who are involved in those same tax proposals, have been paying on time that principle that is due? I'm assuming the amnesty eliminates the interest and penalty as well. Does it?"

Keane: "No, it does not. It eliminates 50% of the interest, but if they do not pay during the amnesty period, they'd increase the penalties by 50%. So there is a substantial... there is a substantial incentive for them to pay during the amnesty period. In terms of uncollected revenue, in the Senate, the Revenue Committee, the Department indicated that they... they estimated that we are in the area of \$600,000,000. \$600,000,000 is owed the state, and about another 400,000,000 is owed to local government. So you are talking in the State of Illinois, between state and local taxes, over a billion dollars in

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delinquent taxes. The other problem we have is our collection process is so expensive, that quite often in collecting, we spend more money to collect the tax than we get in the final judgment, in terms of legal fees, in terms of our revenue people time, their time and all that. This is proven to be the case in other states, that they've collected money that they felt that they wouldn't have collected or that they would have paid a substantial amount of money in collection fees for it."

Mautino: "To the legislation, Mr. Speaker. I find it interesting that there is a billion dollars worth of tax dollars that are due the State of Illinois, yet not being collected, either at the local or the state level. It seems to me that that was the rationale for employing those people during the last Session, and the rationale for the request for this appropriation. I think it is the duty, the job classification and the employment practices of the Department of Revenue that are certainly suspect in this case. We have the people. We have the know how, and I do believe that if they're doing their job, we wouldn't be looking at a billion dollar loss of tax at the state and local level. And I stand in opposition to the Bill."

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

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this Bill. One of the major issues that we have been confronted with in this Session is where... how to find additional funding for education. A number of us were concerned with the Bill that was up last week, the lottery surcharge. That was really not a realistic solution. Many felt that that was irresponsible, it might have adverse affects. I myself voted for it, but I understand the position that many people took. This legislation that we have before us right now, Senate Bill 1420, is really the

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only game in town at the present time, as far as being able to provide additional funding for education in the present Session. It is a reasonable approach. It's a realistic one, and it's one that if the people do not take advantage of it, it would impose for the future 50% greater penalties than those that exist now. In contrast with House Bill 1510, and many people felt was too easy, this Bill maintains 50% of the interest and imposes substantially greater penalties for the future. Also, this legislation by having an automatic repeal, on December 1st, 1984, it makes clear that it is the intention of this General Assembly that this be a one time proposition. We understand that we went through hard economic times, that there were some people that were not able to afford to pay their taxes, and this gives them the opportunity to do so with the reduction and the penalties. But it is coupled with a substantial increase in future penalties, and I think it's an important Bill. It is the only realistic funding source we currently have for education, and I urge affirmative votes for Senate Bill 1420."

Speaker Greiman: "The Gentleman from Keane, Hr. Kirkland."

Kirkland: "Will the Sponsor yield?"

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

Kirkland: "Our analysis indicates that the Massachusetts program was successful, in part, because of an aggressive advertising campaign. Do you know how much they spent and in comparison, Illinois, with a bigger state and so forth, is going to spend to advertise this program?"

Keane: "That would be up to the Department, but Massachusetts came up with about 60 million, and the anticipation is that since we are about three times their level, it's all a guess, I mean it's a total guess, but, you know, if we have the same experience that Massachusetts had, we'll have a

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180 million, is what we'll collect."

Kirkland: "Except does the Bill direct that significant advertising take place?"

Keane: "No. It directs that the Department of Revenue carry it out, and they would be able to do that. You know, they would be able to, whatever they see fit, if they wanted to advertise, such as we're advertising in lotto or something, they can do that."

Kirkland: "Is there an accompanying appropriation to fund some of the cost?"

Keane: "No. No."

Kirkland: "None."

Keane: "No."

Kirkland: "Alright. Also does the... Did the Massachusetts program not charge any interest and now as amended, this Bill would charge 50% of the interest, is that correct?"

Keane: "That's right. Mass... is the reason that we're anticipating that this will be better than the State of Massachusetts is there was no penalty and there was no incentive... there was no incentive. We're having 50% of the interest, plus if the people who are delinquent don't pay, then the penalties go up 50%. So we put in that extra whack in... to encourage them to pay up right away."

Kirkland: "Okay. Thanks."

Speaker Greiman: "The Lady from Champaign, Ms. Satterthwaite."

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

Speaker Greiman: "Indicates that he will."

Satterthwaite: "Representative Keane, who exactly do you think would pay during this period if they have already been notified of delinquency, they get the tax break, and I assume... they get the interest break, but if they've already been notified of delinquency, doesn't it mean without this Bill we could collect the money plus the total

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interest?"

Keane: "Well, for instance, on sales tax failure to file, the current charge is 5% of the total amount due. Under this Bill we would kick it up to 7.5. On a delinquency notice, the current charge on sales tax is 20%. We'd increase it to 30%. So it would... not... in not counting the on going interest rates of the 2% interest per a month that they pay on unpaid. So it's a substantial increase in their penalties, so they would pay..."

Satterthwaite: "After the amnesty period..."

Keane: "After December 1st. After December 1st."

Satterthwaite: "But what... Unless someone felt that the money was going to be collected anyway, I don't see that there is a real incentive for them to upfront come in and admit that they owe money to the state."

Keane: "Oh, there is no doubt that... There is no doubt that they owe it. For instance, under unpaid... on an unpaid income tax that's a 9% interest, there's a current charge. Some people may feel that's fine. I'll pay 9%, it's cheaper than I can borrow money some place else, but..."

Satterthwaite: "We're giving them an opportunity to pay at only 4.5%."

Keane: "That's right. And if they don't pay at that time... If they don't pay at that time... they start rolling up, and there is substantial penalty for them afterwards. So based on Massachusetts'... on what the State of Massachusetts has found, they received money then - that they didn't have to go out. They did not have to spend a lot of money collecting the funds. And as the Department of Revenue agreed in House Revenue, sometimes they pay more to collect money than they collect. It costs them more to collect the money than that they actually get in."

Satterthwaite: "But presumably, if we've already documented that

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they are delinquent, and that we can charge them a 9% interest, currently, all we would be doing is giving them a break by letting them pay early."

Keane: "Yes. The money... The question is, is that the... is the money in hand... saying that our, you know, prime is about twelve five. It's much better, many people think, and I agree with them, it's much better to have the money in the bank where we can collect, our State Treasurer can collect at least 10, well over 10%, once we have that money in hand, rather than maybe not collected at all."

Satterthwaite: "Would you explain to me which portion of these collections will go to the Common School Fund and which will not?"

Keane: "It's my under.... Everything but the personal property tax replacement."

Satterthwaite: "Goes into the Common School Fund?"

Keane: "Yes, with the exception of the personal property tax replacement and local sales tax. I'm sorry, local... all the local taxes that we would pick up."

Satterthwaite: "Go back to the local government."

Keane: "Yeah."

Satterthwaite: "What is the mechanism then for providing that that money be available to the local school districts?"

Keane: "It's in the Bill. It goes to the School Aid Fund."

Satterthwaite: "Well, it goes to the Fund, but in order for it to be distributed to the school districts, it has to be appropriated from that Fund."

Keane: "That's true."

Satterthwaite: "So we're not saying that this would give any relief to our school districts this year."

Keane: "It could. It could, depending on the... depending on what we pass out of here on this school aid distributive formula."

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Satterthwaite: "But we would have to take legislative action to expend the money from the Common School Fund."

Keane: "As we always do. Yes. If we anticipate, if this becomes law, and the Bureau of the Budget anticipates that we're going to collect 50, 60 million, ...a conservative estimate, then they maybe well... may well accept an Amendment or, you know, an increase in the distributive fund, the formula fund that we pass out of here, which has been increased substantially above the Governor's level, as you know."

Satterthwaite: "Well, Mr. Speaker and Members of the House, it's not clear to me that we really are going to generate any new money for the state that wouldn't be collectible even without this legislation. I think it does put those of us who wants to see more money for education in a quandary as to whether we want the money earlier than we might otherwise have it available to us, but knowing that that may be at the expense of money that would have been collected next year instead. I find that it's an almost impossible decision to make in terms of whether this will actually result in any new money for education, and it certainly looks as though by excusing people from part of their interest, we're only giving a tax break to certain individuals who have chosen not to pay their taxes in a timely fashion. I will listen to further debate but at this point I still do not know how I'm going to vote."

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

Hastert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have a mixed view of this piece of legislation. I think the adage is that you can't have things both ways. We have passed the Step Program out of here. We have a Tax Amnesty Program, and they're both credible programs,

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but I don't think you're going to be able to reap \$80,000,000 from one and \$55,000,000 from the other. I think there is some problems with this Program. Some of the problems that confront us here is that you're actually giving amnesty to people who haven't paid their tax bills, where those people who have diligently paid tax bills and kept things up are not getting the same breaks as the people who are offenders. Second, on the other hand, we've passed the Step Program out of here. I think there is also a merit to this Program. It worked in Massachusetts. However, the situation here in Illinois is not the same situation that we faced... that was faced in Massachusetts. Massachusetts has some very stringent penalties following up a rather lackadaisical tax collection program. However, I think we face a reality in this House. The reality is that if we're going to meet the budget that most of us have voted on and passed out of here, you have... either have to have an increased revenue function, or you have to have an improved revenue function. I think Representative Keane brings before us an improved revenue function. Representative Ewing, in the Step Program, brought before us an improved revenue function in this state. And I think maybe it's up to us to make a decision. Maybe we can look beyond that. Maybe we can both put both these Bills on the Governor's desk and make him make that decision. So, I think without totally endorsing this program - I think the idea is credible, and it... would consider your very serious thought."

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

Leverenz: "The Gentleman yield?"

Speaker Greiman: "Indicates that he will."

Leverenz: "What have you estimated would be the loss in interest

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to the state? Are you on the Economic and Fiscal Commission?"

Keane: "Yes, I am."

Leverenz: "Thought so. Do you have an estimate of the loss of in... interest income?"

Keane: "No. It depends... It depends on how you calculate the loss. If, in fact, we have \$600,000,000 outstanding, it costs us \$200,000,000 to collect that we're down to about, and this is... those figures are not, they are not... You're spending 200,000,000 to collect 600,000,000 is not out of line. If you look at what a collection agency uses or what legal fees use, and if you talk to the Department of Revenue, often times they spend more in collecting, as I said a couple of times, than they collect. If we... Let's say that we have a series... Let's say the \$600,000 is paid into the state over the next nine months, we will average a loss of about 8%. What we're giving away is much less than that. So, in other words what we would do is if we collect the money now, put it into interest bearing accounts, we would probably come out even and maybe a little bit ahead on the interest."

Leverenz: "What is in your proposal for the honest taxpayer that paid on time? Are you going to rebate?"

Keane: "No. This is absolutely... This is not in any way, shape or form, a Bill to benefit those who have not paid taxes. I think we have to realize the affect of people who do not pay taxes and the fact that for the state to have a decent cash flow, we have to collect those funds. We are not attempting to reward the delinquent. What we're trying to do in this case is the same thing the State of Massachusetts did, collect the money, start earning interest on it, and then if they don't pay, we're doing something that Massachusetts did not do, if they don't pay

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on time by December 1, they have a 50% increase in penalties. So I think that's a substantial incentive for them to pay."

Leverenz: "Will the Federal Government at all come in because we trade information back and forth between the Department of Revenue and the IRS?"

Keane: "Yes. Yes."

Leverenz: "The IRS then will pick up all of the names of these individuals."

Keane: "Exactly right."

Leverenz: "And double check all of them?"

Keane: "Right."

Leverenz: "What impact would that have?"

Keane: "It should move it along. It's the same... They do it now. They... you know, we're not in any way changing the relationship between the Department of Revenue and the Internal Revenue Service."

Leverenz: "Do they get an amnesty from the Federal Government too?"

Keane: "No."

Leverenz: "50% interest off?"

Keane: "No."

Leverenz: "How many months did you say, two?"

Keane: "Two months, October 1st thru November 30th."

Leverenz: "For those two months, then there probably isn't any need to give the Department of Revenue the 107 or now 70 people to enhance their Step Program, is that correct?"

Keane: "No. I think, Representative..."

Leverenz: "Would you be able to phase them in then?"

Keane: "I think Representative Hastert hit the nail on the head when he said, with 600,000,000 outstanding and 400,000,000 of local taxes due outstanding, I think we need all of the programs we can get to collect the money. I think that

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when we put a revenue... someone in the Revenue Department that will collect, he collects, that person usually collects many, many times their salary, and it's a great investment for the state."

Leverenz: "Thank you."

Speaker Greiman: "Further discussion? Mr. Ropp, the Gentleman from McLean."

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

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

Ropp: "Two real quick questions. I... First of all, I want to commend you for this kind of an idea, but I guess, if, in fact, we already know how much money is outstanding, why don't we and the Department of Revenue go after and get it right now?"

Keane: "The Department doesn't have the staff to do it. Often times this stuff ends up in litigation. If they can't shake it out of them, what they have to do, gently, is they have to go in and start suing."

Ropp: "The second question. If, in fact, we're attempting to give them a interest reduction, would we not get the same kind of results over that two or three month period if we would increase the interest penalty and make it more severe and encourage them to pay it quicker rather than to wait until the amnesty period?"

Keane: "Well what we're doing is we're copying what we know has been successful in Massachusetts. That brought money in. What we're looking... and if we have the same ratio of collections as they do, it should bring in roughly \$180,000,000, but then what we're doing is we're adding on that kicker, which they didn't do, that says, 'If you don't pay up by the end of the amnesty, we're going to increase the penalties by 50%'. So we hope that we'll have a better experience."

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Ropp: "Okay. After the amnesty period, then everyone who was delinquent would... we would from here on out have an increased interest penalty. The interest would be higher for everyone from here on out after the interest."

Keane: "Yes, for those with delinquent accounts after the end of the amnesty, we kick it up to 50%."

Speaker Greiman: "Being no further discussion, Mr. Keane to briefly close."

Keane: "Thank you. I think we've debated the Bill very well. The... I think that this can fit in very well with the Governor's program on Step. As you know, the Step Program, hopefully, will come back from the Senate. This is not in any way an attempt to protect the deadbeats that are not paying their taxes. It's a way of getting the money in so that we can have a good cash flow in the state, and that we can start earning interest. I would ask for a favorable Roll Call."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 85 voting 'aye', 26 voting 'no'. Ms. Barnes votes 'aye'. There are 86 voting 'aye', 26 voting 'no', 4 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1478. Ms. Wojcik, do you wish to proceed? Ladies and Gentlemen, I would remind you that we've been in this Session about an hour, and we have passed three Bills. Mr. Hoffman, for what purpose do you seek recognition?"

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. I'd like to take this opportunity to introduce members of the United Hellenic Voters of America here under

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the leadership of their National President Dr. Jim Strazopoulous. They're up here in the balcony right behind the Republican side. Thank you. Welcome to Springfield."

Speaker Greiman: "The Lady from DuPage, Ms. Wojcik, do you wish to proceed?"

Wojcik: "Yes."

Speaker Greiman: "Mr. Clerk, read the Bill. Mr. Matijevich in the chair."

Clerk O'Brien: "Senate Bill 1478, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Wojcik: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, this Bill provides that counties are not liable for any interests accrued on tax monies collected for local governmental units prior to the effective date of Senate Bill 1625, other than monies held on or after November 19, 1983. The Amendment to this Bill adds the immediate effective date. I move for its favorable passage."

Speaker Matijevich: "Representative Wojcik has moved for the passage of Senate Bill 1478. Is there any discussion? Seeing none, 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', 4 'nays', and Senate Bill 1478, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1484, Greiman. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 1484, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Alan Greiman."

Greiman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1484 is a... is in two parts. The

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first part deals with the original Bill, provides for a... it increases the penalty for bus drivers who are driving the school buses with children in the bus, and who are intoxicated or using drugs. It increases it from a Class A misdemeanor to a Class IV Felony. That is the initial Bill. Amended on to it was Amendment #2 which provides for the Emission Testing Program, and it requires the Illinois Environmental Protection Agency to design a program that would provide such testing in the northeastern counties of Illinois; Lake, DuPage, Kane, Cook. It provides for compliance with the Federal Clean Air Act and will ensure that Illinois will not lose its millions of federal dollars because of noncompliance with that Act. The issue you will recall the other day, upon which Amendment 3 was adopted, was as to whether there should be central or decentralized testing. Personally, I preferred the centralized testing, but it was the will of the House that it be decentralized. That does not affect the... the thrust of the Bill. The critical hour upon which we meet to pass this Bill in accordingly, in order to comply with our... with the Federal Act, in order to ensure that we do not lose dollars, and in order to ensure that the air that we breath and the air that our children and our posterity to breath, will be at least reasonably pure in a... in our urban society. I ask for the passage of Senate Bill 1484."

Speaker Matijevich: "Representative Greiman has moved for the passage of Senate Bill 1484. On that, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to Senate Bill 1484. I rise in opposition to it for three reasons. First of all, the Bill includes a geographical area much larger than is necessary to solve this problem. There is no need to go

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out and bring in areas like Elburn in Kane County to deal with this. Now if any of you've ever driven through Elburn, you'll find that it's as nice and small and beautiful a rural area as you can find in this state. There is no difference between the area around Elburn and the area around Jacksonville or the area around Clinton, or the area around Greenville, any of the other small rural areas in this state. And yet, repeatedly, this Assembly seems to find it necessary, because we talk about the metropolitan area, and we talk about that being a six county area, to go out and bring in the most rural areas and impose the most stringent regulation on those very rural areas. We need not do that in this case, and we ought to be against this Bill for that reason. Secondly, Mr. Speaker, this Bill imposes a duty on the Secretary of State of delicensing people that can better be handled through a computer matching program that will identify the bad vehicles and deal with them. Thirdly, Mr. Speaker, and this is a very important matter, something that's just really been fully brought to my attention over the weekend, the way in which this Bill operates, the people who actually police this Bill are the same people who stand a profit... who stand a profit if they find that people cars or not in compliance. If you have the people who sell the repair parts for these cars, if you have them determine whether the cars are in compliance, then one of the things that will follow as certainly as night follows day is that a great deal of your constituents are going to find that even though their automobiles are non polluting and are functional and fully meet the requirements of the law, they're going to be told that they got to buy repairs, and that's because the people testing the cars are the same people selling the repair parts. There is a subject in

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this world, something known as original sin, and we deal with that in relationship to this Bill. You create an incredible conflict of interest. If you have the people selling repairs who police this and test the vehicles, it's wrong. You wouldn't do it with the state trooper. You wouldn't do it with the public official, and when somebody can make a profit on the subject, it's certainly wrong. And Mr. Speaker, this is, perhaps, the worst concept that's come down the road this Session, and I want to remind people that we have plenty of time to deal with the problem. We can correct the way in which we deal with it, and we certainly will if we beat this Bill. This is a critical vote. Everybody ought to be voting against it. I would urge a 'no' vote on Senate Bill 1484."

Speaker Matijeich: "The Gentleman from Cook, Representative Berrios."

Berrios: "I stand in support of this Bill. Just last week, what a difference a weekend makes, the Bill called for centralized plan and my colleague on the other side got up in support of the Amendment that changed it to the decentralized plan, which I was against because of this reason that he said. But, you know, I thought that my colleague, you know, help get all of the Republicans. And the House said, let's go with the decentralized plan, so I supported it. The Bill itself will save this state a hundred million dollars that... all county share in, not just the Cook County and the other three counties. DuPage gets a part of it, and they should be in it. The more people that are in it, the cleaner the air in the State of Illinois will be. If I had my way, the entire state would have been in on it, but the EPA said the six counties, I think we should keep them all in, leave the Bill the way it is right now and vote for this Bill and pass it, and let's

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save this state a heck of a lot of money. Thank you."

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

Mautino: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of Senate Bill 1484 with the two Amendments that were adopted. The first Amendment by Representative Berrios set in place the rules, regulations and procedures for the emission testing and control. Amendment number... The following Amendment offered by myself set up a decentralization proposal which allows anyone who wants to get into the program to apply, be qualified, either purchase or lease the equipment and expand our economic base in this state. I find it very interesting and quite astounding that the Minority Speaker on the other side of the aisle takes a posture in opposition to this legislation. I'm not certain whether he's speaking for the administration, but I'm certain that everyone knows that this is the full faith attempt by the State of Illinois to provide the Federal EPA with the emission testing that is so necessary to maintain the highway funding that has been submitted for possible extinction if, in fact, we don't make a good faith effort. This is our good faith effort, and it's a principle involving a principle which allows the independent entrepreneur to be involved in our system while at the same time eliminating the monopolistic provisions that were presented in the original Bill. I think it's a good movement, and I would hope that we all support 1484 and send it out of here overwhelmingly."

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

Hoffman: "Thank you. Thank you, Mr. Speaker, Ladies and

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Gentlemen of the House. I concur with the previous speaker in terms of the method of testing and... supported that Amendment last week. However, I will tell you that the territory that is covered in this Bill is not necessary to include all of those territories to avoid any problem with the Federal Government in terms of meeting the standards. The fact of the matter is, that can be established by the way one sets the device to determine how much you want to reduce the auto emissions. By broadening the base, that merely means that in those areas where the air is worst, you don't have to set the standards down to the level to eliminate all of that, and that is, in fact, what is... what is happening... what is happening here. And for that reason, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to this legislation."

Speaker Matijevich: "The Gentleman from Cook, the Speaker of the House, Michael Madigan."

Madigan: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this legislation. This is a classic example of the interplay between the Federal Government and the State Government. Once again, in our relationship with the Federal Government, we are being told that we must do something. In this case, we have been told by the Federal Environmental Protection Agency in the person of Mr. William Ruckelshaus, who is the National Director of that Agency, that we must take action this June, in the area of mandatory inspection and maintenance of autos in the metropolitan areas of this state. This particular Bill provides for the geographical area in the Chicago region providing for four counties. It also provides for two counties in the area of East St. Louis. That geographical designation is not to gull up by anyone in the Legislature. On the contrary, the names of those

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counties were given to us by the Federal EPA. They were given to me personally by Mr. Ruckelshaus within the last week at a meeting at the Governor's Mansion. So the argument that we must include counties such as Cook, DuPage, Lake and Kane in northeastern Illinois, was given to us by the Federal EPA, and the argument that we must include Madison and St. Clair in the other portion of the state was given to us by the Federal EPA. Secondly, concerning enforcement. If we are required to do a program such as this that we all would agree, there should be good enforcement. We should not pass legislation that would provide for an enforcement program that we know on its face won't work, or that we know on its face it's just designed to fail. So if we're sincere in terms of enforcing this program which we are being told we must do by the Federal Government, then we would support an enforcement program linked to the issuance of the license plate by the Secretary of State. The Bill provides for a decentralized program. I did not support that at the Amendment stage, but I know from what I've been told by the Federal EPA that we must take action. The penalty for not taking action will be a cut off of highway funds in the affected areas and in other portions of the state. Another penalty of valuable for the Federal EPA is to actually suspend the building Code requirements in areas of this state to prohibit certain types of building constructions so that the situation is sincere. It's grave. This is an area where we must move ahead, and I would highly recommend this particular legislation to you. Thank you."

Speaker Matijevich: "The Gentleman from McHenry, Richard Klemm."

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

Speaker Matijevich: "Proceed."

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Klemm: "How often does the automobiles have to be tested under this program?"

Greiman: "Has to be tested annually."

Klemm: "Once a year?"

Greiman: "Annually. Once a year, yes."

Klemm: "Do you take when you combine the counties of Cook, DuPage, Kane, Lake, Madison and St. Clair, what is it, an averaging of the emission?"

Greiman: "What is it what?"

Klemm: "When you take these various counties that are listed in the Bill, is it an averaging of the pollution or the emissions that we are looking for to perhaps take one county that has very high emission pollution versus one that doesn't have very much?"

Greiman: "Those are the counties that have not met the air pollution standards of the Clean Air Act. That is how those communities have been selected."

Klemm: "And each county would have to meet these air pollution standards irrespective of other counties listed here under this proposed legislation?"

Greiman: "Yes. Well the... the testing is... the inquiry is on a statewide basis, but these specific areas have not met the standards. So that... The EPA still looks at a statewide average at a statewide figure but makes the determination as to localities that have not yet met the standards."

Klemm: "Well, so if one particular county of these that are in here happens to meet the standards, other counties that are in here may not meet it and yet, it will still meet the state standards required by the EPA?"

Greiman: "Well, all the counties have to meet the standards. You have a state standard, but each area in the county... in the state still has to meet the standards."

Klemm: "Alright. So, the counties of Cook, DuPage, Kane each

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individual county that I mentioned would have to meet the standards irrespective of what the other counties are doing under this."

Greiman: "Yes. Yes. That's right."

Klemm: "So it's not a combination of statistics between all these counties."

Greiman: "No, you don't combine the areas included. Each one is looked at separately."

Klemm: "Does a..."

Greiman: "As well as in the averages for statewide."

Klemm: "Does a drunk driver of a school bus have anything to do with air pollution?"

Greiman: "What?"

Klemm: "Does a drunk school bus driver with that have no problem with air pollution within his bus, would he?"

Greiman: "Probably not."

Klemm: "Okay."

Speaker Matijeich: "Have you concluded, Representative Klemm? Alright. The Gentleman from Cook, Representative Marzuki."

Marzuki: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would agree with Representative Berrios that this probably should have been applied to all auto emissions in the State of Illinois, if we're truly interested in clean air. However, I think that this represents a good beginning, and I think that we should support this Bill. I think that common sense tells us, first of all, that the majority, the vast majority, of individuals who will be involved in a testing program are honest. Secondly, there is as much opportunity for mischief if we turn it over to the state as if we turn it over to private individuals. I think that anyone would recognize that the counties of DuPage, Kane, et cetera and even those people from Elburn Illinois, do contribute to the pollution in Cook County.

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In fact, I drove along the Dan Ryan next to a folk from Elburn once. So therefore, I think it's only rationale and reasonable to make sure that all of the automobiles in the six county area meet the standards. It's a very simple innocuous Bill at the moment. I think it ought to pass with no dissenting votes. Thank you."

Speaker Matijevich: "The Gentleman from McLean, Representative Ropp. Gordon Ropp."

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

Speaker Matijevich: "Proceed."

Ropp: "At this point, can you give me any indication as to what the cost per inspection might be?"

Greiman: "In the... The Bill provides that a maximum of \$10 per car for testing."

Ropp: "Okay, \$10. Now, the next question. It was my understanding that under current federal law that any new automobile within the next four or five years is to pose to already come out with these emission pieces of equipment already installed. Is that right or wrong?"

Greiman: "Well regardless of the motor vehicle regulation, we would still have to comply with this. We're not excused from that compliance."

Ropp: "No. My point being that in the next two or three years every automobile that is manufactured in Detroit, or wherever... or Belvidere, or wherever, will already be having these emission pieces of equipment already installed, that over a short period of time, we're already going to meet these standards without having to be regulated or inspected on an annual basis."

Greiman: "Well, I can't... I don't think I can say that, nor can you. Indeed, they will be put in, but how long it will take before the technology reaches the ecology, I'm not prepared to say and neither are you."

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Ropp: "A Bill that passed this Session, not yet signed into law, but which have always met tremendous amount of opposition, is the truck inspection lane. It seems, this year, that the opposition was almost not there. Is it your view that they foresaw this coming down the road that they're going to end up making more money, because they're going to get to inspect every automobile and that's why they gave up easy on the pickup trucks?"

Greiman: "I certainly don't believe the two are tied up."

Ropp: "I'm sorry, I didn't understand what you said."

Greiman: "I said, I'm in no position to speculate on that and neither is anybody else that I know of. I couldn't tell you that."

Ropp: "I guess the overall question is the fact that if we're all concerned about air pollution as we are, it seems like the Amendments that have been included in here are certainly are not as realistic as they might be. And it's in my understanding of federal law, automobiles are going to have to be equipped with these kinds of pieces of equipment - that we're going to have clean air down the road in the next three or four years automatically without having to impose this kind of regulation on every automobile owners in those counties that this Bill complies with."

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

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

Speaker Matijeich: "The Gentleman moves the previous. The question is, 'Shall the main question be put?' Those in favor say 'aye', opposed 'nay'. The main question is put. Representative Greiman to close."

Greiman: "Well, I appreciate the Gentleman from McLean County, which is not in... a concern and consideration for. We live in Cook County and places like that. However, I'm not

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sure that the McLean County folks are ready to ante up a hundred million dollars that we would lose if we do not pass this. While it is, perhaps, tragic that the people in Elburn over in western Kane may, indeed, have to be in this program, notwithstanding their idyllic circumstances and their pastoral life. Are they prepared to ante up a hundred million dollars that they would... we would lose from the Federal Government for our roads and highways. I don't see any takers. I don't see anybody coming forward saying that sure, we're be glad to give you the hundred million dollars for roads and highways. The Gentleman ... as to the remarks of the Gentleman from DeWitt a few weeks ago, I suggested that he had a list of speeches that he gave in a certain order no matter whether it was germane to the issue or not, but now that's not the case. Now he takes my speeches that I give on Friday, and he gives them verbatim on Monday. Now flattered as I am, his words are exactly my words when we were debating Amendment 3. So he now agrees with me. As he gets older he'll learn to agree with a lot of things I say, but in the meantime, we appreciate this, but nonetheless, we must pass this Bill, and we must pass it this June, and we must pass it now. I ask for a favorable vote on Senate Bill 1484."

Speaker Matijevich: "Representative Greiman has moved for the passage of Senate Bill 1484. Those in favor signify by voting 'aye', opposed by voting 'no'. The Gentleman from Will, Representative Van Dwyne, one minute to explain his vote."

Van Dwyne: "Thank you, Mr. Speaker. It's kind of amusing. While we're voting on this Bill, I just happen to think about a TV production was out this morning, which said that the Reagan Administration had won another victory, in that the Supreme Court has upheld their umbrella concept as far as

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their air emission and stack pollution in the nation. And yet, here we're forced to vote on Senate Bill 1484 by the admonition of Mr. Ruckleshaus, who is an officer of Mr. Reagan's Administration saying that he's going to withhold what we rightly have coming, a hundred million dollars worth of highway funds. So, sometimes I don't really think that they know what they're doing. I don't want to vote against this. I'm going to vote 'aye' as you can see, but really I don't like the idea of having a gun poked to our heads, and then, by the fellow who holds the gun doing the direct opposite in his own bailwick... So, just a thought."

Speaker Matijevich: "Representative Vinson, for what purpose do you rise? You spoke in debate. I think we know what you're rising for, but..."

Vinson: "To request a verification should it appear to get the requisite number."

Speaker Matijevich: "We thought so. For the second wave, Representative Kulas. The Gentleman from Cook, Representative Kulas."

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It seems to me in the debate on this Bill, we've missed a very important point. It's not just sanctions by the Federal Government. What we're talking about here is the health and welfare of the people of the State of Illinois. Now we know you can look into your heart and you can't see there is no air pollution problem. There are people who can't come out because of the air pollution problem in this state. If you care about the health and welfare of the people of the State of Illinois, and you care about the roads, you better vote 'aye' on this Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Ronan. Al Ronan."

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Ronan: "Thank you, Mr. Speaker and Members of the House. I'm amazed that listening to the last half hour debate on this legislation. I was one of the Legislators that favored the centralized system. However, this is the only game in town. We got a group of Legislators on both sides of the aisle who are some of the greatest tax eaters of all time. They'll put a road, a bridge, a resurfacing project, anything they can get their hands on in their district, in order to improve the transportation network in their district. And now, they're willing to lose a 100 to a \$110,000,000 in federal money because of their unwillingness to listen to the Federal Administration that they so roundly support. This is a really ironic situation. We've got a situation where we've got to support this legislation. We got no alternative. The Federal Government under the Leadership of President Reagan has told us that we're going to lose a \$100,000,000 next year alone in federal highway money if we don't support an auto emission testing program. It's also the same Federal Government that's come in and said that DuPage County and Kane County should be included in this program. So let's stop kidding around. It's federal procedure we have to follow. It's federal dollars that we are after in order to improve the transportation network in this state, and I urge all of the Members on both sides of the aisle to stop kidding the taxpayers of their district. I know the individual is going to have to come in for another gas tax increase next year if we don't do this legislation. So if you don't want to vote for higher local gas taxes, you better vote to get federal money into your district, and you should be voting 'aye' on this issue."

Speaker Matijevich: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there

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are 68 'ayes', 43 'nays', 4 answering 'present'. And Representative Vinson, do you persist in your verification? He does. And Representative Greiman asks for Poll of the Absentees. Three of them."

Clerk O'Brien: "Poll of the Absentees. DiPrima. McAuliffe and Tuerk."

Speaker Matijevich: "We start with the count of 68 and 43 'nays', 4 answering 'present'. The Clerk will announce the Affirmative Roll. When your name is called, raised your right arm, be in your seat, and we will proceed with the Affirmative Roll Call."

Clerk O'Brien: "Alexander. Barnes. Berrios."

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

Clerk O'Brien: "Bowman. Braun. Breslin. Brookins. Brummer. Brunsvold. Bullock. Christensen. Cullerton. Curran. Currie."

Speaker Matijevich: "One moment. Representative Johnson, for what purpose do you rise? Are you seeking... Your light's on. Proceed, Mr. Clerk."

Clerk O'Brien: "DeJaegher. Domico. Doyle. John Dunn. Farley. Flinn. Giorgi. Greiman. Harris. Hicks. Homer. Huff. Jaffe. Keane. Kulas. Laurino. LeFlore. Leverenz. Levin. Markette. Marzuki. Matijevich. Mautino. McMaster. McPike. Mulcahey. Nash. O'Connell. Panayotovich. Pangle. W. Peterson. Pierce. Preston. Rhem. Rice. Richmond. Ronan. Ryder. Saltsman. Shaw. Slape. Steczko. Stuffle. Taylor. Topinka. Turner. Van Duyne. Vitek. White. Wojcik. Wolf. Younge. McNamara and Mr. Speaker."

Speaker Matijevich: "Questions of the affirmative vote, Representative Vinson? Van Duyne leave to be verified. Leave. Van Duyne. Proceed, Representative Vinson."

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Vinson: "Representative Braun."

Speaker Matijevich: "Representative Braun. Carol Braun. How is she recorded?"

Clerk O'Brien: "The Lady is recorded as voting 'aye'."

Speaker Matijevich: "Remove her."

Vinson: "Representative Bullock."

Speaker Matijevich: "Is that Bullock? Representative Bullock. Here he is right here."

Vinson: "Mr. Doyle."

Speaker Matijevich: "He's in his seat."

Vinson: "Representative John Dunn."

Speaker Matijevich: "On the podium."

Vinson: "Representative Farley."

Speaker Matijevich: "Representative Farley. He's in his seat. Representative Braun is here. Return Representative Carol Braun to the Roll Call."

Vinson: "Representative Giorgi."

Speaker Matijevich: "Representative Giorgi. Representative Giorgi, are you in the chamber? Representative Giorgi. I don't see him. How is he recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Matijevich: "Remove Representative Giorgi from the Roll Call. Preston asks leave to be recorded. Leave to be verified. And Howard Brookins asks leave to be verified. Brookins."

Vinson: "Representative Kulas."

Speaker Matijevich: "He's in his seat."

Vinson: "Representative Laurino."

Speaker Matijevich: "Return Representative Giorgi to the Roll Call. Giorgi to the Roll Call."

Vinson: "Representative Laurino."

Speaker Matijevich: "How is Representative Laurino recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

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Speaker Matijevich: "Remove Representative Laurino. Woods Bowman asks leave to be verified. Leave. Proceed."

Vinson: "Representative Mulcahey."

Speaker Matijevich: "Mulcahey. In his seat."

Vinson: "Representative Nash."

Nash: "Who is that, Nash? He's in the center aisle way in the back."

Vinson: "Representative Panayotovich."

Speaker Matijevich: "How is Representative Panayotovich recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Matijevich: "Remove him."

Vinson: "Representative Rhem."

Speaker Matijevich: "Representative Rhem. Sylvester Rhem. How is he recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Matijevich: "Remove him."

Vinson: "Representative Saltsman."

Speaker Matijevich: "He's in his seat."

Vinson: "Representative Shaw."

Speaker Matijevich: "He's standing way in the back by his seat."

Vinson: "Representative Steczo."

Speaker Matijevich: "In his seat."

Vinson: "Mr. Stuffle."

Speaker Matijevich: "Right here in the front."

Vinson: "Mr. Turner."

Speaker Matijevich: "Arthur Turner is in his seat."

Vinson: "Representative Vitek."

Speaker Matijevich: "Representative Vitek. John Vitek. How is he recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Matijevich: "Remove Representative Vitek from the Roll Call."

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Vinson: "Mr. White."

Speaker Matijevich: "Jesse White. How is he recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Matijevich: "Remove him from the Roll Call."

Vinson: "Representative Wojcik."

Speaker Matijevich: "How is Representative Wojcik recorded?"

Clerk O'Brien: "The Lady is recorded as voting 'aye'."

Speaker Matijevich: "Remove her from the Roll Call."

Vinson: "Representative Barnes."

Speaker Matijevich: "How is Representative Barnes..."

Clerk O'Brien: "The Lady is recorded as voting 'aye'."

Speaker Matijevich: "Remove her from the Roll Call."

Vinson: "Representative Ryder."

Speaker Matijevich: "Doug Huff asks leave to be verified. Leave.

Representative Ryder. How is he recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Matijevich: "Remove Representative Ryder from the Roll
Call."

Vinson: "Representative Domico."

Speaker Matijevich: "He's in... No he isn't. How is
Representative Domico recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Matijevich: "Remove Representative Domico from the Roll
Call. Representative Pedersen, for what purpose do you
seek recognition?"

Pedersen: "Mr. Speaker, change my vote from 'aye' to 'no'."

Speaker Matijevich: "Change Pedersen from 'aye' to 'no'."

Vinson: "Did I call Representative Ryder, Mr. Speaker?"

Speaker Matijevich: "Yes, he's been removed."

Vinson: "No further questions."

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

Rea: "Mr. Speaker, would you change my 'no' vote to 'aye'?"

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Speaker Matijevich: "Change Representative Rea from 'no' to 'aye'. Representative Terzich, for what purpose do you seek recognition?"

Terzich: "Record me 'aye'."

Speaker Matijevich: "Representative Harris, for what purpose do you rise? Representative Harris."

Harris: "No thank you, Mr. Speaker."

Speaker Matijevich: "What's the count? On this question, there are 60 'ayes', 42 'nos', 4 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1522, Greiman. The Clerk will read the Bill."

Clerk O'Brien: "Senate Bill 1522, a Bill for an Act to amend Sections of the Chicago World's Fair. Third Reading of the Bill."

Speaker Madigan: "Speaker Madigan in the Chair. The Chair recognizes Mr. Daniels."

Daniels: "I want a Republican Conference immediately. And Mr. Speaker, if you're going to start this Session now like this, when it comes to your areas of interest, we can start the same way. You did it last year. You're starting now the same way. You had somebody up here to be recognized. You were looking at her yourself, as was your hatchet man, Mr. Matijevich. Now, you want that kind of fight? We'll fight you on it. If you think that the issue of auto emissions isn't important to all the people of this state, you're wrong, but we're not going to have you ramrod this issue down our throats just because you have a parochial interest in saving your city just because you want to jam it down the throats of every suburban person in Cook County and the collar counties. If you want to give us a fair Roll Call, Mr. Speaker, we'll continue to work with you, but you want to bring this place to a halt. That's the way

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to do it."

Speaker Madigan: "How much time did you need for your conference?"

Daniels: "We need an hour. One hour."

Speaker Madigan: "The Gentleman requests an hour for a Republican Conference. The Democrats can go to lunch, and we can return at 1:15. The Chair would like to remind the Members that we have a heavy schedule of Bills to be considered today, so if we are able to move through a consideration of the Bills in a timely fashion, we can leave at a decent hour. If not, we'll be here late into the night. We shall return at 1:15. The House shall come to order. The Members shall be in their chairs. On the Order of Senate Bills Third Reading on page three of the Calendar, there appears Senate Bill 1522, Mr. Greiman. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1522, a Bill for an Act to amend the Chicago World's Fair 1992 Authority Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Greiman."

Greiman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, 1522 is the sunshine Bill for the World's Fair Committee. It provides essentially that where... on purchases of... or leases of land by the authority the lessor or seller if it is a land trust or active trust or corporation will have to disclose the... those people holding the beneficial interest as well as those people who hold 10% or more of the capital stock of the selling corporation. That's what the Bill is about. It allows disclosure in the area of World's Fair acquisition. I ask for its passage."

Speaker Madigan: "Is there any discussion? Being no discussion, the question is, 'Shall Senate Bill 1522 pass?' Those in

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favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 89 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The House shall stand at ease for just a few minutes. The Chair recognizes Representative Topinka."

Topinka: "Yes, Mr. Speaker, having voted on the prevailing side on Senate Bill 1484, I would ask that we reconsider that Bill."

Speaker Madigan: "The Lady having voted on the prevailing side on the Roll Call relative to Senate Bill 1484 now moves to reconsider the vote by which that Bill passed, and on that question, the Chair recognizes Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. I move that that Motion lie on the table."

Speaker Madigan: "Mr. Mautino moves that that Motion lie on the table, and the Chair recognizes Mr. Daniels."

Daniels: "Mr. Speaker, I would implore Representative Mautino to withdraw his Motion to lay this on the table in the hopes that we could have another Roll Call on this Bill to make sure that all Members that are present, voting their own switch, be able to record exactly the way they'd like to be recorded. I think maybe it will solve some problems, and if Mr. Mautino wouldn't mind, I think that he'll find that this may be the best way to resolve a very difficult situation."

Speaker Madigan: "Mr. Mautino."

Mautino: "My gut feeling says I should deny the request, but I will adhere to your request, and we'll see what comes out of it."

Speaker Madigan: "So, Representative Topinka has moved to reconsider, and on that question, the Chair recognizes Mr.

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Berrios."

Berrios: "I stand against the... Representative Topinka's Motion because, in fact, that everyone in this House has a chance to push their button. Once you push your button you've made a decision. I don't believe that once a person pushes his or her button, they've stood, they've said this is the way I want to stand and be counted. The numbers were there. The Bill passed. Let's keep it that way. You know, we've got a lot of stuff to do. We don't want to be here past July 1, and I think we should get going with the business of the House. Thank you."

Speaker Madigan: "Mr. Greiman."

Greiman: "Well, following Representative Berrios remarks, if the Bill were going from this chamber hence to the Governor's Office, I suppose we might say well we'd better look at it again and change it and negotiate it and process it, but this Bill goes back now to the Senate. There is a Senate Bill covering exactly the same subject matter which is coming across here. Chances are that one or both of those Bills will be the subject of some further consideration by this House. So it seems to me that we should just take... we've taken a Roll Call. People have registered their votes. The vote that... the manner in which the vote was taken was... was based on some of the traditions that I've seen in this House in past years certainly appropriate. Before the rhetoric gets going, we should just let this thing go. We'll have plenty of time to consider the issues further, and let's get on with, as some of the Representatives say, on with the business of the House."

Speaker Madigan: "Ladies and Gentlemen, Representative Daniels has requested that we have a straight out vote on Senate Bill 1484 where the question would be 'Shall the Bill pass?' Now in order to get to that posture, Representative

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Greiman has to change the position that he just enunciated in the record, but let us... let us just do it this way on the question of the Motion to reconsider I will take a verbal vote. The outcome will be I'll ask for leave to use the Attendance Roll Call. The outcome will be 'aye', and then we will proceed to a straight up vote on the question of Senate Bill 1484. So on the question of Representative Topinka's Motion, those in favor of Topinka's Motion say 'aye', those opposed say 'no'. The 'ayes' have it using the Attendance Roll Call. And now the House shall vote on the question 'Shall Senate Bill 1484 pass?' Those in favor vote 'aye', those opposed will vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 66 'ayes', 44 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1724, Mr. Stuffle. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1724..."

Speaker Madigan: "Senate Bill 1524, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1524, a Bill for an Act relating to motor vehicles and motor fuel tax. Third Reading of the Bill."

Speaker Madigan: "Mr. Stuffle."

Stuffle: "Mr. Speaker and Members of the House, the current posture of this Bill is that it's being used as a vehicle to carry the Amendments of both sides of aisle that were in Bills that relate to the Motor Vehicle Code. Those Bills being ones that the Senate in their typical wisdom left in the Rules Committee after they passed the House with more than a 100 votes in each case. We gutted the underlying Bill which dealt with the issue of identifying interstate trucks... interstate trucks with decals and making sure they paid special fuel taxes. What the Bill does now is

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deal with correcting a mistake made last year when we passed the gas tax. It deals with allowing garbage trucks to run at certain weights on single axles over all highways in the state. Secondly, Representative Klemm's Amendment that deals with subdivisions in unincorporated areas and park districts in those areas adopting through the underlying unit of government, Motor Vehicle Code, so that they can have a method of law enforcement with regard to the motor vehicle movement, and also a safety Amendment regarding motorcycles. That is the Bill now. I know of no opposition, I ask for an 'aye' vote."

Speaker Madigan: "The Chair recognizes Mr. Klemm."

Klemm: "Thank you, Mr. Speaker, I just join Representative Stuffle, and ask for a favorable vote on the Bill. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Chair recognizes, Mr. Stuffle."

Stuffle: "Yes, Mr. Speaker, I didn't want to mislead anyone. I forgot that we subsequent to acting on the other Amendments adopted, Representative John Dunn's Amendment, which merely provides that if you've got ten years of service, I believe, as a General Assembly Member, you would qualify to get a Retired General Assembly Plate at that time without regard to age."

Speaker Madigan: "Have all voted who wish? The Clerk shall take the record. On this question, there are 111 'ayes', 4 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1538, Mr. Giorgi. The Membership will please be advised that this Bill is subject to the State Mandates Act. So that we are now considering a Bill effected by the State Mandates Act."

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Mr. Clerk, please read the Bill."

Clerk O'Brien: "Senate Bill 1538, a Bill for an Act in relation to the interest rate on special assessments in certain sanitary districts. Third Reading of the Bill."

Speaker Madigan: "Mr. Giorgi."

Giorgi: "Mr. Speaker, I'd like leave of the House to return this Bill to the Order of Second Reading for two Amendments. One to comply with the State Mandates Act, and one that the Chicago Metropolitan District has for authority."

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

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

Speaker Madigan: "Mr. Giorgi."

Giorgi: "Mr. Speaker, this is at the request of the Chicago Metropolitan Sanitary District that wants to be able to... to issue notes or other evidence of indebtedness. I think we've discussed this before, and I pulled it out of the record for someone on the Republican side, and they agreed that this was in order. I move for the adoption of that Amendment."

Speaker Madigan: "The Gentleman moves for the adoption of Amendment #5. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Mr. Clerk, would you check your records? Amendment #5 has been adopted, Mr. Giorgi. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Mr. Giorgi, do you wish to hold the Bill on Second Reading?"

Giorgi: "Yes... yes, Mr. Speaker."

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Speaker Madigan: "The... the Bill shall be held on the Order of Second Reading. Senate Bill 1612, Mr. Hoffman. Is Mr. Hoffman in the chamber? Senate Bill 1625, Mr. Ropp. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1625, a Bill for an Act to amend an Act relating to taxes collected on behalf of taxing districts. Third Reading of the Bill."

Speaker Madigan: "Mr. Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. This is a Bill from the Senate that deals somewhat like the Bill that I had relative to... attempting to resolve the problem with the Wooddale Public Library District versus the County of DuPage. This states that should any money be collected from a special... for a special service district that any of those dollars that have been invested, that interest should follow and go to number one either the special service district with the following year to be abated in like amount so that there would be no windfall for that special service region or two, if there are interests that have been accrued those shall go into the county jail fund within each county. The reason for that is that every county has a jail, and that these then would provide for uniformity throughout the state. It does clearly, within this Bill as an Amendment, exclude the County of Cook. I'll be happy to answer any questions or move for its passage."

Speaker Madigan: "Is there any discussion? There being no discussion, the Chair recognizes Mr. O'Connell."

O'Connell: "Question of the Sponsor."

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

O'Connell: "Representative, you... can you indicate again that the monies collected... you're talking about distribution of the interest on the special service district?"

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Ropp: "Correct."

O'Connell: "Is there... does this Bill affect in anyway noncollected assessments for special district assessees if there is a return? In other words, if there is a surplus remaining at the end of the special service district assessment period similar to what would occur in a normal special assessment... Presently, if there's a special assessment, there's limitations as to what you can do with those... that surplus money that is not recalled or directed to the assessee if they're not found or they just simply chose not to take that surplus back. If there's a surplus in the special district assessment, what happens to that money or does the Bill even address that?"

Ropp: "I'm not really sure that it addresses that particular situation. It is my understanding that dealing specifically with, for example, a school district that there would be no problem as you have described it that it all would go to the school district, and I assume that the same would apply to a library district. Otherwise, the following year, if there is a significant increase in the previous year's revenue, they would abate that downward so that there would be no potential windfall."

O'Connell: "Well... my question is simply does this just address interest earned and doesn't address any surplus funds remaining at the end of the assessment period?"

Ropp: "To my knowledge it does not."

O'Connell: "Thank you."

Speaker Madigan: "Mr. Homer."

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

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

Homer: "Representative Ropp, you're using the terminology, special service district, do you actually mean local taxing districts?"

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Ropp: "It would be a local taxing district for special service areas like school districts, library districts, et cetera. It would not include the operation of the county operational fund. We're attempting to deal with the problem which is now in the Supreme Court that states that any monies that have been received or collected may not be invested in those interests returned to the county for the use of collecting the taxes initially or to pay for the collection of those taxes."

Homer: "Does this Bill have prospective application to it then?"

Ropp: "What do you mean prospective application?"

Homer: "Does that... Well, Representative Ropp, you had a proposed Constitutional Amendment that would have allowed counties to retain that... those interests collected and changed the state constitution with respect to the interpretation of the word 'fee'. The Supreme Court has decided that the word... that interest earned on those monies actually constitutes a fee prohibited by constitution. Now you had a Constitutional Amendment that would have changed that. That Amendment fell short. Now the question I have in this Bill, does this address the issue of what will be done in the future with respect to interest earned on those accounts?"

Ropp: "That is... This addresses that because this money, should it be retained within the county goes, specifically for the county jail. Therefore, it is not used in any way in the process of paying for the collecting of taxes. It goes to the county jail. To be real honest, I think it's merely a paper transaction to avoid the current feeling that it is unconstitutional, but this clearly meets that requirement in that it goes directly to the county jail and monies that you would have used for the county jail then from the General Revenue Fund would, in fact, go to pay for the

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collecting of those taxes."

Homer: "Alright, so what your saying is that in future years that the... if the county treasurers serving in his capacity as a collector earns interest on tax monies prior to distribution that that interest will be effected by this Bill in the way that you've described."

Ropp: "That is correct. It will go for one of two places. It will either go for the county jail fund or two, it would follow to the special service districts which the following year thereafter would be abated downward so that there would be no windfall increase to those special service districts."

Homer: "Okay, so let's say a school district decides that it wants that interest, and it makes application to the county collector, the county collector then under this Bill would be required to go ahead and pay that interest money to that school district, correct?"

Ropp: "That's correct, and they would receive a less like amount the following year."

Homer: "Alright and... and the way that you accomplish that is to direct at that school district, for example, would be required to reduce its levy the following year by an amount equal to the interest payment?"

Ropp: "That is absolutely correct."

Homer: "Alright, the question then I have is that, as you... as you probably are aware is that many taxing districts ask or impose a levy in excess of the maximum allowable rate, and they allow... what happens then is the county clerk during the extension cycle extends only sufficient taxes that... that would meet the statutory maximum rate which is less than the levy requested by the taxing districts, right? So... so my question is would this be a realistic... would... would, in fact, the school district or the taxing

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district receive less money, or would it just be simply that the amount requested would be reduced, and if they were still over their maximum, they would then be held harmless under this?"

Ropp: "It is my understanding that if they get substantial increase one year over a two year period, they would get the same amount, and that there would be no windfall that would show up the first year, that it would just be that much less the second year."

Homer: "Alright and finally... finally what about the aspect of the retroactive interest money? As you know, the court has decided at this point that... that the counties are liable to 1976. What does this Bill provide with respect to that time period between '76 and the current date?"

Ropp: "This... this Bill, Representative, does not deal with the retroactive money at all. I think you had a Bill that dealt with that."

Homer: "Alright, this deals only with the future and not with the past?"

Ropp: "That's correct."

Homer: "Alright, well, to the Bill very briefly. I... I... I think there remain perhaps some constitutional questions with respect to this issue as to whether, in fact, the mechanism provided in this Bill would be sufficient to avoid the Appellate and Supreme Court decision with regard to what... whether interest money is a fee. However, notwithstanding that, I think it... it certainly presents at least one reasonable approach to this problem, and I certainly can support it."

Speaker Madigan: "Mr. Hawkinson."

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

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

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Hawkinson: "Representative, is the initial Bill still in here or has it all been taken out? In other words, do we have an increase in the levy from .025 to .05?"

Ropp: "That is still in here, yes."

Hawkinson: "And is the referendum... the front door referendum still in there as well?"

Ropp: "Yes, it is."

Hawkinson: "Thank you."

Speaker Madigan: "Mr. Pangle."

Pangle: "Thank you, Mr. Speaker. A question of the Sponsor. These monies that would go to the jail, could they be used for salaries or is it for maintenance for the jail? Is there any specific purpose?"

Ropp: "It goes to the jail fund, whatever that may be."

Pangle: "Thank you."

Speaker Madigan: "Mr. Ropp, to close."

Ropp: "Thank you, Mr. Speaker, Members of the House. I urge your favorable support of this Bill that attempts to deal with a situation relative to what happens to interest money that has been collected for the special taxing districts. It deals very clearly with this, and if by chance the Supreme Court would rule otherwise then what the initial judge did, why this Bill would not necessarily be needed. It is available for the Governor to sign should he need it based on the Supreme Courts ruling. I urge your favorable support."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 112 'ayes', 4 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1629, Mr. Giorgi. Mr. Clerk,

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read the Bill."

Clerk O'Brien: "Senate Bill 1629, a Bill for an Act to amend Sections of the Illinois Horse Racing Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Giorgi."

Giorgi: "Mr. Speaker, the Bill started out as a Lasix Bill, and then we amended it to read that a security officer be present in the administration of Lasix or the taking of blood or urine. Then the Bill was expanded to... to limit the 35 mile restriction from the track for the same day and time of racing dates. Then it permits a racing board to hire hearing officers to take testimony for the racing board, and the last Amendment allows the Illinois Racing Board to grant greyhound racing days. I think it's been fully debated, and the Amendment stays. And I urge the support of this Bill."

Speaker Madigan: "Representative Topinka."

Topinka: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. At risk of sounding like a broken record from yesterday, and I... I realize that the votes are not out there to be unsupportive of this measure. I just would like to make note that, you know, this does legalize greyhound racing in Illinois, that's the first thing. It does mess up current boundaries as to race tracks, as to when and how they, you know, they can proceed. I think it's ill-advised at this time considering that we do have the Governor's Commission and Task Force on analyzing how racing can be improved in Illinois. It is a hard-pressed industry. I think we are making it worse for that industry, however, I am just going on record as far as this is concerned, and you vote your own conscious."

Speaker Madigan: "Representative Vitek."

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

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House. I echo the sentiments of Judy Topinka, and I'll vote likewise. Thank you very much."

Speaker Madigan: "Mr. Johnson."

Johnson: "A lot of the discussion of this... this Bill was had on Second Reading, but I think it's important to reiterate some of the... some of the points that we made there and highlight the importance of this Bill as amended for education and for school children in Illinois. The estimates are that this Bill on the conservative side would generate somewhere in the neighborhood of 50 to 55 million dollars its first full year of operation. Specifically and uniquely dedicated to the Common School Fund in Illinois. As we said before, many of us, in fact, almost everyone here has told their constituents and really believe that education is their first priority. And from a variety of circumstances, this is one of the few opportunities we'll have this term to put our votes where our dialogue has been, and that is to properly fund and to increasingly fund education at the elementary and secondary level in the State of Illinois. I would point out secondarily that in addition to the obvious free enterprise arguments that could be made... and that is that those businesses or industries that can't succeed ought to succeed and those that can ought not to. In addition to that because of our existing statutes in Illinois, there's really a premium in the horse racing industry on out-of-state horses operating in running in Illinois because of our breeder prize system and so forth. Some minor modifications in that... in that statute, I think, would obviate any of the objections of the horse people of this Bill. But on top of that, New Jersey and other states, whose had various forms of wagering, have found that an aggregation of... of gambling forms or, for example, of casino gambling and horse racing

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in the same area can actually increase the revenues to both and increase the collective revenues to the state substantially. I think this is a... a moderate and reasonable effort to... to try to increase revenues for the State of Illinois and specifically for schools. It's worked extremely well in other states, and I have reason to believe that a year or two into the existence of this program that we're going to find that not only are existing businesses and industries going to survive and prosper and this one as well. But the taxpayers and the school children of Illinois come out way ahead on the plus side through the enactment of a very progressive and logical piece of legislation. I urge a "yes" vote on the whole package."

Speaker Madigan: "Mr. Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1629 as before us allows for the administering of a approved bleeder medication at a convenient location. I submit to you that if an individual is going to be dishonest or attempt to cheat in the harness racing industry or violate the laws that already exist, they'll do so regardless of where you or I request that they administer this medication. I don't think that we need to continue to kick around the wagering public people who go to the harness racing and enjoy the sport. I think what we ought to do instead is to sort of nudge or kick the Racing Commission or the Department of Law Enforcement to perform the duties that we empower them to uphold in the State of Illinois. So the Bill on the subject of bleeder medication being administered at convenient location, I believe is appropriate, but what I want to speak to Mr. Speaker and Ladies and Gentlemen of the House, is the Amendment which I offered along with Representative Johnson

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of which, in fact, attempts to address the problem in Illinois of funding for education. Let's look for the moment at the State of Florida of which has had greyhound paramutual wagering for some time. The State of Florida in 1982 for their Common School Fund received \$69 million dollars. In 1983, they received \$71.5 million, and so I say for those of you with a concern about the harness racing in Illinois, that all we need to do is to get individuals in this state to support 1629. As we know in Illinois, our present deficit at least for Chicago is about \$187 million. We have some people here who don't want to support extending the income tax. They don't want to support a surcharge on the lottery, and so we've come up with a better idea. We've come up with an idea that greyhound racing can grow in Illinois, and it can grow, for example, and help the Common School Fund for every time we take some dogs and put them on a track and run them around a track in Illinois. In 48 hours, we see \$2,000 being generated for the Common School Fund. There are normally 12 races a day, and we can see from that if we include matinees twice a day. Each race that we see six days a week, the Education Fund will grow by \$192,000 per week, per track. Let's say we have five tracks in Illinois. We're seeing about a million dollars per week. If we have seven tracks, we're saying \$1.4 million dollars, 1.4 million dollars per week. And with nine months of racing in Illinois, we're looking at a conservative estimate of 54.4 million dollars per year. All we need to do to solve the education funding problem in the State of Illinois is to say to it that 2,500 people are going to go to the track. We're going to run the dogs around the track. We're going to get a... 2,000 bucks every time they run the track, and at the end of the year or within 48 hours, we're

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going to drop in the state coffer about 51 million dollars. Ladies and Gentlemen, we solved the education crisis in Illinois without raising the income tax, without touching lottery receipts. The answer to the deficit funding is before us in 1629. I urge an 'aye' vote."

Speaker Madigan: "Mr. Winchester."

Winchester: "Would the Sponsor yield for a question, Mr. Speaker?"

Giorgi: "Yes."

Speaker Madigan: "Yes."

Winchester: "Would the Sponsor yield? How many tracks do we expect to have under this legislation in the state?"

Giorgi: "It's entirely under the auspices of the Illinois Racing Board, and it's conceivable. There might be ten greyhound racing tracks in downstate Illinois in the built up areas that could support, five or 6,000 people attending each racing day."

Winchester: "Under legislation last year, there was specifically eight locations in the state. So there is... there is no specific locations in this Bill?"

Giorgi: "No, there isn't. I think only... I think Cook County is the only county excluded."

Winchester: "Thank you."

Speaker Madigan: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, unfortunately, we have put a good Amendment on what I think was originally a bad Bill, and we've done it in a way so that we haven't eliminated the bad part of the original Bill. The detention barn practice was put into place in order to try to make sure that we were not giving unauthorized medication to horses. Unfortunately, the only way we can now support the greyhound racing or other kinds of racing is to accept that original Bill. I am

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hopeful that if the Bill passes in its current form as it is here in the House, and I intend to support it because I think we should broaden it for dog racing. If we are going to do that, however, I would hope that either the Senate or the Governor, in his wisdom, would decide that we need the protection for horse racing that we currently have in place, and I would hope that the adoption of this Bill in its current form with the Amendment would not preclude a change in the total Bill. So that we would be able to retain the protection we now have of horse racing and keep it on the up and up."

Speaker Madigan: "Mr. Harris."

Harris: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Sometimes we forget what we did in previous years and as you well know, we discussed this Bill last year. We voted it down at that time, and I would simply like to mention some of the facts that we mentioned last year because they're appropriate here regarding greyhound racing. One fact is that the horsing... the horsing or rather the racing privilege tax in the State of Illinois has generated revenues at 1976 levels. There was a slight increase for FY '83, but it is clear that the industry is still not in a healthy condition. So what do we do? We're going to bring in even further competition to lower the racing privilege tax even more. It's been bandied about that 50 to 70 million dollars in revenue are going to be raised here in Illinois along the lines of what happened in Florida. There are 13 states in the union which authorize greyhound racing. The average... the average take from those... or in those 13 states is only 10 to 11 million dollars. Why should Illinois be so much larger than all the other states? We can say well it has an economy very similar to Florida's, however, Florida has a tremendous

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tourist trade which Illinois does not have. Likewise, Florida taxes greyhounds at a higher level than we are going to tax them here in this state. The revenues generated from greyhound racing, in my estimation, are nowhere going to come close to 50 to 70 million dollars. Thirdly, we've got a Horse Racing Task Force set up by the Governor which is going to look at not only the horse racing industry, but other aspects of racing in the state. Greyhound racing has undergone no study at anytime in the State of Illinois, especially since last year when we considered it and beat it the last time around. And it just seems to me just to close, it seems to me that we could pass anything simply by saying the revenues from whatever we do are going to go onto the Common School Fund. There may just very well be enough dollars in our state budget to fund the Common School Fund if we simply reallocate the dollars in a different way. I think this is a bad Bill. I think... or a bad Amendment. I think greyhound racing is ill-timed. I would strongly urge a 'no' vote on this Bill."

Speaker Madigan: "Mr. DeJaegher."

DeJaegher: "Thank you, Mr. Speaker and Members of the House. I'd like to have you take a look at House Amendment #5 and what it does, it changes the title of the Illinois Horse Racing Act of 1975 to the Illinois Racing Act. The Governor has presently in mind the creation of a Task Force, in fact, that is in force. Here's a sport that in no way should be addressed to in the same manner as horse... as dog racing. The two sports are not competitive of one another. There is no equalization between the two, but yet time after time, I here many of the Members speaking on the floor, what this is going to do for education and how it will assist education? Perhaps the Bill itself is not lengthy

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enough in detail. Maybe we should incorporate casino type gambling, et cetera for the good of education. All of a sudden education is getting to be a part, but let me say this, on behalf of the school children in the State of Illinois, I'm going to be voting 'no' on this particular Bill."

Speaker Madigan: "Mr. Woodyard."

Woodyard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill, but for reasons a lot different than many other of you people. Last year when we had a similar piece of legislation in Revenue Committee, it was brought out in testimony that the number of tracks that we're talking about would need 1,700 dogs to man those tracks. Well guess what, this has turned into an excellent agricultural Bill, because you know what those dogs eat? Soybean meal. They'll eat 10 million pounds of soybean meal a year, and so folks it's an excellent agricultural Bill."

Speaker Madigan: "Mr. Kulas."

Kulas: "Thank you, Mr. Speaker. I just seem to find it ironic that here we are on the eleventh hour talking about how dog races are going to help education. Dog races might... if this Bill should ever pass, dog races might help education five years down or more. Education needs help now, so stop paying lip service. If you want to help education, support it the way you should support it. Don't talk about years down."

Speaker Madigan: "Mr. Ropp."

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

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

Ropp: "One question. In this Bill, does it state that a veterinarian will be present at the time of Lasix injection?"

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Giorgi: "Yes, and also a security guard."

Ropp: "Okay, I guess... originally I was opposed to this concept in that I felt that there would be a lot of people who might get involved in unscrupulous activities with their particular horse, and I was talked to by a number of people relative to the fact that if this concept is not changed in Illinois, that a number of the big racing stables who come into Illinois from out of the state would not even come to our tracks and that the whole racing industry in Illinois may be in jeopardy. And so I reconsidered and I thought certainly we would not want to impose any severe problem for those outstanding stables that come in and race in Illinois, because where you have outstanding horses, you attend to increase the take, and Illinois stands to benefit. And so I was going to change my mind in that regard for the sake of the horse industry with the fact that if there was any shenanigans that were to come about as a result of this changing, we would immediately introduce legislation to prevent that from going on. Now we have a whole new concept with this particular Bill dealing with dog racing, and though I may be one who's somewhat entertained to that kind of activity if you're in that particular area, I think it is shallow idea to think that gambling of this type is okay as long as we use it for education. I think we have a program whereby the Governor is studying this. I think it is a bit premature to come and make this kind of move prior to having the final conclusion of this study Committee, and so I certainly urge everybody to take a real hard look as this is not the Bill that it was when it was introduced here in First Reading."

Speaker Madigan: "Mr. Hallock."

Hallock: "Speaker, I move the previous question."

Speaker Madigan: "There's no need for that, Mr. Hallock. If you

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would withdraw your Motion, we can recognize Mr. Giorgi to close."

Hallock: "I withdraw the Motion."

Speaker: "Motion is withdrawn. The Chair recognizes Mr. Giorgi to close."

Giorgi: "Mr. Speaker, this Bill, as I said earlier, started out as the Lasix Bill. It had to do with keeping a horse in the detention stall rather than in the barn. It allows for security officers and veterinarians. It has a 35 mile restriction in it. Requires the Racing Board to hire hearing officers, and as for a word for greyhound racing, what your're doing is you're talking about 30 to 40 million dollars in brand new monies, brand new industry. Each locality controls its own zoning, it's own health and building code regulations, but that is something to think about, and I think we need this infusion of new dollars, and it is under the control of the Illinois Racing Board so there's no loose ends left out of the package. I urge your support of this Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor shall signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 72 'ayes', 44 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. At this time, the Chair would like to take some requests to take Bills back from the Order of Third Reading to Second Reading for the purpose of Amendment. Mr. Vinson. Mr. Vinson. Mr. Vinson. Mr. Vinson. The Chair would like to take some Bills from the Order of Third Reading to Second Reading for Amendment."

Vinson: "As long as that doesn't include 1935, I'm consistent with that program."

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Speaker Madigan: "Well, we had gotten a request on 1692, which I thought we would go to first. It's on page six of the Calendar, Senate Bill 1692. I'm told that we're not prepared to offer the Amendment. Mr. Vinson."

Vinson: "I was going to object to that one anyway."

Speaker Madigan: "Okay. And the other matter where there was a request to take the Bill back to the Order of Second Reading was Senate Bill 1935. The Chair recognizes Representative Currie. Okay. I think we should wait so Representative... Mr. Vinson, Representative Currie is out of the chamber. Did you seek recognition, Mr. Vinson?"

Vinson: "Yes, Mr. Speaker, I was just going to indicate that if she did wish to take that back, that I would oppose that request. That I would verify Roll Call on that and that in the event that she were able to adopt an Amendment, which I would also oppose, that I would oppose having that Bill heard on Third Reading today."

Speaker Madigan: "Senate Bill 1631, Mr. Giorgi. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1631, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Giorgi."

Giorgi: "Mr. Speaker, Senate Bill 1631 started out as a Bill that would allow school boards after a referendum to elect their members at large and from districts. And then there were Amendments #1, 2 and 3 all withdrawn. But the other Amendment allows after a district consolidation to allow the matter standard to have another referendum if it's necessary. Then there was an Amendment by Representative Homer not to penalize a school district in the event you recognize a tragedy or a death in the school district. And Berrios' Amendment wants to take care of the handicapped from.... from the age of birth to three. And Keane's

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Amendment takes care of the engineer, custodial problem. And I think the Bill... all the Amendments have been debated fully, and I urge the support of the House for the Senate Bill 1631."

Speaker Madigan: "The Gentleman moves for the adoption of Senate Bill 1631. On that question, the Chair recognizes Representative Nelson."

Nelson: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I would urge you to take a longer look at Senate Bill 1631 than the explanation just given. It started out, perhaps, as a fairly innocuous Bill to allow for a third method of electing school, excuse me, for electing school district people. But no one at the beginning actually knew why that provision was necessary. At the present time, school districts can elect school board members either by an at large system or by a system to elect them from particular districts. Why we would need to go to a system to elect some at large and some from districts, I'm certainly not sure of. And assume from the beginning that this Bill was simply a shell Bill to do that. I don't believe that any of the Amendments to date have improved it. The one Amendment we discussed quite extensively on the floor the other day that had to do with allowing school districts to let their children off for days when it was determined that a particular person's death needed to be recognized by dismissing children from a day of school. The more we let them off from school, the more hardships we place on working parents, and I think that this Bill would only encourage that to happen. At the present time, it is possible for school superintendents to allow children to, under emergency situations, if there is a health hazard or other act of God, children are allowed to be dismissed from school, and that seems perfectly

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appropriate. It seems unnecessary to me and others to go ahead and amend the Bill in this bizarre fashion. Finally, the Amendment that was put on that seeks to bring children age zero to three under our School Code to allow for such handicapped children to be eligible for help has not any real accurate assessment of cost. And although the Bill, as amended in its first year, has permissive language in the school year '87 - '88, handicapped children shall include eligible children from birth to age three. Originally, there was an estimate by the State Board of Education that by extrapolating found that this would cost something like 5.3 million. At the present time, the State Board of Education is assuming that since it is permissive in its first year, they do not fall under the proviso to come up with an estimate of cost for the Bill. And they say that the cost is dependent upon the expanded number of children provided services and such services are optional and not required. Well, eventually they are required. Secondly, since the expanded service may not begin until '85 - '86, the State Board is not going to project the districts which may elect to expand and such expanded services will be limited to eligible children. It is impossible to identify categories of eligibility... eligibility. The problem is that eventually there is a very, very high cost to this increase, and I think that as the General Assembly, we are much wiser adopting legislation where we know what the revenues will be in the next year and where we know what the cost will be. Instead of passing legislation that increases the costs at some years in the future when we don't know exactly what our revenues will be, I think that this Bill is unnecessary. I think that it provides further mandates to school districts that at this time are trying to resist all kinds of

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impositions of mandates by the General Assembly. And I would urge a 'no' vote."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We spent a lot of time during this Session of the General Assembly discussing support for educational programs that are presently in place. And we know from our contacts by our local school authorities, as well as by the people who work for those school authorities, that they are concerned about the fact that we aren't funding the programs at the level required by formula, that are already on the books. What one of these Amendments does to this Bill is set up another program which we will be mandated to cover - will broaden the coverage of already an existing program. I suppose I should say, a program which we are not going to fund at full funding level required by formula, this year, as we have not done so for the past number of years. It ill behooves this Legislature, I think, to mislead people that we are going to do this. It also is an injustice to those of us who will still be here at the time when that goes into effect or those who will be following us. For that reason and that reason alone would be reason to vote 'no' on this legislation. But the Amendment which was adopted, which gave a school superintendent the authority to close schools two extra days, gives us another reason too. And I respect the intentions of both the Sponsors who filed these Amendments. However, the matter of the fact is that what we're trying to do is to increase the time on task. We're trying to get greater contact between student and teacher. We're trying to get more time in school. And this Amendment would just lead us in the opposite direction. For these two reasons, Ladies and Gentlemen, I too rise in opposition to Senate

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Bill 1631."

Speaker Madigan: "Mr. Mulcahey."

Mulcahey: "Question of the Sponsor, Mr. Speaker. Representative Giorgi, Amendment #7, what... what is the... what is the estimated cost on... with the implementation of that particular Amendment?"

Giorgi: "An official request under the State Board in the missile toss they were unable to determine the cost."

Mulcahey: "Well, how about a ballpark figure, any type thing? I heard..."

Giorgi: "I'd rather not give you a figure because they're always misconstrued. Someone here is wrong. It's repeated wrong. Pretty soon you're out of the ballpark."

Mulcahey: "Okay, well I understand it is anywhere from 20 million to 30 million dollars it's going to cost."

Giorgi: "Now, I'll hear the figure 60 million."

Mulcahey: "And I find it very interesting... I find it very interesting that a few minutes ago we allowed dogs to race in the State of Illinois to generate about 50 million dollars and here a new program now is going to cost between 20 and 30 million dollars. So figure it out."

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

Giorgi: "Mr. Speaker, only, I think, we should mention three things or two things. One is that State Board was unable to determine the cost right. I'd hate to have the last Speaker's figure promulgated promiscuously throughout the state. I do like to tell the lovely Lady from Dupage County, the Lady that, the lovely Lady from Dupage County, Diane Nelson, I want you to know that the minds of the Rockford area are very creative and very imaginative. And the school board in the Rockford area suggested that a referendum be held to allow if all civil members should be

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elected at large; if not that, six at large and one by district; if not that, five at large and two by district; if not that, four at large and three by district; if not that, three at large and four by district, two at large and three by district and so on and so on. Very creative. I urge your support of this Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 57 'ayes', and 58 'nos'. Mr. Giorgi requests a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Brummer. Huff, and Mautino."

Speaker Madigan: "Mr. Brummer requests to be recorded as 'no'. This Bill, having... For what purpose does Mr. McNamara seek recognition?"

McNamara: "Change my vote to 'aye'."

Speaker Madigan: "Record Mr. McNamara as 'aye'. Mr. Matijevich."

Matijevich: "'Aye'."

Speaker Madigan: "Record Mr. Matijevich as 'aye'. This Bill, having failed to receive a... Mr. Clerk, how many votes do you have? There are 59 'ayes', and 57 'nos'. Mr. Giorgi."

Giorgi: "Would you please put it on Postponed Consideration?"

Speaker Madigan: "The matter shall be... For what purpose does Mr. Mautino seek recognition? The matter shall be put on the Order of Postponed Consideration. Mr. Hoffman, did you wish to call your Bill that we passed previously? 1620. 1612. Mr. Hoffman. And the Clerk shall read the Bill, Senate Bill 1612."

Clerk O'Brien: "Senate Bill 1612, a Bill for an Act to amend an Act in relation to civic centers. Third Reading of the Bill."

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Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. With the Amendments placed on the House, this Bill creates civic center authorities in the following areas: Sterling, Elgin, Orland Park, Niles Township, Schaumburg, Illinois Quad-Cities, Collinsville, Pekin, DuPage County, Aledo River Forest, East St. Louis, as well as, includes in this coverage the O'Hare Exposition Center, which is located in Rosemont. I'd be glad to respond to any questions in regard to this. I think you're familiar with the legislation, and I would move for its passage."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Tuerk."

Tuerk: "Would the Sponsor yield?"

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

Tuerk: "As I read or heard your explanation, this establishes what about nine new authorities?"

Hoffman: "Twelve to be exact."

Tuerk: "Twelve new ones?"

Hoffman: "As amended in the House."

Tuerk: "Located throughout the state no doubt."

Hoffman: "Yes, Sir."

Tuerk: "How much money is in the fund right now for state aid for these various civic centers?"

Hoffman: "Around five million, and I am told by earshot that that is being taken care of in another piece of legislation."

Tuerk: "I see. How much... How much would the various civic centers qualify for under the current plan in effect? Do you... Do you have those figures?"

Hoffman: "In an excess of 83 million, but that doesn't include two or three that we put in the House."

Tuerk: "What effect throughout the state do you think the establishment of these additional civic centers would have

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on the... oh, the economic development of the state, tax revenue. Would this, in fact, cause some tax burden, for example, in these local areas where they're established? Just a general comment to that effect."

Hoffman: "There are no taxing powers; and, of course, this is true with all areas which have established civic centers. They hope it will improve their ability to attract people from outside the community who will leave a certain amount of their... of their resources in that community during the period of time they're there."

Tuerk: "Thank you."

Speaker Madigan: "Is there any further discussion? The question is, 'Shall this Bill pass?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 82 'ayes', 29 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Vinson, since we came back for the Hoffman Bill, the Chair thought that we would take the Continental Bank Bill, which is now ready to be considered. On page two of the Calendar, on the Order of Senate Bills Third Reading, appears Senate Bill 1236. The Chair recognizes, Mr. Flinn. And Mr. Clerk, has this Bill been read a third time? Mr. Clerk, read the Bill for a third time."

Clerk O'Brien: "Senate Bill 1236, a Bill for an Act to add Sections to the Illinois Bank Holding Company Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Flinn."

Flinn: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 1236 is a Bill that offers not to bail out like the Chrysler Bill. It's not a Chicago Bill. It's not even a State of Illinois Bill. It's one that offers to remove a

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road block from our state statutes, at least temporarily, to permit the seventh largest bank in our nation to find a solution, to find the best solution possible to their liquidity problems. This Bill also offers a 14 day period in which the Illinois banks will get to look at whatever offers are made from banks in other states for mergers, or for purchase, or for whatever marriage is decided upon by Continental and whoever the suitor is. It does not force Continental to do anything, but it does give Continental the opportunity to bargain for the best possible deal for saving their bank. On behalf of the 11,000 employees and the 11... and the 21,000 stockholders and the depositors that are too numerous to mention, I would ask that we pass this Bill today. It does not deal with interstate banking at all, as I mentioned before. It only unlocks the door temporarily to let Continental solve their problem. We cannot and should not let Continental go under. There have been mentions of the Garn-St. Germain Bill taking over, but that only happens if the bank goes bankrupt. This is after the horse has gotten out of the barn. We don't need to do that. We can help them solve their problem without costing the state any funds whatsoever. And I would ask for a favorable vote and would try to answer any questions."

Speaker Madigan: "The Chair recognizes Mr. Piel. Excuse me, Mr. Piel. I believe that Representative Zwick is the Minority Spokesman on the Committee. So, the Chair recognizes Representative Zwick."

Zwick: "Thank you, Mr. Speaker, Members of the House. This morning we reviewed several of the provisions of this Bill with our attorneys; and, because of those discussions, the result of that was that several things, because of the vagueness of the language in the Bill, it is not constructed as we would like it to be. However, the

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importance of this legislation is very obvious so that we would like to address several things by getting certain things in the record as to what the intent is, because the language is quite vague. So, for that purpose, I would like to ask the Sponsor, my Joint Sponsor, several questions about this legislation for his answer on the record. There are certain emergency provisions in this that are specified in the Bill, and we are concerned about if a group of two or more Illinois or out-of-state banks or bank holding companies would be permitted to acquire an Illinois bank under the language of this legislation, Representative Flinn."

Speaker Madigan: "Mr. Flinn."

Flinn: "Representative Zwick, the answer is yes. The proposed new Section of 3.09 of the Act would permit a bank holding company, including an out-of-state bank holding company, to acquire directly or indirectly any bank in Illinois if certain specified conditions are met by the bank in Illinois. The grant of authority is to a bank holding company which is defined term... a defined term in the Act. Section 2 of the Act defines bank holding company as a company that has control over any bank, over any company that is or becomes a bank holding company by virtue of this Act. Company is also a defined term under the Act, and it includes not only corporations, but also a partnership, joint venture or similar organization. The Act's definition of company excludes only an individual and certain charitable and government-owned organizations. Thus, a consortium or other joint venture of banks... or bank holding companies acting together to acquire a bank in Illinois would constitute a bank holding company for the purpose of the proposed new Section. Such a group would, therefore, be authorized to acquire a bank in Illinois

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under the terms of Senate Bill 1236. This would be the case irrespective of whether the group consists of Illinois banks and a bank holding company or out-of-state banks and a bank holding companies."

Zwick: "Thank you. I have one more question. I think it will be a little bit shorter. In Subsection A-2(d), which is found on page two of the Bill, lines five through 14, a 14 day period is provided, which an Illinois bank holding company or bank may tender an offer in an attempt to prevail over a pending interstate offer. At what point does that 14 day period commence?"

Flinn: "Representative Zwick, it is our intent that the 14 day period shall begin on the date that the Commissioner of Banks and Trusts receives a notice from the bank."

Zwick: "Thank you very much for your answers and your cooperation. I'll hold the rest of my remarks until the close. Thank you."

Speaker Madigan: "Mr. Piel."

Piel: "Thank you, Mr. Speaker. Will the Gentleman yield to one question for clarification?"

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

Piel: "Representative Flinn, in the Bill, there has been questions as far as a comma and a period when we're talking about amount. Your intent, as far as amount, is any bank over what figure?"

Flinn: "One billion dollars."

Piel: "One billion. Thank you. To the Bill, Mr. Speaker. To the Bill, Mr. Speaker. To the Bill."

Speaker Madigan: "Mr. Piel, proceed. Representative Greiman in the Chair."

Piel: "Ladies and Gentlemen of the House, I've heard many comments made pro and con as far as this Bill is concerned. Some of the opponents are using the term bailout. I've

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heard the remark made in Committee. I've heard the remark made by different proponents/opponents as using the term bailout. I think it should be clarified that we are not talking about a bailout. The term bailout, when we're talking about a bank, would be using public funds. There are no taxpayers' funds involved in this solution to the Continental Bank problem. The FDIC aid is in a form of insurance system that all banks pay premiums into this fund. The FDIC loan of the capital on... loaned on the capital on May 17th of 1.5 billion dollars, I would like to emphasize loaned, to Continental Bank, and this is in the form of an interest-bearing note. There is no gift, no bailout to Continental Bank by the FDIC. This was a loan that was perpetuated. It had to come about because of a run - and I hate to use the word run - but a lot of depositors were getting scared, withdrawing their funds from Continental because of probably I... I would say ill-fated rumors. The rumors started in the financial system that Continental had problems. Many times you run into the situation where rumors cannot be combated, and that was the case as far as Continental went. They could not get down to who started the rumors and how they started, why they started; but, once the FDIC came in with their loan, the stock... or the depositors with Continental Bank became more at ease, as far as the situation as far as Continental Bank went, and people stopped withdrawing their funds. It was something that was definitely needed, and it was a situation where it definitely helped, you know, sort of stem the tide as far as the run on the bank was concerned at that time. Many times people - and I'm hearing this from Legislators from all over the State of Illinois - they're comparing big bank/small bank. In this situation, as far as this legislation is concerned, there

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definitely is a difference. Continental, in size, is equal to the assets of the smallest 4,000 banks in the United States and to 1,100 banks of the 1,250 banks in Illinois. We're not talking about a 50 million dollar bank, Ladies and Gentlemen. We are talking about a bank of 40 billion dollars, a very big bank, the seventh biggest bank in the United States. The failure of Continental Bank and it being such a major money center, as far as the United States is concerned, would be catastrophic to not just the national, but in the international market as whole. And this... if we were to let Continental Bank go under, this would be something that would cause shockwaves throughout the entire international banking community. I don't believe that we, you know, could afford to let something like this go. I've heard many people say, 'Let's go it alone'. If it were up to Continental and their chairman, their president, their officers, they would love to go it alone. What we are doing, we are giving them the option. Their first position, as far as the State of Illinois is concerned, they would like to go it alone. They would like to take care of the problem inwardly, inside the bank, but they don't want to have the situation occur that if it cannot be taken care of inside the bank, they want to have the alternative to work it out as far as picking up a partner in the banking community. The present Illinois law, the way it stands, there is only one bank in the State of Illinois that could technically take over Continental. That is the First of Chicago. I've heard many remarks inside the financial industry, could the First really take over Continental? That is a question that would have to be resolved at a later date, because there are questions whether the First financially could take over Continental because, you know, of the financial stability of both

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banks. So now, if the First National Bank in Chicago could not take over Continental, under present banking law in Illinois, we only leave them with one area to go, and that would be a foreign bank coming in. This is sort of an American Bill. The present law - it would end up having to go to a foreign bank. So, we might end up having the Continental Illinois-Japanese National Bank. We don't need that. I don't think it would be good for the banking industry. I don't think it would be good for the State of Illinois. Ladies and Gentlemen, this Bill here deals with a major problem. I don't think that we can sit here and say that we're putting Continental on trial. Many times... Many people are sitting here and saying, 'Let them go it alone. You know, they never helped out the little banks.' No matter where you live in this state, Ladies and Gentlemen, we are talking about a major, major bank. We are talking about two banks in the State of Illinois that handle the great majority of correspondence. If your small bank downstate or in the suburban area is against this, I would ask them... when they go to Chicago and try and find a correspondent, if Continental Bank was not there, they would almost be relegated to one major correspondent and competition in the marketplace would not be there. Many times you have the small banks going to Continental, going to First, going to Northern or Harris, whichever the case is, and trying to find the best deal for their customers. You take Continental out of that picture, and you would, if this, you know, Bill were not to pass, then you would have a situation to where other banks could raise the rates that they would charge their correspondent banks. I think the only question here is whether we want the possible merger partners to include American banks. If you want foreign banks to start taking over our entire money market, as far

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as the City of Chicago goes, fine. Vote against this. But this Bill, the way it's structured, would also allow a group of banks in Illinois, in-state banks in Illinois..."

Speaker Greiman: "Bring your remarks to a close, please."

Piel: "... to buy Continental... I've got ten minutes, Mr. Speaker."

Speaker Greiman: "Yes, Sir."

Piel: "Would allow a group of banks in Illinois to purchase Continental or would also allow First, but it would allow competition amongst other banks looking for the purchase of this bank to help them out. And I would ask for a favorable vote on Senate Bill 1236."

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

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 1236 is a credit to this General Assembly. It shows, in a time of emergency of dire consequences, we, as a State Legislature, can react despite our differences of opinion and can react in a responsible way to do what is necessary to be done. And for a change, I want to compliment the State Senate, the Chairman of the Senate Committee, Senator Jeremiah Joyce, and the Sponsor of this Bill, Senator Arthur Berman, for coming up with a solution here that those of us with different philosophies on banking can all accept. It's a solution that takes care of the immediate problem of Continental Illinois National Bank and Trust Company. It's a solution that in no way commits the state to future interstate banking or loosening of its banking laws, but it does tell the Federal Government that we in Illinois are capable of regulating banks, that we in Illinois are capable of meeting an emergency through our Banking Act without having the Federal Government, the Federal Reserve or the FDIC dictate to us. We can act responsibly where it's necessary. This is a responsible

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Bill, and I compliment the Illinois Bankers' Association for supporting this Bill, although it contains things that is opposite to their usual philosophy on interstate banking. So, it is a Bill that is brought to us because of an emergency. We all acknowledge it as an emergency. We're proving this Legislature can react in a... in a solid, reasonable, accessible and deliberate manner to meet this emergency within our state.. within our state banking laws and without calling for federal intervention or dictatorship. So, it's a good Bill. It's... It's supported by almost all those who are really concerned with curing this problem, whether or not they agree with the particular temporary solution that's required. As a permanent solution, they are agreed that for the Continental situation, this is necessary. It's absolutely essential. And, therefore, I intend to support the Bill, although I would rather see us remodel and modernize our State Banking Act. My personal opinion is that our Banking Act in Illinois is from the 19th Century. It's obsolete. It's outmoded. It should be modernized. But I am willing to put that aside. I'm willing to forget about any permanent improvement for this Session, which is why I have not called House Bill 1036. Because of the Continental emergency, I'm willing to put aside my personal philosophy on modernizing the Illinois Banking Act and going along with this very responsible solution to the Continental Bank emergency, and I intend to vote for Senate Bill 1236."

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

Stuffle: "Mr. Speaker and Members of the House, there are many people who have qualms about the... what they consider to be a conceptual problem with the Bill. Some have stressed that it's not a bailout, and I agree that it is not directly a bailout. Representative Pierce says it's the

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first step in modernizing our banking system. I think we should support it because it is not that. It is, indeed, just what the Sponsor, Representative Flinn, said it was. It's an effort to take care of one problem of one bank at one time. It is not a step towards regional banking or interstate or reciprocal banking. It is not that at all. In fact, the Illinois Bankers' Association that supports this Bill, and rightfully so, clearly said in Committee under questioning that they believe it's limited to a single instance, a single problem, a single circumstance. I think the window and the 14 days and the certification process are adequate in the Bill. There won't be an Illinois partner. Probably that is out of the question, but there ought to be a partner other than a foreign bank. There ought to be the ability to make this bank continue to be viable. It is not insolvent. It is in a liquidity problem. It stands now in a situation that it does, I think, because of bad loans, because of the situation that the feds probably did a lousy job of regulation. And as I said on Second Reading, if they did half the job that Commissioner Harris does, we wouldn't have this situation. We need to look at the confidence the public puts in the whole system of banking. We need to look at the regulators in Washington, but we need, today, to look at the problem in Illinois. Sure, there are arguments that little banks are treated differently and differentially and unfairly, and they are. And that's not addressed by this, and it shouldn't be. Seven hundred correspondent banks are involved in this throughout Illinois - 700 banks that deal with Continental, 148 taxing districts whose paper is involved, 12,000 jobs. That's why we should vote for this Bill. Philosophy aside, it's limited. It needs to be passed for all the reasons that Representative Flinn

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advanced, and Representative Piel, and the Illinois Bankers' and Continental. The option is so much worse that we don't want to contemplate seeing a 40 billion dollar bank go down. Ask for an 'aye' vote."

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

Harris: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, when dealing with a bank of Continental's size, 40 billion dollars in assets, we're dealing with an organization of international magnitude. We're dealing with an organization which probably has assets greater than some states in the United States. Because of that and because of the fact that this is our only chance really to comment on what this Bill does, because I fully expect that it will be passed - it has the fine Sponsorship of Representative Flinn and Representative Zwick, the Minority Spokesman on Financial Institutions - expecting that it will pass, I think it's appropriate to take a few minutes to examine exactly what it does, the Bill, and exactly what it means. It's been said here that the depositors' assets are in jeopardy. Indeed, they are not, because the FDIC has already guaranteed all depositors' assets. It has been said that Continental has a temporary liquidity crisis. Indeed, that is incorrect. Two years ago Continental Bank, it was discovered, lent over a billion dollars or came up with over a billion dollars in bad loans to Penn Square, Penn Square Bank in Oklahoma. Less than a year ago the Continental certificates of deposit were removed from the list, which are freely traded in the money markets, and they had to pay a premium for their dollars. You know, the market place is really a marvelous mechanism. It tells you when something is going right and something is going wrong. And when a stock falls from 40 dollars a share to 5 dollars a share, something is going wrong. It's not a temporary

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situation. When Continental has to pay increasingly higher and higher premiums to borrow money in the money market, it's not a temporary situation. It's a situation of mismanagement and poor oversight, and we ought to recognize that. That's what got Continental in trouble. Let's look at SB 1236 though and exactly what it does. It does indeed give Continental an option. It gives them the option of merging voluntarily with an out-of-state bank. No one is claiming that it's going to open the door to interstate banking, because it is not. But a voluntary merger does two things. One, there is a voluntary participant from outside the state, voluntary insofar as they can come to Continental and structure some sort of a merger with the active involvement of the FDIC. Believe me, they are involved here whether you like it or not. They are involved here with a significant amount of dollars. That's the first point. The second point is that the shareholders of Continental, this mismanaged bank for the past period of time, the shareholders of Continental have a chance of getting some of their money back. Hopefully, the price of the Continental shares will go up. That's what happens under a voluntary merger, which is what we have here. Under a forced merger, or the FDIC coming in saying the bank is insolvent, two things happen, virtually the exact same thing. The FDIC comes in and says you have to have a merger with partner XYZ. There's nothing voluntary about it, but the FDIC is still heavily involved. The difference though is that the FDIC's exposure is significantly greater under a forced merger than it is under a voluntary merger. The other difference under a forced merger is that the stockholders get nothing. So, Representative Piel is correct. It's not a bailout of the bank. The State of Illinois cannot bail out Continental Bank, but it is a

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bailout of the Continental stockholders. It is a bailout, and there's a recognition that the Continental Bank has been mismanaged for a number of years. It's also appropriate, I think, to discuss the fact that the FDIC has been... has been woefully, woefully insufficient in its oversight of national banks as a whole. That is perhaps another subject, but Continental is not the only bank that's in trouble, and this may pop up somewhere else. Unfortunately, it happened in Illinois before it happened in New York or before it happened in California. This is probably the approach to take here in Illinois with 1236. It does only apply to Continental. But don't kid yourself into thinking that they don't have any other option, because basically they do. What happens with 1236, it's a benefit to the stockholders, and it's a benefit to the FDIC. That's what we're doing when we enact Senate Bill 1236."

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

Panayotovich: "Thank you, Mr. Speaker. I rise in support of Senate Bill 1236, giving banks in the United States the opportunity to help other banks in the United States. I'm glad to see that there's support on both sides of the aisle for this buy-American bank Bill."

Speaker Greiman: "Gentleman from Grundy, Mr. Christensen."

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

Speaker Greiman: "Gentleman from Grundy moves the previous question be put. All those in favor signify by saying 'aye', all those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the previous question be put. Mr. Flinn, are you going to close? The Lady from Kane, Ms. Zwick, to close."

Zwick: "Thank you, Mr. Speaker, Members of the House. It has been kind of an interesting debate. I thought it would be

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a little bit more cut and dried, to tell you the truth, and I can only say that what Representative Harris said was very true. This is a bailout of sorts, and I cannot say to you Continental's management has been good and we should do this as a reward to them. They got them into this situation. The reason I support it is that I want them to get themselves out of the situation, and I... I really believe that it's incumbent upon us to do everything we can, short of providing funds, do everything that we can to give them all the options that would be reasonable. And this is certainly one more option that they can use in order to get themselves out of this bad situation. The past management was not good. They made bad loans, bad investments. I hope, I hope beyond hope, if this serves any purpose, I hope that this... the need for this legislation has taught them a lesson about watching management, boards of directors, what deregulation is doing to the banking industry and all of those things, which the state really has a very limited input into. We can help get you out with special legislation such as this that is designed just for this situation. We can't help you out in a lot of other ways, as far as the banking industry is concerned. They are going to have to seriously sit down and look at the problems, look at what's happening under Garn-St. Germain, under federal deregulation. Yeah, we're helping the FDIC with this Bill, but don't forget - the FDIC is also the bank's money that the consumers pay, that the stockholders pay, the bond holders, all of them. We're all in this together, and Continental Bank must be given every option to survive. Garn-St. Germain does not kick in until they are insolvent. They are in a critical liquidity crisis right now. They are not insolvent. And I don't want to let them become insolvent in order for

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Garn-St. Germain to kick in. I want to provide them with whatever options they need so that they can get themselves out of a very bad situation and do an internal study of what is going wrong in the banking industry right now so that this will never happen again. I ask for your 'yes' vote. I support the Bill strongly, and I hope that you will, too. It's something that you're going to do for all of Illinois, for all of the people here, and it's very important to... to the entire nation. The banking industry is very concerned about this legislation, and it will be a very, very positive, positive thing for the State of Illinois to do, to pass this Bill with a lot of votes, to tell them that we're with them and we're going to help them get out of this in any way that we can, short of giving them money. Thank you."

Speaker Greiman: "Question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'nay'. Voting is now open. The Chair believes that the... this requires a vote of 60 votes. 60 votes for passage. The Gentleman from Marion, Mr. Friedrich, to explain his vote. One minute."

Friedrich: "I have a conflict in this matter, and I'm voting 'present'."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 35 voting 'aye', 14 voting 'no', 8 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1644. This Bill is subject to the State Mandates Act. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1644, a Bill for an Act to establish the health hazards proposed by the presence of asbestos materials in Illinois schools. Third Rea... to eliminate

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the health hazards posed by the presence of asbestos material in Illinois schools. Third Reading of the Bill."

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

Stuffle: "Mr. Speaker and Members of the House, this Bill has been through about as many different variations and gyrations as it could. If I could just take a minute to outline what's in it at this time. The Bill... In the Senate, there was an attempt to take the nonpublic schools out of the Bill as to its coverage in identifying and correcting asbestos problems in the schools. That Amendment failed. In the House Committee, that Amendment was put back on the Bill removing the nonpublic schools. On the floor, an Amendment was offered, and we put them back in the Bill. Subsequently, there was an effort to table that Amendment, and it failed. Subsequent to that, there was an effort to put the nonpublic schools under the Health and Fire and Safety Codes, and that Amendment failed. So, currently, the nonpublics and the public schools are in the Bill. The Bill also has Representative Levin's Amendments with regard to due process hearings. The Bill also has an Amendment agreed to by the Senate Sponsor who's standing by me, Senator Berman, and myself and the Department of Public Health, which changes some dates in the Bill as to reporting and finding a funding source and correcting some language with regard to federal funding. Those are the key and basic elements of the Bill. I know there are differences of opinion about whether the nonpublics ought to be in or out, whether they ought to be under the Fire Safety Code or not; but, as it sits today, they're in the Bill, and they're not covered by the Fire and Health and Safety Codes. That's the situation we find. We have differences of opinion, but importantly, I think this Bill, as amended, ought to go back to the Senate.

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It's too important a Bill not to have us deal with it now. The Bill, I might say, is not necessarily subject to the Mandates Act. As you know, the point is that any Bill that may be subject may require a note. The point of it is that in its current form with the Senate taking out certain things, there is no mandate to local school districts to come up with money. The Bill says that corrective action has to be taken by a certain of two dates, the latter date being three years after there is a state funding scheme in place and, as well, the Bill also says federal money is applied in lieu of state if available. So, given that situation, and there is no other money or state bonding or state revenue involved now, I would ask for your 'aye' vote along with Senator Berman."

Speaker Greiman: "The Gentleman from Vermilion has moved for the passage of Senate Bill 1644. And on that, is there any discussion? The Lady from Champaign, Ms. Satterthwaite."

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

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

Satterthwaite: "Representative Stuffle, with the inclusion of the nonpublic schools, what would your intent be in regard to when the assessment for their needs for remediation would cut off? My concern is that in our public school systems, there is very little building going on, and so we would be assessing buildings that are in place, and once that was done, there would not be much need for additional assessment. But in many of our downstate areas, the nonpublic schools are not housed in property that they own, necessarily, and they may be leasing property for one year but changing to a new location in a subsequent year. What would be the requirement for going in and assessing the asbestos problem if there is a change of location, particularly in the nonpublic arena?"

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Stuffle: "I think it's obvious that you're going to inspect a building whether it's a public or a private school, whether it's a leased situation or otherwise; and, at the time you do the assessment, you do the assessment. Obviously, if somewhere down the road it's no longer a school, it wouldn't be qualified for reimbursement. If you read the Bill, I think that's clear. I don't think there's any - and it seems logical to me that we go upon the basis of what's assessed today or tomorrow or whenever it's assessed as a public school building. They wouldn't be able to receive funds if they no longer were a public school building or private. If you close down the school, it would be kind of ridiculous to re... to fix the thing up. I don't know what you meant by your comment about new building. Obviously, we wouldn't have... surely wouldn't have an asbestos problem in a new building."

Satterthwaite: "My point is we're not acquiring new building in the public schools; but, because of the transfer of programs from one building to another, there would be a new location, not necessarily a new... newly constructed building, but a new location. And my question is, could, under this system where we're now including both the nonpublic and the public, could we end up in the position of remediating in one building, having the program moved to a subsequent building, call for another assessment, fix up another building, perhaps?"

Stuffle: "No, because the Bill provides reporting to begin with on a scheme of funding. The Bill requires, secondly, a deadline to identify those hazardous buildings. If you identified a hazardous public or private facility by a certain date, we would know that for certain. After that date, if they moved into another one after the deadline date to identify the problem, they wouldn't be covered by

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the Bill, as I read it and the Senator reads it."

Satterthwaite: "Well, that was my original question. Is there a cut-off date for when the assessment would be completed and after which time additional buildings would not come under the program?"

Stuffle: "That's the way I read the Amendment. The Amendment, the second part, extends the deadline for inspection to January 1, 1988."

Satterthwaite: "Well, Mr. Speaker and Members of the House, I think this is simply one area of ambiguity where we don't know for sure what will happen after that assessment date is cut off, what will happen in regard to additional properties that might be acquired either by public or private schools and whether or not they would qualify for funding under the program. I realize that this Bill does not set out a mechanism for funding; but, in fact, by including both public and private under this inspection and under the jurisdiction of the Bill, when funding becomes available it will have to be distributed to both public and private. I feel that at the time when we are so strapped for educational funds, that it is not appropriate for us to be putting in a new program with funding mechanisms that will come about providing fundings both for public and nonpublic schools. And for that reason, I think that we should be very reluctant to support a new program that is going to take state funding to provide for these services and will, in the long run, detract from the money that is available for our educational programs in our public schools. And for that reason, I reluctantly oppose the Bill as it stands in its current form."

Speaker Greiman: "Further discussion? The Lady from DuPage, Ms. Nelson."

Nelson: "Thank you very much, Mr. Speaker. I have a question for

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the Sponsor, please?"

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

Nelson: "Representative Stuffle, I think you gave a very fine explanation of the Bill. I just have a couple of questions. Would you run through the revised time table just very briefly?"

Stuffle: "The revised time table is, number one, the extension of the deadline from July 1, 1988 to July 1, 1989 or three years following the finding of a scheme for corrective action. Two, specifically and unambiguously, extending the inspection deadline to January 1, 1988 so that all those inspections have to be done by then and there wouldn't be anymore, as Representative Satterthwaite said. Three, the multiple hearing argument that there could be a whole bunch of different people requesting a hearing on the same problem is corrected in the Amendment by allowing one hearing with all the interested parties to join in the appeal. Four, we take out the Department's report on financing, limit it to the Council as recreated by the Levin Amendments, and we require a report to the General Assembly on a financing scheme by April 1st or before of 1985. And we provide cleanup language with regard to the application of federal funds in the first instance ahead of state, if they're available."

Nelson: "And any school, private or public, would qualify for funds when the scheme has been developed and when they have been judged to be in need of remediation of some sort by the Department of Public Health. Is that right?"

Stuffle: "There are two standards of remediation: The finding that there's a problem that can be corrected in part or the finding that they have to remove the entirety of the asbestos problem depending upon its magnitude. The application is now the same to both public and nonpublic

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Schools, and the right to receive funds is the same."

Nelson: "What is the difference between the Asbestos Containment and Removal Advisory Council and a Commission?"

Stuffle: "The Council is the only one involved now with the Amendment in making the report to us with regard to the financing scheme."

Nelson: "But in your mind, are we creating another commission here?"

Stuffle: "Oh, no. We wouldn't do that. No. These people aren't paid either."

Nelson: "They are not reimbursed in any manner?"

Stuffle: "I don't see any reimbursement. This is good will activity by these people, pro bono work, the kind of stuff that some of the lawyers in here do for the public for nothing."

Nelson: "One final question. What is your general estimate of the final cost of this legislation?"

Stuffle: "If I knew that or the Senator knew that, we wouldn't have to make the study. We don't frankly know. We only know about those who have already taken remedial action, and we provided that they would be able to retroactively receive assistance under this so that those who have done the job already will get assistance along with the rest. There's no way of knowing that, Representative."

Nelson: "Thank you very much. To the Bill, Mr. Speaker."

Speaker Greiman: "Proceed."

Nelson: "Estimates that we have received from the Illinois State Board of Education show that at the very least this will probably cost the state 45 million dollars. The State Board of Education did survey school districts that sent out questionnaires, 66 percent of which were returned; and, of the district surveyed to date, 99 percent of those districts had done a survey of their facilities. Of

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these... 90 percent of those inspections were conducted by registered architects; and, of the districts that I'm talking about, those that had completed either the removal or the incapsulation of asbestos found that it cost them 10 million dollars, and there is another anticipated 15 million for downstate districts. If we add in the Chicago School District #299, we are talking about completed projects totalling three million dollars and anticipated projects still totalling 17 million. So, that is, you know, what we believe to be the cost of this project at minimum. Thank you."

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

McNamara: "Thank you, Mr. Speaker. In regards to this Bill and the Amendment on it right now, the Amendment is to make sure that all the children of this state are protected equally under the law from a problem that has existed not through any fault of their own. Asbestos, as we know, was one of the materials that was originally specified by all of the building codes to go into the schools. To me, this is a safety hazard that should be corrected by the government. The other situation, as far as the funding is concerned, Mr. Stuffle... Representative Stuffle has very aptly pointed out that we do not know the full extent of the problem as it exists now. This Bill in its present form merely establishes an inspection procedure for the first year or so that will determine just how far reaching the effects of asbestos in schools are. To find out the extent of the problem is part of the problem that we have now in assessing costs. Costs cannot be adequately assessed until we find out exactly what the problem is. I urge your support of this fine piece of legislation, because the only thing we have to give to the future is our children. Let's protect their health. Thank you very

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much."

Speaker Greiman: "Gentleman from DuPage, Mr. Hoffman. Mr. Hoffman."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I don't think there's any question that we all have a legitimate concern in this issue, and the question addressed by this legislation is how serious is the problem, how many schools are involved and how many children are affected. There are estimates of what it will cost down the line. One of the parts of this Bill is to come back and give us some direction about how that cost might be covered. That's all the Bill does. Now, for this to be a Bill of Senator Berman's, and it does such a modest... it does such a modest program is shocking in itself. And it seems to me that that reason is reason alone to be in support of this legislation."

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

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

Speaker Greiman: "Indicates that he will."

Kulas: "Representative Stuffle, are the children who attend the nonpublic schools, are they immune to the harmful effects of asbestos material?"

Stuffle: "I don't think so."

Kulas: "But your amended Bill would include the children of the nonpublic schools whose parents pay... their tax money goes to support the public schools. Is that correct?"

Stuffle: "That's correct."

Kulas: "I think you've got a good Bill, and I think everybody who is in his right mind should vote 'yes' and protect all of the children of the State of Illinois."

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

Brummer: "Yes, very briefly, will the Sponsor yield?"

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

Brummer: "Originally this Bill, I think, spoke of removal of asbestos. We have had some discussion regarding incapsulation as... as an alternate or possibly even preferred method. This does not, at least, preclude incapsulation as a... as a method of protection of the... the children, does it?"

Stuffle: "Not at all. There are two standards that I have mentioned to Representative Nelson."

Brummer: "Okay. Thank you."

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

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To say that asbestos is a health hazard is an understatement. I think we're all familiar with the horrendous consequences that asbestos can have in the workplace, and it is even more sensitive when we're talking about children being exposed to asbestos. We have seen instances where children being exposed to asbestos in the schools have been incapacitated for life. In fact, we've had documentation where at least one child has actually died from attending a public school in the south that had asbestos. It is clear we need to deal with this problem. This is a good compromise piece of legislation for beginning the process. It's a good compromise in that it sets time tables that are realistic. It is also a good compromise in the question of funding. I know there are a number of people who are concerned about should we fund cleanup of asbestos in the private schools. And I suggest that that is an issue that this Bill will allow us to come back and once again debate next year. This Bill is not final, because what this Bill mandates is that the Board come back with recommendations for funding. So those of you who have doubts about funding asbestos cleanup in the

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private schools, this is not the final word, but this does get us started on a badly needed process. It's a good compromise. It's something that is long overdue, and I hope we can get the same kind of vote for Senate Bill 1644 as we did when we passed House Bill 877 on the same subject about a month ago."

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

Vitek: "Thank you, Mr. Speaker. I move the previous question."

Speaker Greiman: "Gentleman from Cook has moved the previous question be put. All in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Previous question will be put. Mr. Stuffle, the Gentleman from Vermilion, to close."

Stuffle: "Simply to reiterate, we realize there are questions about the issue of putting money in the nonpublic schools. I took a neutral position on that, but this is an important issue, an important Bill. The Bill goes back to the Senate if it passes here. The point is that the deadline is clear. It's not ambiguous at all about inspections. We have the same figures Representative Nelson has. We agree they're correct. We want you to know that there's 671 districts that have already done something that ought to be helped on this Bill. There's no way of knowing the full cost until the full study is done. I think that the arguments have been made, and I think that the Bill should pass and solicit, along with Senator Berman, your 'aye' vote."

Speaker Greiman: "Question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Mr. Johnson, did you want to explain your vote? No, alright. Have all voted who wish? Have all voted who wish? Mr. Clerk. Mr. Clerk, take the record. On this Bill there are 109 voting 'aye', 7 voting

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'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. We'll go back to a Bill that we passed over. On page three of the Calendar appears Senate Bill Third Reading Senate Bill 1538, Mr. Giorgi. Alright. Mr. Clerk, are there any... the Bill is... Senate Bill 1538 is on the Order of Second Reading at this time. Mr. Clerk, are there any further Floor Amendments?"

Clerk O'Brien: "No further Floor Amendments."

Speaker Greiman: "Third Reading. Yes, the Gentleman from Winnebago, Mr. Giorgi."

Giorgi: "Mr. Speaker, this is a Bill that's..."

Speaker Greiman: "Mr. Giorgi, the Bill was amended today. So, accordingly, you'll have..."

Giorgi: "It was not amended today."

Speaker Greiman: "It was not amended today?"

Giorgi: "No, that's what I wanted to clear up. The Amendments were all in order; and, when we called the Bill, we thought that there was a numerical error in the Amendments. And that has all been determined that it's correct. So the Bill has been read a third time. It's been on Third Reading, and the Speaker just left it on Second."

Speaker Greiman: "I'm advised by the Clerk, Mr. Giorgi, that we adopted Amendment #5 to this Bill."

Giorgi: "Well, Mr. Speaker, I'd like to move this... to amend the necessary rule so this Bill can be heard on Third Reading."

Speaker Greiman: "Gentleman asks leave to waive Rule 37(c) so the Bill may be considered immediately. Gentleman have leave? The Gentleman has leave, and the Bill will be considered. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1538, a Bill for an Act in relation to the interest rate on special assessments in certain sanitary districts. Third Reading of the Bill."

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Speaker Greiman: "Gentleman from Winnebago, Mr. Giorgi."

Giorgi: "Mr. Speaker, the Bill started out as the... an effort to increase the maximum interest rate on special assessment projects, and then there was a Bill that was needed because of the demands by the Environmental ... the Federal Environmental Protection Agency which allowed the various sanitary districts to promulgate certain rules. And then there was a need for an emergency legislation because of some breakdown in some of our major metropolitan areas in our major shopping centers that allowed the sanitary district trustees by an extraordinary margin of votes to allow for the setting aside of bidding and purchasing procedures after this has all been done. Then there was a request by the Chicago Metropolitan Sanitary District to allow them to issue demand notes which ... which their interest rates are lower than bonds. And the staff studied the proposal and agreed that that was a good proposal. The last Amendment is the Amendment that complies with the State Mandates Act in that we remove the language that said shall and made it all permissive so that now the Bill is in order for final passage."

Speaker Greiman: "Gentleman from Winnebago moves for passage of Senate Bill 1538. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 82 voting 'aye', 23 voting 'no', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading, page six of the Calendar, continuing on where we left off, appears Senate Bill 1664. Mr. Clerk, read the Bill."

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Clerk O'Brien: "Senate Bill 1664, a Bill for an Act to create the Illinois Roofing Industry Licensing Act. Third Reading of the Bill."

Speaker Greiman: "The Lady from Sangamon, Ms. Oblinger."

Oblinger: "Mr. Speaker and Members of the General Assembly, I want to make a couple of statements first. I took this Bill, as it came over from the Senate, as a replacement for the Bill I had in the House which I tabled at the request of a number of Members. This Bill was introduced solely because of the conditions that exist in both Representative Curran's district and mine. A lot of you have seen the pictures, and those of you who haven't ought to see them. You should see how these houses have been destroyed because of ruthless, unethical, roofing people. Yes, this was taken to the Attorney General's Office both under the Republican and under the Democratic administration. By the time they exhausted the continuances and then brought in the interrogatories, the persons who had done this were long gone. So, I introduced it, number one, because it was a Bill that was good for the people that I know and that you know. Number two, a number of Amendments were proposed to this Bill. We felt that we would like to take the Bill without Amendments; and, as a result, I have promised, and I am making this public, to go, if this Bill passes this House, to the Governor and ask for several Amendatory Vetoes to be put on it. Most of the people interested in this, including the senior citizen organizations, did not want it to have to go back to the Senate for concurrence. So, I have given my word to four people that their ideas will be presented for Amendatory Veto. What this Bill does now, Mr. Speaker, is require that roofers be licensed, that they be bonded so that the people who suffer ill effects from them will no longer have to be responsible financially

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for those defects of the roofers and, number three, that they will have workmen's comp and unemployment insurance, which most of them are not. I think that the Bill is a fair Bill, and I will add one addendum. The Department of Registration and Education has indicated to me that next year they will have a Bill that will include all the building and construction trades; that this Bill will then be phased into that one, and it will be under one authorization. I reiterate, this is my own Bill introduced on behalf of Representative Curran and my constituents and that I have given my word that four of the Amendments that have been presented will be immediately taken to the Governor. Thank you. I hope you can support this Bill. If any of you don't believe how horrible it is, I wish you'd look at these pictures."

Speaker Greiman: "Lady from Sangamon has moved for passage of Senate Bill 1664. On that, is there any discussion? The Gentleman from Cook, Mr. Krska."

Krska: "Mr. Speaker, will the Lady answer a few questions, please?"

Speaker Greiman: "Indicates she'll yield for questions."

Krska: "Representative Oblinger, this Bill would have not left the Committee if there were not going to be some Amendments. Now, you said you were going to amend this Bill on the floor. There were numerous Legislators, including myself, that were against it. As far as the bonding, as far as the workmen compensation, I see nothing wrong with that, but I cannot see why, in order to own a business, to own a business, you must have a certain age requirement, a certain schooling requirement and have practical experience in this business. I don't see any other business in the State of Illinois that you must have this in. There are many people that own hospitals. They

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are not doctors. There are people that own trucking companies that are not truck worker... truck drivers or dock workers. There are many people, for the first time, open up various other businesses. This would prevent a wife or any member of the family from inheriting the business, because they do not have the working experience in the business. And, therefore, I see this to be a bad, bad Bill and to either get Amendments on it to take the requirements off or to vote it down."

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

Oblinger: "May I answer that question, Sir?"

Speaker Greiman: "Well, alright, if it was a question, you can answer it."

Oblinger: "Well, I wanted to call Representative Krska's attention to the fact that I said there were four Amendments that we would not object to at all, we hope to have empowered in an Amendatory Veto from the Farm Bureau, the one he's referring to, the one of Mr. Keane's and the one of Mr. Brookins. That is going to be done, and I assured him that it would. That's the part that I knew he objected to."

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

Johnson: "The Gentleman from Cook, Representative Krska, doesn't speak often on the House floor; but, if his speech now is an indication of how well he analyzed an issue, I really have to commend him. That was an absolutely superb analysis of a very, very bad Bill. With all due respect to my colleague, Representative Oblinger, who I have the highest regard for, this Bill is about as anti-competition, anti-free enterprise, anti-little business as you could ever devise. You know, we have a tendency, and me included, unfortunately, in this chamber and I suppose all across the nation to react to a crisis, or to... not even a

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crisis, to imagine crisis. Somebody does a special or there's some kind of an expose on abuses in some industry. So, we react by having a dramatic Bill to clamp down on the whole industry. And, unfortunately, along with that, we clamp down on the little people who ought not to be affected by... by this General Assembly. I don't know how you could devise a Bill that is more alien to the free enterprise system, who is more alien to jobs, who is more alien to the ability of people to make a living in a tough economic times than this Bill. I know it's supported by some, not only individuals, but groups that I normally agree with and I normally have a lot of respect for. But I think this is bad business, and I think I couldn't say it nearly as well as Representative Krska did. But it's a Bill that ought to be soundly defeated."

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

Brummer: "Yes, thank you, Mr. Chairman and Members of the Assembly, I rise in opposition to this Bill for many of the reasons that were stated here previously. I serve on the Sunset Commission. We heard the... We had a sunrise hearing with regard to this. The recommendation of the Sunset Commission was that... that the Bill would need to be amended. It was the understanding that there would be an Amendment. I really don't understand why it wasn't amended on the floor. I think it is bad precedent to send the Bill to the Governor's Office with a... some type of assurance that it's going to be amendatorily vetoed there. We can amend it here. We... and that's our function. I don't know that anyone here can speak with certainty with regard to what the Governor's going to do. With regard to the underlying issue itself, Representative Oblinger certainly came into Committee with some pictures that were... indicated that there had been severe consumer fraud

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that occurred here in Springfield by some totally incompetent individuals that were holding themselves out to be roofers. I really think licensing roofers is not going to solve that problem. We do not license concrete finishers, and we do not license general contractors. We do not license auto mechanics. We do not license a whole host of areas. Unfortunately, in Illinois, we license already more professions and more occupations than any other state in the Union, and I do not think that we get greater consumer protection by doing that. We need to do that by increasing the consumer protection laws of the State of Illinois and tightening the consumer protection laws so that the public is not ripped off by individuals, whether they are licensed or unlicensed. Licensing is not the method. This Bill certainly in its unamended condition is... is in poor shape. It is an anti-competition Bill and ought to be defeated."

Speaker Greiman: "Gentleman from Cook, Mr. Rice. The Gentleman from Cook, Mr. Shaw."

Shaw: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I agree with many of the speakers that are... have just spoke here and especially Representative Krska. And I know many times I've supported all of labor's Bills down here, basically, but I happen to think this is a bad Bill. I think that people who are working and putting on roofs today are responsible people. I don't think that this Body should go to the extent of licensing roofers. There is some bad people out there, possibly, but this is not the way to go, plus the fact - why do we just have to include roofers in this building... in this Bill? Why couldn't we include the other trade... trades in this Bill? And you should look at this Bill. Why do we need to know the age of people who are putting roofers... roofs on around this

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state? Not only this - you talk about unemployment, and here we are about to vote on a Bill that would create some more unemployment to the people of this state. And I think that we should be aware of that. No one that I know of asked... and my good friend... one of my good friends is supporting this Bill and have an Amendment for this Bill. But if I were to get up here and introduce a Bill in this Body and ask the undertaking industry about your age, how old you are and all... all... all types of silly questions as this Bill asks, I think that... I think that you would be against that type of Bill. I think if we want to talk about working people and support working people, we should vote this Bill down. We have an Amendment here talking about Washburn Trade School. Well, I know Washburn Trade School don't have a very good record in terms of this Amendment. What commitment do we have from the labor unions that we're going to make sure that the people that they... that this Amendment is supposed to effect... effect get into Washburn Trade School? We don't have any commitments from the labor or the unions. What we should do until we get an agreement and this Bill is cleaned up, this Bill should be soundly defeated."

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

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's too bad that some of the previous speakers who have spoken against this Bill weren't at the Committee to hear the testimony, to hear how people have been ripped off by these so-called gypsy roofers who come and travel from state to state. And who do they prey on? They prey on the senior citizens. They prey on the uneducated, the people who can't read. They prey on your constituents. We're not talking about automobile mechanics where it might cost you 50 dollars. We're talking about a major investment where

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you could lose your home. We've seen pictures where a home costing 40,000 dollars was ruined because of a slipshod job by some gypsy roofer. And who can these people go to? No one. This is a good consumer Bill, and you should be all voting 'aye' on this Bill."

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

Stuffle: "I think Representative Kulas said about all that can be said. The point is we're not putting people out of work that shouldn't be put out of work. The people that ought to be put out of work by this Bill are the ones that prey on senior citizens, the ones that lie to the public, the ones that come across the state line and quote a price and don't do the work or do shoddy work. We do regulate other businesses. I don't know what the argument is there. These people are ridiculous in their methods. They're the type of contractors that shouldn't be practicing. They ought to be in jail for the most part. The Bill ought to pass."

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

Brookins: "Thank you, Mr. Speaker. I think a couple of previous que... Representatives have answered this, but let me just tell you what's happening in my community and across the south side of the City of Chicago. In my places in churches and in theaters and small businesses where they're ripped off with no guarantees, where they tell you you'd have a warranty and a guarantee, and you can't find the roofer the day after or the next week. Let me tell you about how every church on the south side of the City of Chicago was leaking because they come in and say that we're going to put a roof on your place, and you pay them this large fairly sums of money. They put your roofs on, and then you can't find them afterwards. Yes, we need some type of licensing and some type of regulations on roofers.

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And yes, I have an agreement that they will put some training and teach people in Washburn how to do roofers... roofing and do it correctly. And with that, I stand in favor of this Bill."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Flinn."

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

Speaker Greiman: "The Gentleman from St. Clair has moved the previous question. All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the previous question will be put. Ms. Oblinger, to close."

Oblinger: "Mr. Speaker and Members of the House, I'll try to answer some of the objections to this Bill. One of the previous Representative said this would cause a hardship on the small roofing companies. What about the hardship on the people who are losing thousands of dollars? You better weigh those back and forth, and I think you'll find that more people are losing more money than any small roofer is going to if he's an ethical, accepted roofer. Secondly, this was not a kneejerk reaction to a certain type of thing that happened in our community. I've been working on this for four years. This goes back to 1979, not yesterday, not two months ago. This is not a kneejerk reaction. Thirdly, I hear it's anti-competitive. That's an interesting thing. Let me read what the Better Business Bureau says. 'There have been over 700 complaints about roofers and over 400 of these have gone unsettled.' The Bureau is able to settle 75 to 80 percent of all their complaints, but they can only settle 40 percent of the cases dealing with roofers. The vast majority of the complaints on roofers that come to the Better Business Bureau concern what they term miscellaneous companies, and they are in favor of this kind of legislation. And finally, why only the roofers? Because

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I've been waiting for R and E to come up with a complete construction Bill, and they didn't. So, we went ahead with this one. And next year when they get their Bill ready, this one will become part of that Bill. I hope you understand why this is being presented and that you will vote affirmatively for it."

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

Rice: "Mr. Speaker and to the Members of this House, we continually vote for licensing of various kinds of what we would call professional or nonprofessional trades. In 1979 or 1978 when, on the west side of the City of Chicago, when two or three of those families were ripped off because of heating men and roofing men and people who were building cheap chimneys, some of us who were engaged in legitimate operations did not participate in that type of activity. According to state law, we do have a state's attorney here... or State's Attorney General that deals with consumer fraud. People who are interested in doing legitimate work and not trying to beat the contractor have the option to get a worker's bond. Now, if they secure a bond and the bonding house comes out and the work is not done, then those people don't receive their money. I think it's a misuse, and you're opening the rolls for public aid for the number of folks out there that are trying to make an independent living to stop... that you're going to cut them short because they don't resort back and pick up and deal with unscrupulous roofers again who's going to be able to pick up the equipment and supplies and go out there and put those roofs on. People who get had are people who are trying to beat folks. You... I don't care if it's senior

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citizens or whoever. If you're legitimate and you want to be legitimate and you're trying to be right, you go to Sears or Goldblatts or Weiboldts or one of those stores and you secure a roof. If you are scared of ABC roofing company or Rice roofing, you can get that done. And I think that we are just pushing wheels back and are going to set up where a person is going to have to have a degree in vocational training to put a lousy roof on when there's only two nails on the end to put it up there. Now, I've been here in Springfield, and I've seen some of the shoddy work that's being done. That does not have to say that all the men in Springfield do shoddy work. Next thing somebody's going to say the aluminum siding - you're going to have to have an experienced contractor to come in and put up the aluminum siding. Or you're going to have to have some plaster board put inside your house - you're going to have to have a legitimate, licensed man to come in and put up a 4x8 piece of plaster board..."

Speaker Greiman: "Bring your remarks to a close."

Rice: "... and I think this is ridiculous. Thank you. I think at this particular time this vote... this Bill should be voted down, period."

Speaker Greiman: "The Gentleman from Cook, Mr. Terzich, one minute to explain his vote."

Terzich: "Well, I just was wondering from the Sponsor whether or not that this legislation would prohibit a building contractor from putting a roof on a new building? Or would only... only a licensed roofing contractor be allowed to put a roof on a building or wouldn't a building contractor on a new home?"

Speaker Greiman: "Mr. Huff, one minute to explain his vote."

Huff: "Yes, Mr. Speaker..."

Speaker Greiman: "Well, I'm sorry. Well, we're beyond the

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question period. If she wants to answer that, she can... we'll allow her... give her leave to answer... leeway to answer. Just yes or no."

Oblinger: "No, it wouldn't prohibit them."

Speaker Greiman: "Alright. Mr. Terzich, did you want to explain your vote now? Alright. Mr. Huff, to explain his vote."

Huff: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. In explaining my 'no' vote, we should realize that we're misleading the people in thinking that licensure is going to resolve these ills. I know in Chicago we licensed all the sewer plumbers, but that does not prevent them from doing shoddy work, overcharging senior citizens or doing business as several other companies or subcontracting. This Bill will not prevent the gypsy from getting a license, Representative Kulas. This is a good Bill, and the vote should stay the way it is."

Speaker Greiman: "Mr. Harris, to explain his vote. One minute, Sir."

Harris: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd simply like to echo, in explaining my 'no' vote, the comments of Representative Krska early in this debate. This Bill came out of the Registration and Regulation Committee under really one provision and that is that it would be amended on the floor. Because, I'm sure of the crush of legislation and the many activities which Representative Oblinger had going on at the time, apparently those Amendments were not added. Otherwise, I don't believe this Bill would have come out of Committee. And for that reason, I've simply got to give a 'no' vote."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Have all... Mr. Wolf, for what purpose do you seek recognition?"

Wolf: "Thank you, Mr. Speaker, to explain my vote."

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Speaker Greiman: "Mr. Wolf, to explain his vote. One minute, Sir."

Wolf: "I think there have been some valid arguments on both sides of this question, but I think that the Sponsor in this particular case is trying to address a problem that's unique to this particular trade. I've seen it happen time and time again. When this particular trade, given a catastrophe, a hail storm of general nature, a tornado and things of this sort, hit a particular community, the regular, the responsible roofing people in that community are so flooded with demands upon their work that they can't fill the bill at that particular time. These people come in from all areas promising to do the job promptly, promising to do the job efficiently, and, believe me, they don't do the job. They get in. They collect their money, fly the coop, and they're gone. I think that an 'aye' vote in this case is a very responsible vote for this particular trade."

Speaker Greiman: "Have... Were you going to... Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 65 voting 'aye', 44 voting 'no', 6 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1692. Out of the record. On the Order of Senate Bills Third Reading appears Senate Bill 1725, Mr. Homer. 1725. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1725, a Bill for an Act in relation to victims of violence and abuse. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Fulton, Mr. Homer."

Homer: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1725, in its amended form, has two major provisions.

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The first provision is that it creates a Bill of Rights for victims and witnesses of violent crime in such a way as to require that the victims and witnesses be notified by the law enforcement agency of the status of an ongoing criminal investigation in which they are directly interested and further by the state's attorney so as to notify them as to the progress of the prosecution once an indictment or information is filed, including the final disposition of the case. There are further provisions to... to provide for innersession with the employers of both victims and witnesses in order to explain the absence from work in order for that victim or witness to appear in court as required to answer subpoena and testify and to provide where possible for segregation of the witness and victim from the jurors or defendant in a cause while waiting to testify. The second part of the Bill is identical to House Bill 2339 represented... or introduced by Representative Oblinger which creates an Elder Abuse Act which basically provides that the Department of Aging shall identify the number of abused senior citizens in the State of Illinois, that they shall further identify existing emergency resources, that they shall formulate a model program for delivery of necessary emergency services to senior citizens and finally to develop a cost projection for the implementation of such a plan. I would ask for your support of the Bill."

Speaker Greiman: "Gentleman from Fulton has moved for the passage of Senate Bill 1725. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 111 voting 'aye', none voting 'no', 1 voting

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'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1727. Mr. Pierce. Is Mr. Pierce within earshot? On the Order of Senate Bills Third Reading appears Senate Bill 1727. A State Mandates Act exemption may be applicable to this Bill. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1727, a Bill for an Act to exempt legal tender from occupation and use taxes. Third Reading of the Bill."

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

Pierce: "Mr. Speaker, I understand there is an Amendment. It probably hasn't been printed and distributed on this Bill that Representative Nelson is now filing. So, I suppose we'll have to take it out of the record till it's printed."

Speaker Greiman: "Well, you're saying then that you want to take this Bill out of the record. Is that right, Mr. Pierce?"

Pierce: "Yes."

Speaker Greiman: "Alright, Mr. Pierce. 1727, out of the record. On page two of the Calendar, Senate Bills Third Reading, Short Debate Calendar, appears Senate Bill 165... Mr. Vinson, are you seeking recognition? Pardon?"

Vinson: "Yes."

Speaker Greiman: "Mr. Vinson, the Gentleman from DeWitt."

Vinson: "Mr. Speaker, I was perfectly prepared to go ahead with the next Bill on Senate Bills Third Reading."

Speaker Greiman: "What Bill is that? I'm calling 1659."

Vinson: "Senate Bill 1733."

Speaker Greiman: "I didn't call that Bill. I changed the... I went to another Order of Business."

Vinson: "Can you inform the Body as to why you did that?"

Speaker Greiman: "Under the rules, I'm allowed to do that. On the Order of Senate Bills Third Reading appears Senate Bill

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1659. Mr. Capparelli, are you prepared with 1659? Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1659, a Bill for an Act to authorize municipalities, counties and townships to appropriate funds to private, non-profit organizations servicing runaway youth. Third Reading of the Bill."

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

Capparelli: "Thank you, Mr. Speaker. It's exactly what the Clerk says. This Bill allows the townships or the corporate authorities or municipalities to appropriate funds to private or non-profit organizations for the purpose of providing services for runaway and homeless children. And I ask for a favorable Roll Call."

Speaker Greiman: "Gentleman from Cook, Mr. Capparelli, moves for the passage of Senate Bill 1659. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Mr. Clerk, take the record. On this Bill there are 110 voting 'aye', none voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading, Short Debate Calendar appears Senate Bill 1735. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1735, a Bill for an Act to amend the Sections of the School Code. Third Reading of the Bill."

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

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1735 increases the bond authorization with the Chicago Board Finance Authority and provides that 95,000,000 of the bonds should be used for school construction and rehabilitation purposes. The remaining

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27,000,000 in bonding authorization would be used for bonding debt services. This Bill authorizes a total 122,000,000 in bonding. There is some need for some new construction in the Hispanic areas, and mainly this money will be used for rehabing the present schools."

Speaker Greiman: "The Gentleman from Cook moves for the passage of Senate Bill 1735. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 101 voting... 102 voting 'aye', 12 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading, Short Debate, appears Senate Bill 1797. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1797, a Bill for an Act to add Sections to the Illinois Public Aid Code. Third Reading of the Bill."

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

Currie: "I ask leave, Mr. Speaker and Members of the House, to return Senate Bill 1797 to Second Reading for purposes of an Amendment."

Speaker Greiman: "The Lady from Cook, Ms. Currie, asks leave of the House to return this Bill to the Order of Second Reading for purposes of an Amendment. Does the Lady have leave? She has leave. The Bill is on Second Reading. Mr. Clerk."

Clerk O'Brien: "Amendment #3, Currie, amends Senate Bill 1797 on page one by deleting line one..."

Speaker Greiman: "The Lady from Cook, Ms. Currie, on Amendment #3."

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Currie: "Thank you, Mr. Speaker, Members of the House. Amendment 3 to Senate Bill 1797 delays the effective date of the Bill until September rather than July."

Speaker Greiman: "Lady from Cook has moved for the adoption of Amendment 3 to Senate Bill 1797. Is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representative Ronan - Currie - O'Connell - Levin..."

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

Ronan: "Thank you, Mr. Speaker, Members of the House. Amendment #4 is... this is our third attempt to try to pass House Bill 2838 out of the House. As I stated earlier, it passed out of here about a month ago with 103 'aye' votes, went to Senate Executive Committee and in the strange happenings of the Senate, lost in Committee. What this Bill does, it's an attempt by... by this General Assembly to address the issue of Social Security disability so that we can set up a better system to... to deliver services for our constituents on this most serious problem. There has been a number of discussions concerning this issue. I'll be glad to answer any questions concerning the Amendment, and I urge its adoption."

Speaker Greiman: "Gentleman... The Gentleman from Cook, Mr. Ronan, has moved for the adoption of Amendment 4 to Senate Bill 1797. Is there any discussion? The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Yes, Mr. Speaker, I, again, question the germaneness of the Amendment. The subject of germaneness is not something related to the title of a Bill. It is something that this House has always ruled relates to the contents of the Bill

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and the contents of the Amendment. And, quite clearly, the contents of this Amendment go far beyond the scope of the Bill. And so, for those reasons, I would object to the germaneness of the Amendment."

Speaker Greiman: "The Parliamentarian is examining that, Mr. Vinson, and we will give you an opinion shortly. In the meantime, the Gentleman from Sangamon, Mr. Curran.

Curran: "Thank you, Mr. Speaker. Mr. Speaker, will the Gentleman... would the Sponsor yield for a question?"

Speaker Greiman: "He indicates that he will."

Curran: "Representative, you mentioned earlier that this Amendment to Senate Bill 1797 was identical to House Bill 2838. Are you aware that there has been a significant change between this Amendment and House Bill 2838 which passed out of this House by the large margin that you mentioned?"

Ronan: "I'm aware that there have been some changes. We've tried to cooperate with... with every group that's voiced a concern concerning... involving this matter. I have tried to work with every organization, including Local 2000 of APSCME. I assume that if there's problems concerning this legislation, after we send it over to the Senate, if there's a major concern involving employees who work in this agency, they will be resolved in the Senate. And I'm not even concerned with that provision, because I know that we've worked with them in the past and we'll continue to work with them in the future. I've tried to cooperate extensively with them. At no point is there an attempt to eliminate state positions. My position on that is very clear."

Curran: "Mr. Speaker, let me point out what the change is and why it is significant and why the Members of this House ought to be aware of what's going on here. In order to do that,

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I'm going to have to mention what's going on with this Amendment. What this Amendment attempts to do is attempts to make it easier for people in Illinois to stay on Social Security disability. And I think that is a noble attempt and a good idea. By the way, I... I also agree with the Sponsor that he has attempted to work out all the differences between the parties. His efforts along those lines have been commendable. However, what the Social Security disability is is a federal program. It is a federal program in Illinois which is run by state employees, administered by the state but with federal rules and federal regulations. That amounts to 700 jobs in this state, and it amounts to 30 million dollars a year spent in this state that otherwise would not be. We run the very real danger, if we adopt this Amendment, of losing those 700 jobs and losing that 30 million dollars a year. As the Sponsor of this Amendment mentioned, this Amendment is opposed by AFSCME 2000. It is opposed by the Department of Rehabilitative Services and for very good reasons. Just a couple weeks ago, the United States Senate voted 96 to nothing in favor of an Amendment by Senator Dole to automatically federalize any program, any state program which attempts to break with the federal rules and regulations. Under this Amendment, Illinois would be in noncompliance with federal regulations. And what noncompliance means is that we would lose, or we could lose 700 jobs, and we could lose 30 million dollars a year accruing to the benefit of Illinois. The reason that may happen here is because of the change between House Bill 2838 and the Amendment proposed for you. The Amendment substantially changes House Bill 2838 to make it substantially less in compliance with federal rules and regulations. And for that reason, I must rise in support

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of the 700 jobs, in support of the 30 million dollars and against this Amendment. It is a very bad Amendment trying to do a very noble thing, but it cannot be done here in Illinois. That can only be done by Congress. It will never be accomplished in this chamber, and it's being attempted to be accomplished in Congress right now. I ask for a 'no' vote in spite of the good intentions because of the very, very bad results."

Speaker Greiman: "The Amendment is germane. Mr. O'Connell, the Gentleman from Cook."

O'Connell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I would just disagree with my seatmate as to the intent and to the meaning of this Amendment. Quite the contrary as to what the speaker.. the last speaker has indicated, what the Amendment is attempting to do is to comply with federal provisions and Federal Court cases. In the event the State of Illinois is not in compliance with those Federal Court cases and federal provisions, then we do stand the situation where we could lose positions because of penalization by the Federal Government as to how the State of Illinois is actually implementing the Social Security administration. It's to that issue that I'd also like to address my remarks. The State of Illinois has a very, very important role in the determination of Social Security disability benefits. Contrary to what many people think, it is actually the State of Illinois that makes the determination whether someone is disabled or not. While the federal guidelines are placed... are directed to the various states, it is the states themselves, in this state, through the Department of Rehabilitation Services, that actually implement those federal guidelines. The initial decision as to whether someone is disabled or not is made by the State of Illinois. Several years have passed since

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an increasingly large number of individuals have been denied their disability benefits for arbitrary reasons. I say arbitrary reasons, because the number of administrative law Judges that have reversed those state decisions is significantly high. Anywhere between 60 and 80 percent of the individuals that determined not to be disabled by the state have been overturned in... in administrative law Judge cases. Since the last year or so, the Federal Government themselves have recognized a plathora of individuals who have been incorrectly denied the disability benefits. What this Amendment is attempting to do is to maintain that increasingly growing awareness of the Federal Government that indeed the criteria for determining disability benefits is extremely narrow and that it should be brought to avoid the unfortunate and tragic situations of people that are dependent on disability benefits being denied. And I would finally say that the previous speaker that said that there could be 700 jobs taken away, there could be. He talked about hypotheticals. I am suggesting to you that the Social Security disability situation has not been a hypothetical. People have been unjustly denied the disability benefits. This is merely an attempt to correct that situation, and I'd ask for an 'aye' vote."

Speaker Greiman: "For what purpose does the Gentleman from DeWitt, Mr. Vinson, seek recognition?"

Vinson: "Just to inquire with all of the naive... at my command as to whether you really did say that that Amendment was germane."

Speaker Greiman: "Indeed."

Vinson: "Is the Chair aware of the fact that the Amendment is word-for-word the same as Amendment #2 which the Chair rules nongermane on Friday last?"

Speaker Greiman: "No, it's not the same. It may look... You

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better do some careful reading."

Vinson: "Examine it word-for-word, and it is word-for-word the same. Given the fact that it's unlikely that the Chair will make the appropriate ruling as it did on Friday last, I'll just simply say that despite the fact that the Amendment is nongermane and despite the fact that it has been ruled that way twice now, and this time is going to be ruled germane, it's a bad Amendment. It does what Representative Curran said it does. It would absolutely compel the Federal Government to federalize the adjudication of Social Security disabilities. Now, I think this chamber ought to reject it. I think that we ought to vote 'no' on it, because it's quite clear that the Federal Government simply can't stand the extra load on the system. They can't deal with Social Security as it is now, let alone giving them this extra responsibility. And I would urge a 'no' vote on the Amendment."

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

Topinka: "Mr. Speaker, at this point, I'll call the question."

Speaker Greiman: "Alright. No further people seeking recognition, the Gentleman from Cook, Mr. Ronan, to close."

Ronan: "Thank you, Mr. Speaker. There's... There has been some discussion concerning this legislation. I just want to clarify one point. Page three of the Amendment, it states very clearly that... that this Act, if it's inconsistent with federal disability Acts, the Code of Federal Regulations, Social Security rulings and Federal Court decisions that the provisions of this Act will be held void. Consequently, we're not going to be in a position where we're going to be in conflict with the Federal Court rulings, federal actions and things like that. And the concept that we could be doing something with this legislation that's going to put in jeopardy those 700 jobs

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is... is a misnomer, and it's not an accurate analysis of the situation. I understand Representative Curran's concern. If I had 700 jobs in my district, I'd work hard to protect them. But this really isn't the issue here. What we're trying to do is protect the individuals in this state who have had severe problems in collecting their Social Security disability benefits, and this is a move in the right direction. I urge everyone to support this Amendment and send it over to the Senate so that they can do what they are going to do. I urge an 'aye' vote on the Amendment."

Speaker Greiman: "Question is, 'Shall Amendment #4 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. There has been a request for a Roll Call. In the opin... all those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Yes, the Gentleman from Cook, Mr. Bowman, to explain his vote."

Bowman: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm sorry to see things going the way they are. But the... I just wanted to point out that the Tribune on June 13th did write a very favorable editorial on behalf of House Bill 2838, and I believe that it is sad that some people have had a change of heart, because I believe they've been misled on this issue. But it will come back."

Speaker Greiman: "Gentleman from Cook, Mr. Levin, to explain his vote."

Levin: "Mr. Speaker, I think it's an abomination the misrepresentation on this Bill from the Department, both on the substance. And I have the Department's manual that goes through line by line - and we have dealt with all of their substantive problems - and on the issue of federalization, I have in front of me both the House and Senate Bills. There is absolutely no prospect that this

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Bill will lead to federalization. This Bill will put us into conformity with federal law. This Bill will protect our constituents, and this Bill will save the State of Illinois money. We need some more 'aye' votes."

Speaker Greiman: "Gentleman from Macon, Mr. Dunn, to explain his vote."

Dunn, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I join with the proponents in urging more 'aye' votes. This Amendment is good legislation. It's needed for the people who can't come here and speak for themselves. It's needed for the people who need help, who need it desperately, and they need our help. If we turn this Amendment down, we're turning our backs on the people we say we take care of in the General Assembly, the people who need consideration, the people who need sensitive treatment, sensitive care, the people who plan and think that government is there to provide a safety net for them. And what we're telling them with this Amendment is that the safety net is full of holes. I think we should all vote green, and I think we would go home and sleep better if we did."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Amendment there are 47 voting 'aye', 57 voting 'no', 3 voting 'present', and the Amendment fails. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Lady from Cook, Ms. Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. I ask leave for the Bill to be considered on Third Reading at this time."

Speaker Greiman: "The Lady from Cook asks to suspend Rule 37(c) so the Bill may be considered at this time. Does the Lady have leave? She has leave. Leave is hereby granted. Mr.

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Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1797, a Bill for an Act to add Sections to the Illinois Public Aid Code. Third Reading of the Bill."

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

Currie: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1797 is a straightforward, noncontroversial proposal. It provides for the Department of Public Aid to work with local community organizations in establishing preventive health programs. This Bill is permissive. It was and still is on the Short Debate Calendar. I'm happy to answer questions, and I would appreciate your affirmative support."

Speaker Greiman: "The Lady from Cook has moved for the passage of Senate Bill 1797. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 101 voting 'aye', 11 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. I see on the floor today we have with us Secretary Kramer who is the head of the Department of Transportation, the head of the Governor's Task Force on the World's Fair, the head of the Regional Transportation Authority, and, well, that's enough for the moment. A triple-dipper. Yes, Mr. Vinson."

Vinson: "Mr. Speaker, I would just chastise the Chair, because the Chair should recall that Secretary Kramer chose to forego the salary he was legally entitled to with the RTA."

Speaker Greiman: "Indeed. Absolutely. On the Order of Senate Bills Third Reading on page six of the Calendar appears Senate Bill 1727. Mr. Pierce, do you wish to proceed at

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this time? Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1727, a Bill for an Act to exempt legal tender from occupation and use taxes. Third Reading of the Bill."

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

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 1727 provides equity for Illinois rare coin dealers, gold and silver dealers, and allows them to compete fairly with the Chicago Board of Trade which is not subject to retailers' occupation tax and with coin dealers in other states who have most of the business emanated from Illinois due to the fact that purchases are made outside of the state in states like California and Florida from offering shady dealers in order to avoid Illinois sales tax. The Bill exempts legal tender, currency, medallions, gold and silver coinage issued by the State of Illinois, the U.S. Government or a foreign government and gold bouillon from the Illinois sales tax. It will... The Department of Revenue claims there's a fiscal impact here of a million dollars. I doubt if it's that much. At any rate, we'll pick up more than that in employment in our coin dealers expanding and being able to handle business here in Illinois instead of having it all exported to California and Florida by mail order where there are many, many illicit and illegitimate dealers in coins that have cost Illinois citizens millions and millions of dollars. The Bill will provide employment and jobs in Illinois and, therefore, revenue to Illinois. It will make uniform the unfair enforcement of our existing vague sales tax laws on sales of gold and silver and coinage, and it does what other states have done in recent years. Ten or 15 of our sister states, including California and Florida, have exempted these type of coins and gold and silver bouillon

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from their sales tax. The present tax is a tax on legal tender of the U.S., Canada and other countries, and it's probably not valid on that grounds alone. I, therefore, ask that we pass Senate Bill 1727 which was ... has been approved by the House Revenue Committee."

Speaker Greiman: "The Gentleman from Lake has moved for passage of Senate Bill 1727. And on that, is there any discussion? The Gentleman from DeWitt, Mr .Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. I rise in support of Senate Bill 1727. The Gentleman from Lake addressed one particular aspect of the Bill that is important in that this does create a situation of tax equity between gold coin dealers and people who trade bouillon on the Chicago Board of Trade. There is another matter that requires equity in this, too. If you exchange American money for Canadian currency, currently, there's no tax on that, unless it happens that the Canadian currency you exchange your American money for is a gold maple leaf. In that case, we tax it. I believe that that's unfair... unfair taxation of gold. I don't think we ought to be discriminating against gold. There's nothing wrong with gold. And if people want to choose to buy gold, they ought to have the right to buy gold and should not be unfairly taxed on it. I would move for passage of Senate Bill 1727."

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

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill. I rose in opposition last year when this Bill was before us; and, at that time, the House decided not to go with the Bill. I think we ought to do the same this time. I look at this Bill again, as I did last year, as in a sense a tax break for the rich. It seems to me that we're spending a lot of

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time this Session trying to come up with ways to produce revenue for schools and produce revenue for the State of Illinois and; yet, we come along here and we give an exemption on an area of the sale of gold bouillon, coins, things that are not items that are necessary for the daily living of a... the constituents in our districts - something that is an investment. I look at this as a very bad Bill, and I would ask that you all consider when you vote for this that it is a tax break for the rich. Thank you."

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

Harris: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, the incongruity of this Bill should jump out and grab you. We are, in this chamber, looking to tax virtually anything that moves in this state. We're looking for additional funds for education, additional funds for just the general revenue overall. We're looking at taxing the Lottery. We're looking at greyhound racing. We're looking at levying a tax on virtually everything, and here comes along a Bill to give a tax break to those people who generally don't need a tax break. It's not the average citizen out there, the average working man who goes out and pays 400 dollars for a ounce of gold or who buys a Canadian maple leaf or a South African kruggerand. It's an investor. It's a person who is probably willing to pay that seven percent sales tax anyway. It should be obvious this is not good tax policy for the state. The claim has been made that there's going to be a large influx of jobs because of the fact we're eliminating this sales tax on bullion sales. That claim is baseless. No one knows exactly how that's going to occur. No one knows exactly how these jobs are going to materialize in this state. It said that in Florida and California, where they don't levy

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this... where they don't levy a tax on gold bullion that these businesses flourish. Well, indeed, they probably do flourish, but the two major defaults they've had in recent years with people selling... really selling schemes of gold bullion, the two major defaults they have had have occurred in Florida and California. If, indeed, these jobs are coming to Illinois and all of a sudden all these dollars start flowing to Illinois from out-of-state and somebody sets up a... sets up some sort of a bullion scheme here in the state, I think we are going to look back on passage of this legislation with a very sorry eye. It is simply not good policy to initiate at this time. It is a tax break for those people who do not need a tax break and I would wholeheartedly encourage a 'no' vote on this Bill."

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

Cullerton: "Yes, will either Representative Vinson or Pierce yield for a question?"

Speaker Greiman: "Mr. Pierce will certainly yield for a question."

Cullerton: "Representative Pierce..."

Speaker Greiman: "Mr. Pierce has found a way to avoid questions. He's not... oh, here he is. Yes, Mr. Pierce will, indeed, yield for questions."

Cullerton: "Just with respect to the issue of the State Mandates Act. As I understand it, there will be some minor loss in revenue, perhaps, to the local municipalities for their one cent sales tax. Does... Could you tell me how much that would be state-wide and does it mean that there's a... State Mandates Act, would that require the state to reimburse those municipalities, or would they just simply lose the money?"

Pierce: "Yes, in my opening statement, I stated the Department of Revenue, in Committee, estimated a loss to the state of

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less than two million and more than one million, around a million. That's at a four cent. So, if the municipality... municipalities are one cent, that would be a quarter of that. That would be \$250,000 or \$300,000, \$400,000, in that range, state-wide for all the municipalities and counties in the state, the loss would only be somewhere between \$250,000 and \$450,000."

Cullerton: "Alright. Thank you very much."

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

Huff: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I couldn't agree more with Representative Harris. Ladies and Gentlemen, I mean this... the General Assembly is doing its usual thing, moving in obversity. We should be taxing the gold market. You remember two years ago when the interest rates were 22 percent? Gold was selling at \$700 an ounce. Millions of dollars was lost in gold transactions because the State of Illinois didn't tax it. Here, interest rates are on the rise again and gold is most certainly going to rise in the gold market. We are going to be losing millions of dollars. This is a stupid, asinine, insane thing to be doing at this time. We should be taxing these gold transactions."

Speaker Greiman: "There being no further discussion, the Gentleman from Lake, Mr. Pierce, to close."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, I can't agree more with my colleague across the aisle, Representative Vinson, that this Bill ends an inequity in the Illinois tax law that has discriminated against the Illinois dealers, caused business to go to other states, has lost us employment and income. It's unfair. We don't tax the purchase of gold and coins when purchased on the Chicago Board of Trade. It's a very... It's a good Bill. It's an equitable Bill and I urge the passage of Senate

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Bill 1727. It may even be my last Bill."

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

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I am voting 'aye' on this Bill, but I am not voting my conscience. I'm voting... and I just wanted to set the record clear on it. The Amendment was adopted, which says that if you buy the South African kruggerand that you will have to pay taxes on it. But, of course, as an individual who carried a heavy tax package this Session, you can believe I'm not in... my heart is not fully in support of one which would exclude a sales tax on the money or silver."

Speaker Greiman: "The Lady from Cook, Ms. Braun, to explain her vote."

Braun: "Actually, Mr. Speaker, I kind of have a question, and that is did the... did I hear the Sponsor say that this... that the kruggerand Amendment would remain a part of this legislation in it's many incan... incarcerations in this General Assembly? It's a question for the Sponsor. I don't know. Did you indicate that the kruggerand Amendment would stay on this Bill in no matter whatever form it was finally passed and put on the Governor's desk?"

Pierce: "This is a Senate Bill. I don't know the answer to that. It's not my Bill. It's Senator Marovitz's Bill, so he told me the Amendment was alright with him. So, we'll see what happens. Talk to him the way you talk to me and maybe you'll... you'll keep it on there forever. You convinced me."

Speaker Greiman: "Have all voted? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

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Bill, there are 77 voting 'aye', 34 voting 'no', 4 voting 'present'. Mr. Preston. Mr. Preston votes 'aye'. On this Bill there are 78 voting 'aye', 34 voting 'no', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. The chair recognizes Representative Cullerton, for the purpose of a Motion regarding House Joint Resolution 170. Gentleman from Cook, Mr. Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. You may recall that we set a reporting date for today for the report of the Joint Committee for the Veterans' Property Tax Exemption Amendment, where we would draft arguments, both pro and con, that was created by House Joint Resolution 158. We would ask with this Resolution that we extend that for two days, two more days to June 27, 1984."

Speaker Greiman: "Gentleman from Cook, Mr. Cullerton, moves for the adoption of House Joint Resolution #170, and on that, is there any discussion? Gentleman from DeWitt, Mr. Vinson."

Vinson: "Mr. Speaker, where are we on the Calendar?"

Speaker Greiman: "We're on our Resolution, a Motion on a Resolution. I believe it's been distributed."

Vinson: "What?"

Speaker Greiman: "A copy has been placed on your desk, Mr. Vinson."

Vinson: "Is that what just... just now popped into my hand?"

Speaker Greiman: "I don't know when it was placed there."

Vinson: "I wonder if the Sponsor might yield for a question?"

Speaker Greiman: "I'm sure he will. Indicates he will."

Vinson: "Would you explain again, since I haven't had a chance to review this what... what it is we are dealing with, Mr. Cullerton?"

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Cullerton: "This is for the veterans."

Vinson: "Wait a minute. DiPrima gives that speech, not you."

Cullerton: "Well, I impersonated him. He's not here. This is for the veterans. Remember, House Joint Resolution 158? You... You recall that, don't you? That you voted for, that extended till today... or that set today as reporting date for the arguments..."

Vinson: "Well, where's the report?"

Cullerton: "With regard to the Veterans' Property Tax Exemption Amendment, where we have to provide for arguments, both pro and con. We set for today as the reporting date and we need a few more days. So, what this..."

Vinson: "This thing has become so controversial that they can't resolve the arguments on this major matter of public policy, even though we already extended the deadline once?"

Cullerton: "I think they are having problems coming up with arguments against it, and they need a couple of more days to see if someone can be... come up with that language. So, it's really not... this shouldn't be a controversial Resolution."

Vinson: "Well, you should have some Members against that. You got some against everything."

Cullerton: "I move for the adoption, Mr. Speaker."

Speaker Greiman: "Question is, 'Shall Amendment...' I'm sorry. Question is, 'Shall House Joint Resolution 170 be adopted?' All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Resolution is adopted. On the Order of Senate Bills Third Reading appears Senate Bill 1733. Out of the record. On the Order of Senate Bills Third Reading appears Senate Bill 1746. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1746, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

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Speaker Greiman: "The Gentleman from DuPage, Mr. Hoffman."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1746 clarified some of the language that existed in the working cash fund to make certain that special charter districts were treated the same as all other districts on tax anticipation warrants for education and building purposes. In the House, we had an Amendment to deal with an issue that came up downstate in terms of reconstruction and repair of a school building or school equipment pursuant to the use of life safety funds. And I would move for the passage of Senate Bill 1746 as amended."

Speaker Greiman: "Gentleman from DuPage moves for the passage of Senate Bill 1746. On that, is there any discussion?"

Hoffman: "Excuse me. I neglected to point out that we adopted an Amendment of the temporary speaker to deal with some language that was included in an Act which had passed out of this House. It was not included in the language in the Senate on the regulation of business and vocational schools."

Speaker Greiman: "Alright. Further discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. This is final action. Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 113 voting 'aye', 1 voting 'no', none voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1747. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1747, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from DuPage, Mr. Hoffman."

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Hoffman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 1747 dealt with a similar subject, but dealt with the working cash fund and provided the change in that level from 75 to 85 percent to be consistent with language in other sections of the law. And in the House, we put on an Amendment to clarify the language which was in House Bill 133 which dealt with the enterprise zone legislation, which was signed by the Governor - maybe it was Senate Bill 133 - which clarified some language that was in that Bill that he signed. Also we provided that the Chicago Board of Education members would have to voucher their expenses rather than just having access without vouchers to \$300 a month. And to the best of my knowledge, that's the Bill as it now stands, and I would ask for your favorable vote."

Speaker Greiman: "Gentleman from DuPage has moved for the passage of Senate Bill 1747. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 113 voting 'aye', 2 voting 'no', 1 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1790. Out of the record. On the Order of Senate Bills Third Reading appears Senate Bill 1793. Mr. Cullerton. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1793, a Bill for an Act to amend Sections of the Unified Code of Corrections. Third Reading of the Bill."

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

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

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the House. This Bill is a crime victim right Bill. We have had another one that passed today. The main provision of this Bill is to allow a victim of a crime the right to submit evidence at a defendant's sentencing hearing and at a parole hearing. Now, this information and this... that the victim may wish to give must be coordinated with the state's attorney so that in the aggravation portion of the sentencing that it's a well coordinated effort. But, I think it's very significant to, for the first time, allow a victim the right to submit testimony to the judge so that the real effects of the crime on the victim can be known. You must keep in mind that only about ten percent of criminal cases end up going to trial where a victim actually testifies. So, on those other cases especially, there is an opportunity for the victim to tell the judge all of the ill effects that the crime had upon that victim. It also... the Bill also allows him or her, the victim, to submit evidence at a parole hearing. It requires that notice be sent to the victim of the time and the place of the parole hearing and it requires that the court to consider restitution as part of the sentencing disposition. Now, the concept of restitution is in the law, but I think sometimes judges tend to forget it, and I think it's important to require that they consider it. Now, the... some other Amendments were adopted, which I'll describe. Amendment #1 adds language to clarify that the Department of Correction inmates are in no way to be deemed employees of the Department for purposes of employee benefits. We have another Amendment dealing with the Prisoner Review Board. And this changes the conduct of business by the Prisoner Review Board to require that when parole decisions are made in cases of persons sentenced for murder and persons sentenced for a crime the minimum prison term of

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which is twenty years or more, a decision must be made by a majority vote of the entire Board, rather than the majority vote of a three member panel. It would also require the Prisoner Review Board to maintain a registry of decisions in cases where parole has been granted. And also to require that this registry include the basis for the decision of the Board to grant parole on any such decision. And finally, Amendment #4 was adopted which simply moves convictions of the Conservation Code, which now fines people up to \$20, puts it in the Violent Crime Victims Assistance Fund, just lowers that down to ten dollars. I think it's a very important piece of legislation that will have an effect in our court rooms. It will allow, for the first time, the victims of a crime to really have an impact on the sentencing that goes on in the courts of Illinois. I would ask for your support of this fine Bill."

Speaker Greiman: "Gentleman from Cook has moved for the passage of Senate Bill 1793. On that, is there any discussion? The Lady from Cook, Ms. Alexander."

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

Speaker Greiman: "Indicates that he will."

Alexander: "Thank you. John, I listened very attentively to your explanation of Senate Bill 1793, and I just want to clear something up in my mind. Are you saying to me that the victim, in mitigation and aggravation, his impact or statement will be more in-depth than it would be at the time he's cross-examined during trial? Isn't this... giving double opportunity in this particular instance for the victim to appear before the court?"

Cullerton: "Well, right now, in the Section entitled 'Sentencing Hearing', there is no right of a victim to submit a statement concerning the impact of the felony on him or her. And what we are saying with this Bill is that they

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shall have that right to make such a statement. Now, as you know, as I indicated in my arguments, most cases are plea-bargained and there is no testimony by the victim. So, this would be the... in many cases, the first opportunity for the victim to explain to the judge the effects of the crime, and I think it's an important right for that person to have. Now, if they also testified at the trial, of course, they could also testify at the sentencing hearing."

Alexander: "Well then, what you are really trying to do is to get at the instances where there is plea-bargaining, rather than where there has been a full trial maybe before a jury or before the bar, where testimony has been solicited from the victim, where they have been in-depth cross-examined and reexamined on direct and indirect, and now they are coming back in aggravation and mitigation to say how psychologically or sociologically they have been injured. I don't agree with that part. I like the other part of your Bill, but I just don't agree with this part, and maybe I don't understand it in its depth."

Cullerton: "Well, as you... what you are referring to is a situation where a victim testified at a trial. Now, many times that victim cannot testify as to the effect of the crime on himself or his family. He has to testify as to what happened in the actual commission of the crime. So this will be an entirely different testimony where he can explain to the judge what the effect of the crime was on himself and on his family. That's in the situation where they actually had a trial and the victim did testify. But, as you know, the main... 90 percent of the cases or more, there is a plea-bargain and the defendant... I'm sorry, the victim has not had a chance to explain to the judge what the effects of the crime have been on he or she and this

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would give them that opportunity."

Alexander: "Thank you."

Speaker Greiman: "Further discussion? The Gentleman from Morgan, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Too often victims of crimes are victimized twice. First, they are victimized by the crime and the criminal. And secondly, they are victimized by the system that fails to give them an opportunity to speak during this very important session. As a consequence, this Bill goes directly to that opportunity, gives them an opportunity to speak, lets them be present so that the judge is not swayed by being overly sympathetic to the criminal and remembers that restitution and the victims are very important members of society as well. It's a very good Bill. The Amendments have helped to make it much better. And I would urge an 'aye' vote."

Speaker Greiman: "There being no further discussion, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted a wish? Mr. Clerk, take the record. On this Bill there are 115 voting 'aye', none voting 'no', 1 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1794. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1794, a Bill for an Act in relation to the offense of aggravated fleeing or attempting to elude a police officer. Third Reading of the Bill."

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

Topinka: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, currently on the books we do have a statute that involves

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eluding a police officer, attempting to flee. However, there are times when this type of fleeing becomes so onerous that what we are trying to do here is to elevate the extent of the misdemeanor from a Class B to a Class A which would make it punishable for up to one year in jail and up to a one thousand dollar fine. Thirty-eight states already have some form of eluding a police officer on their books. Eight states have a statute similar to what we are proposing here. This is sponsored by the Department of Law Enforcement, and I will be open... any questions."

Speaker Greiman: "The Lady from Cook moves for the passage of Senate Bill 1794. On that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 100 voting 'aye', 3 voting 'no', 9 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1803. Mr. Clerk... Mr. Pierce, do you wish to move on this last Bill also? Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1803, a Bill for an Act to amend an Act concerning public utilities. Third Reading of the Bill."

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

Pierce: "Mr. Speaker, I forgot I have one more Bill. This Bill has aroused a little controversy and misunderstanding, most of it well-intentioned, but very incorrect. All this Bill does is recognize the realities in the telephone business by authorizing competitive carriers in long distance service between L. A. T. A.'s or M. S. A.'s in Illinois. The same way we have competitive long distance service into other states. Much of this service is conducted today; but

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illegally, because there's no way you can prevent - if you dial a MCI or a SPRINT or ALNET or one of the competitive carriers U. S. Tel - from the call being originated and received in Illinois. But when that is done, it is a... not an authorized call, and it's in violation of the Illinois Public Utilities Act. So Senate Bill 1803 seeks to cure that by authorizing competition in long distance service within our state. Secondly, it attempts to make more flexibility in rates. It allows AT&T Communications, or SRPINT, or any of them to meet competition by lowering rates without going through a full-blown hearing at the Illinois Commerce Commission with the suspension, 11 months suspension of rates, and so on. It allows for flexibility for carriers to meet the competition while lowering their rates. It does nothing to raise local telephone rates. AT&T does not subsidize local service in Illinois. Long-distance service in our state does not subsidize local service. It in no way hurts Illinois Bell, because Illinois Bell is not authorized to compete across L.A.T.A.'s. It voluntarily agreed through its parent not to compete across L.A.T.A.'s in the federal court antitrust decision. So Illinois Bell is a local exchange carrier serving local M.S.A.'s or L.A.T.A.'s, and AT&T is a carrier across... across M.S.A.'s and across L.A.T.A.'s for long distance service. AT&T, I understand, is willing to accept this competition from MCI, ALNET, SPRINT and the others within Illinois just as they do on long distance service outside of Illinois. What this Bill will do will allow you to call a child, a college age child, at Champaign and Carbondale from other parts of the state and get the same kind of discount long distance rates that you get if you call Indianapolis, or Milwaukee, or Boston, or New York. It recognizing the realities of long distance telephone

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service, interexchange service, which is competition. That was one of the few benefits in my opinion that came out the divestiture case of AT&T. Had I been the judge on that case, I probably would have ruled the same way. If something works, I say don't... don't bust it up, but that's what was done in that case. AT&T agreed to it, the Justice Department agreed to it, it was done in Philadelphia, Pennsylvania of the U. S. District Court, far from us here in Illinois. That's been done. Now one of the benefits that comes from that is reduced long-distance service due to competition. I'm only supporting this Bill at the request of the Illinois Commerce Commission, because I believe it will reduce costs for long distance service and not increase local costs. It's a good Bill. It's a Bill we should all support. There's been much misinformation about it. Where it comes from I'm not sure. I'm sure the people mean well, but believe me this Bill has nothing to do with increasing local telephone rates. I, therefore, urge passage of Senate Bill 1803, my last Bill."

Speaker Greiman: "The Gentleman from Lake moves for the passage of Senate Bill 1803. And on that, is there any discussion? The Gentleman from Cook, Mr. Levin."

Levin: "Would the Sponsor yield?"

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

Levin: "Dan, I just wanted to clarify a point. As the Cosponsor I understand this, but I'd like to make the record. On page ten of the Bill, the standard is set out with respect to having more than one company in the field, and that is permitted with respect to services between two or more market service areas where there's a finding that this helps competition. There's reference on that page to Section 36, and am I not correct that that reference is to the underlying language on page one, the bottom of the

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page. It deals with rate setting, and the waiving of the notice with respect to... with respect to rate setting. It's my understanding that the criteria with respect to competitive forces and with respect to covering services between two or more market service applies to the application of this waiver provision on page one. Is that correct?"

Pierce: "Yes."

Speaker Greiman: "Mr. Pierce, would you respond to the questions?"

Pierce: "Yes, I agree with the Gentleman's interpretation of the Act. It specifically provides the same standard of competition to Section 36 than it does to Section 55. And so, therefore, either in a rate change or in a certification, it is required to... the competition be considered and the competition, the increasing of competition, be the reason for granting the certificate or the right to change rates without a full-blown hearing."

Levin: "Thank you. To the Bill."

Speaker Greiman: "Proceed, Mr. Levin."

Levin: "I rise in support of Senate Bill 1903. It is very rare that Ellis Levin and the Illinois Commerce Commission are in agreement, but we are on this Bill. I think this Bill is good for the consumer. It's certainly good for the long distance consumer within the State of Illinois. And there are a lot of long distance consumers downstate in rural areas that make a lot more, proportionally speaking, long distance intrastate calls than there are people really in the City of Chicago. So it is definitely good for the people who make long distance calls in the State of Illinois, to be able to have competition. It has no adverse consequence on the local telephone companies. Companies like Illinois Bell or any of the independents.

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This Bill has no effect on them one way or the other. They are not allowed to engage in the intrastate long distance service as a result of the AT&T divestiture. They must stay within their market areas. And so this Bill has no effect on them one way or the other. The only effect is on the intrastate long distance. And what this will allow is when we have freedom of choice, and freedom of choice as we read in the newspaper is going to begin this Fall in parts of the State of Illinois where telephone subscribers are going to be able to choose what long distance company they want. This will allow them at the same time to choose the same or different long distance company for intrastate long distance that they choose for interstate long distance. Without this legislation we could end up with a situation where you choose MCI or SPRINT for calls outside of the state and do not have a choice, do not have competition within the state. Again, I think this is a good concept. It really is a concept that I think is one of free enterprise, of competition. It's one that's going to bring the rates down. It's one that's not going to hurt anybody. And I know there's been some confusion about... in the past on this. I think we've been able to clarify a lot of this, and I urge support for Senate Bill 1803."

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

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

Speaker Greiman: "Indicates that he will."

Ropp: "Representative, I know this is your last Bill again, but I also know that you stated that local calls the cost would not go up. However, as I understand it, many telephone companies that are in business in the State of Illinois have historically used long distance telephone calling charges to in part subsidize local telephone communication

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within areas in which they operate. I'm asking you in good faith, are you confident that if this Bill passes, local telephone calls will not directly increase in the same proportion that we will be saving on long distance calls?"

Speaker Greiman: "Mr. Pierce."

Pierce: "Representative Ropp, that is an important question to answer. And my answer is this, local telephone companies, Bell Companies, are prohibited from providing long distance service outside of their service area. They can provide long distance service within the service area such as from Springfield to Decatur would be a good example. That's one service area. Illinois Bell, not AT&T provides that service. Or from Waukegan say to Chicago Heights, in the Chicago area, Illinois Bell provides that service, not AT&T. It is not the purpose of this Bill to in anyway deprive the local telephone companies, whether it be General Telephone or Illinois Bell, of revenue within their M.S.A or with the L.A.T.A in which they serve. It is the purpose of this Bill to authorize competitive carriers across L.A.T.A's or M.S.A's where only AT&T serves. And AT&T does not subsidize local telephone service. So it is the purpose of the Bill not in anyway to cost local telephone companies their revenues. They'll get their dollars through the carrier access charges. And to the extent that long distance service increases, their local access revenue will increase. Because of this, the Illinois Telephone Association made up of the independent telephone companies through its executor, Executive Officer Jack Tharp, it's executive director, has endorsed Senate Bill 1803. They studied it carefully. They studied it for several months, and about two weeks ago Jack Tharp informed me that the meeting of the Illinois Telephone Association made up of the smaller local telephone companies throughout

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our state. They endorsed Senate Bill 1803. They're confident it will not cost them a loss of revenue. But, in fact, will increase their revenue through the increased access charges for long distance service."

Ropp: "Okay, thank you. I can support it with that understanding. However, there are times that we think we vote for Bills with good intention. When it finally comes out, we find out we have hurt the consumer rather than hopefully helped them. And I hope this Bill will hopefully help them."

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

Hastert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Certainly 1803 is a Bill that's been knocked around this General Assembly for a while. It also had a predecessor who's called 1395. That was defeated in this House about two weeks ago, three weeks ago, somewhere in that range of time. Ladies and Gentlemen, I think we should have your attention, because I think this is probably one of the most important Bills that we may consider here today. It also might be one of the most important Bills that we consider in the General Assembly this year. Now we have just been guaranteed or talked to by the Gentleman on the other side, and I-incidentally a Gentleman I have a great deal of respect for-and I wish he would have stopped at his last Bill, one Bill ago. But he decided not to do that. But he had said that there were no costs to local phone rates or no increase to the local phone users. Now, that is very debatable. It's very controversial, and nobody absolutely knows the answer. Now, I think, most of you people here have probably been lobbied on this Bill. There's a lot of people who want this Bill. The Chairman of the Commerce Commission wants this Bill. SPRINT wants this Bill. MCI wants this Bill.

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AT&T wants this Bill. And there's one reason that those companies want the Bill, because there's profit to be made. There's profit to be made by people who use telephones, and long distance rates. And I'll guarantee, I'll go along with the Gentleman from Lake County, that's true. Long-distance rates in some areas will go down if you vote for this Bill, but I'll lay my life on the line, my word on the line that also local rates will go up and they'll go up in preposterous proportions. Not just the 23% increases that we've seen happen in the last year since the divestiture, but we can see two hundred to three hundred percent increases in local telephone rates. Why? Well, number one thereason why, is that if you take an area, and let's take the, what we would call the Chicago M.S.A or what they call Market Service Area, and this Bill allows that market service area to be cut up into three or four different sections. Right now all that business is held, I think, by Bell Telephone. The long distance, if you make a call from Joliet to Crystal Lake, or to Oak Park to Chicago, or Kankakee to Oswego, that is all under one service. But if you cut those regions off and you allow that service and competition to come in with MSI and SPRINT and those types of companies, all of sudden you're skimming the cream off the proverbial pot. Alright, what you're doing is taking dollars of revenue that alternately... ultimately go to Bell in this case and you're giving them the other companies while the local telephone company still has their same fixed cost, the same fixed cost of wires, and switching stations, and telephone trucks and whatever else telephone companies do. What happens with that cost? That cost is spread down to the local telephone user. It's a simple system of economics. A simple principle of economics. What happens is local rates for the local

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telephone users go up. And so the Hatty Williams that lives on the near south side of Chicago that has to make a call to her doctor or her hospital or to her sister-in-law that lives out in the south side. Those people, their cost of having a telephone in their house goes up. The cost of local service goes up. I just offered an Amendment, and we're talking to the Commerce Commission people here for almost an hour and a half to two hours a few minutes... a little while ago in my seat. What they said was, 'Well, we can't agree to that Amendment, because although we don't intend to do this but we can't say that we're not going to do it or we're going to say we can't offer this service to other people.' Well what I'm saying, Ladies and Gentlemen, is that we have a situation here that certainly we will lower long distance rates to some people. But we will also increase local rates. There's no two ways about it. It's an assured thing. It will happen. Now, there's been other decisions. Other decisions in California that we might want to talk about. There's decisions in New Jersey that have just been handed down and saying that competition between L.A.T.A's is fine. But when you start to intercompetition within a L.A.T.A, then you will tend to raise rates. That's a proven thing. I tell you 37 meetings in California said basically that. This is the transcripts of that decision right here. Ladies and Gentlemen, Mr. Van Dwyne is reminding me that time is rolling on. But I want to make one point with you. That basically in this General Assembly we talk about a lot of things. But somewhere in the bowels of this Capitol Building we have to reach up and tickle... tickle the conscious of this Legislature. We can go by, and we can pass this legislation and we can make some companies make very very tidy profits. But somewhere somebody has got to

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think about the people. They got to think about the people that are paying the telephone bills. That try to... Finally have accomplished so they can afford to keep a telephone in their house. They don't make a lot of long distance calls. They're not going to be buying MCI or SPRINT or any of these things. They're going to try to keep house and home together- try to keep a telephone in their house, and somebody has to protect their rights. Nobody is on this House floor lobbying for them. Ladies and Gentlemen, I would ask for you to join with me in saying a resounding 'no' to this very bad Bill."

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

Vitek: "Thank you, Mr. Speaker. I move the previous question."

Speaker Greiman: "The Gentleman from Cook moves that the previous question be put. All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The previous question be put. Mr. Pierce, the Gentleman from Lake, to close."

Pierce: "Mr. Speaker, I sometimes have some fun on the floor here, but I'm going to be very serious right now. I would not be sponsoring this Bill if I felt this Bill in anyway leads to an increase in local telephone service. As Chairman of the Telecommunications Subcommittee of the Sunset Committee, I have studied this matter very carefully as did Representative Brummer, the Chairman of the Public Utilities Committee, and Elroy Sanguist, the Chairman of the Sunset Committee. We've come to the conclusion that we're doing here what California allows. They allow 17 carriers to compete on long distance service within California, inter-L.A.T.A service between San Diego and Los Angeles, between San Francisco and Los Angeles, between San Diego and Sacramento and so on. That's what this Bill is allowing. It's allowing the other carriers that you're

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familiar with - MCI, SPRINT, ALNET - to compete with AT&T within Illinois. We believe in competition. We know that will lower long distance rates within our states as it has interstate long distance service throughout the country, and that's what this Bill does. I'm convinced it doesn't increase the cost of local service because Illinois Bell is prohibited from engaging in a long distance service within... within the state. And to the extent that the long distance carriers are taxed and pay higher access fees, that money goes to the local telephone companies. The local telephone companies are not complaining. They're not saying the rates will go up. Illinois Telephone Association has endorsed this Bill. No one is in opposition to the Bill. And let me say this, just in case I'm wrong and Mr. Hastert is right, I insisted it... I insisted it on a sunset provision in this Bill. This Bill by its very terms expires December 31, 1985. At that time, the Sunset Committee will have its new Public Utilities Act and new Telecommunications Act, and ready for enactment here in Illinois. In fact, they should be ready in January '85. This Bill sunsets by its own terms December 31, '85. It won't become law before July or August of this year at the very earliest. So, therefore, we have less than a year and a half for this Bill to prove itself. If it doesn't, it sunsets by its own terms. And Representative Hastert will still be here next year to come up with a substitute for it that accomplishes his purpose, if he's wrong and I'm right. I won't be here next year. This is my last Bill. Please support Senate Bill 1803."

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

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minute."

Brunner: "Yes, I arise in support of this legislation. I do so after spending a good deal of time considering the issue. I have two very good friends on opposite sides of the issue, Representative Pierce and Representative Hastert. I have a good deal of respect for both of them. Unfortunately, I can't vote with both of them. After examining the issue in detail, it is my judgement that this Bill will bring beneficial competition to the long distance telephone toll charges that go between L.A.T.A's. There has been some comment made regarding the California case. That was an intra-L.A.T.A situation rather than an inter-L.A.T.A. California has inter-L.A.T.A competition currently and has had. The evidence seems to indicate that there is not the subsidy that may appear to exist between local service and long distance telephone calls within the State of Illinois. I think it is a fair proposal. And as Representative Pierce indicated, it does have a sunset provision. It will sunset in approximately a year and a half. I think it's a good proposal and ought to pass."

Speaker Greiman: "Mr. Bullock to explain his vote. One minute."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. If I had to buy a used car, I'd buy it from Dan Pierce. One of the previous speakers said he'd stake his life on a certain proposition. I don't think we want to take him up on it because Representative Brookins doesn't need any new business. The fact of the matter is the Commerce Commission needs flexibility in this regard. The fact of the matter is is Representative Pierce is absolutely right. We're providing a safeguard in this measure with a sunset provision. But the real fact of the matter is that when you talk about those local rates, Representative Hastert, you're absolutely wrong. I usually

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listen very closely in debate to people who speak, and I usually judge their credibility based on what they say. In this particular instance, I think Representative Pierce has set the record straight. I think the record will reflect that he's absolutely right. And with that in mind, I'm proud to vote 'aye', and would urge others to do likewise."

Speaker Greiman: "The Gentleman from McHenry, Mr. Klemm, one minute to explain his vote."

Klemm: "Thank you, Mr. Speaker. I'd like to suggest that every Republican vote 'no' on this Bill. I happen to be the Minority Spokesman, and we've been fighting a long time with the ICC on this. This gives the ICC unprecedented authority and power. They don't even have to find cause to be able to have hearings. They can just waive hearings, waive their rules and do anything they wish. I think the only basis, and I have a long, five page letter from the chairman who I disagree with on this Bill - I agree with the concept, but not the Bill, and it's saying that the only way that the local authority, the local telephone companies, would not be forced to raise their local rates is because of access charges. In other words, the more long distance phone calls that are made, the more money they'll get. Well, let me just suggest to you that 50... out of 55 local telephone companies in Illinois, 60 to 75 percent of the revenues come from toll calls, and that would be taken away from them. Where else do they have to go but to raise their local phone rates? So if you're in downstate or if you're in suburbia where you want toll call consistency, you will not have it any longer because they're going to take the profitable traffic say from Springfield - Chicago and leave the rest of the traffic to the locals and the locals won't have that money. This is one of the most expensive serious Bills here on the floor

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today, and I'm serious. Now, it's my own Governor, my own ICC I'm sure, but I'm opposed to this and I think you should too. It's wrong. It's deceptive, and I think we should all vote 'no'. And I urge everybody on this side who doesn't want to continue the divestiture increase in your, phone consumers, to vote 'no'."

Speaker Greiman: "The Gentleman from Cook, Mr. Keane. One minute to explain his vote."

Keane: "Thank you, Mr. Speaker. I had my light on during the debate. I was hoping to be able to answer or ask a few questions of the Sponsor. If he explains his vote, maybe he can do so. One, again is just simple yes or no, will this increase the cost of having a phone... placing a phone in someone's house? Never mind the number of calls, will the monthly rate stay the same or will this drive it up? Second, through the number of access, does the local phone company, if there are, in fact, more long distance calls made because of this new competition, does that in anyway benefit the local phone company? Those are my only questions. Thank you."

Speaker Greiman: "Mr. McNamara, one minute to explain his vote."

McNamara: "Thank you very much. It is very surprising to hear the argument that the free enterprise system will not work. That competition is not good. This allows for competition among rate setters. The people that are going to make the profit, and profit is not a bad word, but is dependent upon competition. That's the essence of the free enterprise system. I think it's a very good Bill, and we should all support it."

Speaker Greiman: "Mr. Pierce, the Gentleman from Lake, one minute to explain your vote."

Pierce: "To explain my vote. This Bill will not in anyway increase the cost of installing telephones, which I believe

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was Mr. Keane's first question. He wanted a yes or a no. That's pretty good for a lawyer. I'll say no. And secondly, to the extent that there is additional long distance calls, the access charge will come back to local telephone service, and that's why the Illinois Telephone Association, the local carriers, are in support, officially in support of the Bill. So believe me this Bill will make it less expensive to own and operate a telephone. If I didn't feel that sincerely, I wouldn't support it. And as much respect as I have for both Mr. Klemm and Mr. Hastert, I do have respect for both of them, I think they're wrong and very wrong on this particular issue."

Speaker Greiman: "The Lady from DuPage, Ms. Karpiel, to explain her vote. One minute."

Karpiel: "Well, I just think that it's really ironic that last year we fought here for a Citizens Utility Board so that the public... the public would have somebody to represent them before the Commerce Commission. And here we are giving them unprecedented power where they will not have to have hearings, where they will be able to set their rates at will. And I don't know why we went through all that rigmarole last year... this year giving them more power."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 79 voting 'aye', 34 voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page nine of your Calendar, Consideration Postponed, appears Senate Bill 1382. Mr. Clerk."

Clerk Leone: "Senate Bill 1382, a Bill for an Act to regulate the transportation by rail of hazardous nuclear materials in Illinois. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Bureau, Mr. Mautino."

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Mautino: "Thank you very much, Mr. Speaker. On Consideration Postponed is 1382, and I would appreciate the House examining completely what is embodied in 1382, which is now on Third Reading and final passage stage. The Bill is designed to protect the citizens of the State of Illinois as it pertains to the 200 tons of spent nuclear fuel that will be transported through the cities of Monmouth, Princeton, Galesburg, Mendota and Aurora on its way to the GE plant in Morris, Illinois. The permitting provisions that raise the concerns of individuals last week are no different than what we authorized for an individual who would drive a vehicle upon our highway. After that individual is licensed or in this case a permit, then they can move forward on our highways. I think no less should be provided for the transportation system by rail of 200 tons of spent nuclear fuel that will be resting in the State of Illinois. The provisions for that examination are the railbed, the tracks, the method by which they will be transferred or transported within this state. There is no intention of this legislation to abate any existing contract between General Electric and the power companies that are submitting the spent nuclear fuel. In my estimation, there is no constitutionality question which would be determined on this piece of legislation as an unconstitutional proposal. I think it is constitutional, because we are using the same provisions that are embodied in federal law under existing statutes as they pertain to the Atomic Waste Act, the Nuclear Regulatory Commission and the Hazardous Waste Materials Act of the State of Illinois. I believe everyone knows exactly what's in this legislation. The questions that were raised, I believe, were responded to to both Senator Vinson as well as... excuse me Representative Vinson and Representative

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Cullerton on the materials that would be covered in accordance with our statute. That works in consort not in opposition to the federal law. And the one question that was raised that I couldn't answer at the time I'd be happy to respond to now. As it pertains to who pays for the permit, the carrier, shipper involved in this case only 200 tons would be approximately \$120,000; whereby, no funds would come from the general revenue... but be provided by the individuals as they do now under other permit provisions as they pertain to the trucking industry and general common carriers. And I move for the passage of Senate Bill 1382."

Speaker Greiman: "The Gentleman from Burearu has moved for the passage of Senate Bill 1382. Is there any discussion? The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. I want to very briefly refer to the United States Appellate Court decision which held previous legislation that this Assembly enacted unconstitutional. It says that a previous decision by the Supreme Court compels the conclusion that the Nuclear Regulatory Act equally preempts state regulation of the storage and shipment for storage interstate and intrastate alike of spent nuclear fuel. That is a very clear decision. Now, I would refer the Assembly to this Act which says that this... the transportation of spent nuclear fuel should be controlled by state regulation. Very, very clearly this Act is blatantly and patently on its face unconstitutional. Now, if it were simply a matter of voting for something that was unconstitutional and then increasing the Attorney General's appropriation by two or 300 thousand dollars, maybe a million, I don't know what it would be to hire the lawyers to fight that matter out in the federal court

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system, that would be one thing. But what this Act does is far worse than simply involve us in doing something unconstitutional. What this Act involves us in doing is to say that it doesn't matter that the State of Illinois is the largest generator of spent nuclear fuel. That the State of Illinois is the largest nuclear electric power state in the country. And that much of our standard of life, that many of our jobs and that much of our manufacturing capacity depends on nuclear power. This Act requires us to stick our head in the sand and ignore the fact that we depend on nuclear power in Illinois. And beyond that it does one more thing. This Act requires us to say to the transportation industry, to teamsters and railroad labor alike, that we don't care about the jobs that you have. That we're going to impose burdensome and unconstitutional requirements on you, that deprive you of a chance to carry a product to a safe storage area. That's silly. And it requires us to go the step further of saying that it's better to store this spent nuclear fuel in places like Braidwood and Zion and Byron than in a safe storage facility like Morris. That's a silly posture for the Legislature to be in. And the Legislature ought to reject that posture, not because the Bill is unconstitutional, though it clearly is, but because the Bill is bad even if it were constitutional. It's wrong. It imposes on the teamsters and railroad labor, and we ought to reject it. I urge a 'no' vote on 1382, and should it appear to get the requisite number of votes, request a verification."

Speaker Greiman: "Further discussion? There being none, the Gentleman from Bureau, Mr.... Yes, Mr. Christensen, the Gentleman from Grundy."

Christensen: "Thank you, Mr. Speaker, Members of the House. I'm amazed at the speech that the friendly Representative on

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the other side just made. First of all, it's quite clear that the intent of this legislation is designed to protect the people of the State of Illinois to make sure that every railbed or road that this material is transported over is safe. It's just too bad that this spent fuel doesn't have to travel through every town in the State of Illinois. They'd be a little more concerned if it was going through their town. And he brought out the fact that we're one of the largest producers of electricity, and we certainly are. But that dump is going to be filled with all out of state wasted fuel, not from Illinois. And if we continue to allow this, we'll have no place to store our own. So all we're asking you is to protect the people of the State of Illinois. Let's make sure that the routes are safe, and that the dump does not get full of out-of-state waste. I think everybody ought to vote green on this."

Speaker Greiman: "The Gentleman from Bureau, Mr. Mautino, to close."

Mautino: "Thank you, Mr. Speaker. I would like to address my closing remarks to the constitutionality question, so eloquently presented by Representative Vinson. I would like to point out that in the Pacific Gas and Electric Company versus State Energy Resource Conservation Development Commission of California, it was provided that regulation by state agency for the public health and safety of its citizens is not unconstitutional. The federal Atomic Energy Act does not regulate all aspects of transportation of radioactive materials. The recent federal enactment effecting the Atomic Energy Act and Nuclear Waste Policy Act of 1982, Public Law 97-425, January 7 of '83. The Congress specifically Stated that nothing in the Act shall be construed to effect federal, state or local laws pertaining to the transportation of

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spent nuclear fuel or high-level radioactive waste. Basically, I think that we offer to the citizens of the State of Illinois this legislation that would mandate that individuals would be knowledgeable as it pertains to a disaster occurring, a train tipping over. But most importantly, the public health and safety aspect of having those rails and that system of bringing that nuclear waste into the state at least examined on a six month basis and make sure that the permit provision were adhered to for the safety of that transport of nuclear waste. And I ask for an 'aye' vote on Senate Bill 1392."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill... Yes, Mr. Mautino."

Mautino: "Would you please poll the absentees?"

Speaker Greiman: "Mr. Clerk, poll the absentees."

Clerk Leone: "Poll of the Absentees. Brookins. Capparelli. Currie. DiPrima. Giglio. Huff. Nash. Richmond. Ronan. Terzich, and Wolf. No further."

Speaker Greiman: "Mr. Wolf 'aye'. Mr. Richmond 'aye'. On this Bill, there are 57 voting 'aye', 49 voting 'no', 3 voting 'present'. Mr. McNamara... Mr. McNamara votes 'aye', Sir. 58 voting 'aye', 49 voting 'no', 3 voting 'present'. This Bill, having received a Constitutional... Ms. Barnes. Ms. Barnes."

Barnes: "I would like to change my vote from 'no' to 'aye', please."

Speaker Greiman: "Ms. Barnes votes 'no' to 'aye'. On this Bill, there are 59 voting 'aye', 49 voting 'no', 3 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby... Mr. Brummer."

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Brummer: "Yes, how am I recorded?"

Speaker Greiman: "Mr. Brummer is recorded as voting 'aye'."

Brummer: "Thank you."

Speaker Greiman: "On this Bill, there are 59 voting 'aye'... 47 voting 'no', 3 voting 'present'. And this Bill, having failed to receive the Constitutional Majority, fails. On the Order of House Bills... Senate Bills Third Reading appears Senate Bill 1841. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1841, a Bill for an Act to amend an Act in relationship to parole. Third Reading of the Bill."

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

Keane: "Thank you, Mr. Speaker. Senate Bill 1841 amends the unified Code of Corrections to do a number of things. First, it would single out a class of correction inmates consisting of persons sentenced for murder and persons sentenced for any crime with a minimum prison term of 20 years or more who were sentenced prior to 1978. For that class of persons, the Bill requires a parole decision to be made by a majority vote of the entire Board. I have discussed this with the Prison Review Board, and they feel that they don't have any problems with it. They, in fact, feel that they do that presently. The Bill authorizes crime victims to submit in writing or in person any relevant information for consideration by the Board and to be notified of parole hearings. The Prison Review Board had some problems with the notification of parole hearings and for a matter of record, I would like to state that they are under no... They should just take all... do all reasonable things... all reasonable efforts to identify and to notify people whose addresses and locations they have. If they have no idea of where the victim is, then just do their best to notify them if they can't find them, so be it. Third, the Board would be required to maintain a

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registry of decisions in cases where parole has been granted, and the registry should include the basis for the decision of the Board to grant parole and the recorded vote of the Board on any such decisions. There were three Amendments adopted in the House. Amendment #2 prohibited a sentence of supervision for persons convicted of operating a school bus without meeting the driver's license requirements or speeding in a school zone. The third Amendment imposed the higher sentence on a defendant convicted of felony. It doesn't impose it. It says the Judge has the ability to impose a higher sentence on a defendant convicted of a felony committed while on bond or probation from a previous felony conviction. Amendment #5 changed the present law so that a period of conditional research can continue longer than five years when the State's Attorney petitions for such an extension. The trial court is required to hold a hearing to make a finding that additional treatment is in the defendant's interest. I'd be happy to answer any question, and would ask for a favorable Roll Call."

Speaker Greiman: "The Gentleman from Cook moves for the passage of Senate Bill 1841. Is there any discussion? The Gentleman from Macon, Mr. Dunn."

Dunn, J.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. There is in Amendment #5 on this Bill, if I recall correctly, which it provides that upon a petition a conditional release can be extended. Presently, the law is five years. Conditional release can be extended for an additional five years. That means that someone who is subject to these provisions can be subjected to them for a period of ten years. And I don't see anything in here which modifies that to tie it to the basis for confinement in the first place. The present law indicates that in no

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event shall conditional release be longer than five years. And I'm sure there was consideration and thought and input into that provision. And we're coming along now and changing that and saying that... that we can just if we decided it's a good idea, extend things for five years. And I think we ought to not be doing this without proper hearings and proper consideration and proper input. This is something that's a fundamental change which ought to be the subject matter of a separate Bill, and ought to be considered after only very careful thought, not tacked onto this Bill by Amendment at the eleventh hour. Because it, in effect, doubles the period of time during which someone can be subject to confinement and conditional release and the terms that go along with that against their will doubles that period of time. So, I would urge the Membership to take a very serious look at this Bill and consider withholding vote until this Amendment is taken off the Bill. The rest of the Bill may be alright."

Speaker Greiman: "The Gentleman from DuPage, Mr. McCracken."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of the Bill and the Amendment in particular. Conditional discharge is a form of parole which is granted to those persons who have been sentenced under the post 1977 law, the Determinant Sentencing Law. What you have is an anomaly here. You have a person who can be sentenced to as much as forty years and under aggravated conditions even to natural life or eighty years, sixty years for murder, but who serves a mere five years parole when he gets released. Now we took a great step forward in 1977 when we enacted Determinate Sentencing. However, one area in particular which we neglected to adequately provide for was that post-release period of conditional discharge. My good friend Representative Cullerton is smiling in agreement

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here. So the conditional discharge is an area that was inadequately provided for originally. The Bill is good because it tightens up parole procedures for pre 1977 inmates. The conditional discharge extension is good and well warranted. I recommend an 'aye' vote."

Speaker Greiman: "Further discussion? There being none, the question is... The Gentleman from Fulton, Mr. Homer."

Homer: "Thank you, Mr. Speaker and Ladies and Gentlemen. Representative Dunn questioned the wisdom of Amendment #5, which is an Amendment that I offered to the Bill at the request of the Illinois Medical Society and those who are charged with the responsibility for administering psychiatric care to individuals who have been found not guilty by reason of insanity. Let me just make these very brief points in support of that Amendment. Number one, it pertains to only those individuals who have been found not guilty by reason of insanity. That's the only reason that these individuals have been found not guilty. Not because they didn't commit the violent offense, but because of their mental condition or mental defect they were unable to appreciate the criminality of their conduct or to conform their conduct to law. Now under current law, when those individuals are conditionally released from a mental hospital or where a Judge determines that they are not in need of inpatient treatment, then the Judge places that individual on an outpatient basis on a thing called conditional release. And under existing law, the maximum limit of conditional release is five years. Now, the Amendment just simply says that upon petition by the clinic or petition by the State's Attorney, that an additional five years of outpatient treatment can be ordered by extending conditional release. We're not talking about keeping anyone institutionalized one extra day. We're not

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talking about keeping anyone in jail one extra day. We're talking about outpatient care for the benefit of that individual. Where that individual can be monitored, and where the medication prescribed can be monitored. Certainly, it's not an undo restriction on this individual. And it certainly is designed to protect society. So, I would urge your favorable consideration of the Amendment and the Bill."

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

Cullerton: "Yes, Mr. Speaker, if I could ask Representative Homer a question since he was the author of the Amendment that we've been debating."

Speaker Greiman: "Proceed."

Cullerton: "Representative Homer, I understand what you're saying with regard to the effects of this Amendment only applying to the conditional release which is designed to deal with outpatient treatment. But what if there's a violation of the conditional release, then what are the ramifications? It appears from looking on page eight of the Amendment that it's possible that after a hearing, the court could determine that the defendant has not fulfilled the conditions of release. And it would seem that... I'm not sure but this is what I'm asking - it would seem that they then could incarcerated. And this could be in the eighth year of their sentence rather than in the first five years that they now could be limited to under current law. And one of the problems really with this, this is a... I'm not saying we necessarily would be opposed to this Amendment, but I just think it's kind of a major piece of legislation that's thrown on in the last days, and it really needs a little more study. If you could answer that specific question. What about a violation of a term of conditional discharge? If we extend it for another five years or

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double it to ten years, isn't it possible that a person who, in fact, has been found not guilty could indeed be incarcerated for up to double the amount of time he could be incarcerated right now?"

Homer: "Well, I think incarceration is perhaps the wrong term."

Cullerton: "Alright. Detained against his will."

Homer: "Well, we already have in the Mental Health Code provisions for the involuntary commitment of any individual whether they've committed a crime or not if certain criteria can be shown. But I would submit to you that I... I don't know the specific answer to your question, but I would assume that... that if it could be shown that someone has violated the terms of their conditional release, that; (a) the individual could be possibly held in contempt of court, which would allow the Judge to exercise discretion as to what remedial measures may be taken, and I assume there are many many more things than any kind of institutionalization that would take place, or (b) that individual would be involuntarily committed to a mental institution, which could well happen even in the event that he were not on a conditional release and had not committed some offense for which he was acquitted by reason of insanity. So I don't really think that in all deference to Representative Cullerton that this... that this is really a real viable, potential problem under the Bill. That it's expanding any kind of judicial authority over an individual with regard to institutionalizing an individual. This is designed to help the individual. To make sure that that person maintains their medication. To monitor the progress of that individual for the welfare of that individual just as it's for the welfare of society in general."

Cullerton: "Well, I understand that goal and with regard to a situation where it is an outpatient, they do need... and

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they have an additional five years of outpatient care, that's fine. But nonetheless, the situation would still allow for a person to be detained against their will, if you will, for double the amount of time that they can now be detained. For those of you who were listening to Representative McCracken's arguments with regard to this Bill, I believe he was talking about a different issue and not about this particular Bill. I, again, have mixed emotions. The rest of the Bill is excellent. I would just say that assuming that this Bill passes, I would hope that it would not... be not concurred in, and we could go to a Conference Committee with regard to Amendment #5."

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

Terzich: "I move the previous question."

Speaker Greiman: "It appears not to be necessary. There being no further discussion, Mr. Keane, to close."

Keane: "Thank you, Mr. Speaker. The Bill was... and the Amendments were discussed for a long time when the Amendment was offered on Second Reading. I think that the Bill and the Amendments are needed, and I would ask for a favorable Roll Call."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 103 voting 'aye', none voting 'no', and 13 voting 'present'. Mr. Brummer. Mr Brummer votes 'aye'. On this Bill, there are 104 voting 'aye', none voting 'no', 13 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1845. Mr. Clerk."

Clerk Leone: "Senate Bill 1845, a Bill for an Act to amend the

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Workers' Compensation Act and the Workers' Occupational Diseases Act. Third Reading of the Bill."

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

McGann: "Thank you, Mr. Speaker, Members of the Assembly. I ask leave to take this Bill back to Second Reading for an Amendment."

Speaker Greiman: "The Gentleman from Cook, Mr. McGann, asks leave of the House to return the Bill to the Order of Second Reading for the purpose of an Amendment. Does the Gentleman have leave? The Gentleman has leave, and the Bill is on Second Reading. Mr. Clerk."

Clerk Leone: "Amendment #4, McGann - Madigan - Capparelli, amends Senate Bill 1845."

Speaker Greiman: "The Gentleman from Cook, Mr. McGann, on Amendment #4."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. This Amendment #4 - it corrects a technical error in the drafting of Amendment #3 of Senate Bill 1845 which became the Bill. It actually just deletes the reference to the Occupational Diseases Act, which has no bearing in the Bill. And I'd ask a favorable consideration."

Speaker Greiman: "The Gentleman from Cook moves to adopt... moves for the adoption of Amendment #4 to Senate Bill 1845. On that, is there any discussion? There being none, the question is, 'Shall Amendment 4 be adopted?' All those in favor signify by saying 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Greiman: "Yes, Mr. McGann."

McGann: "Thank you, Mr. Speaker, Members of the Assembly. I'd ask leave to have this Bill restored to Third Reading..."

Speaker Greiman: "Well, I was about to move it to Third Reading,

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Mr. McGann. Alright. Third Reading. Now, Mr. McGann."

McGann: "I'm Sorry, Mr. Speaker. Thank you, and I'd like to have leave to have it heard today."

Speaker Greiman: "Mr. McGann moves that Rule 37(c) be suspended in order for immediate consideration of the Bill. Does the Gentleman have leave? The Gentleman has leave. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1845, a Bill for an Act amending the Workers' Compensation Act and the Workers' Occupational Diseases Act. Third Reading of the Bill."

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

McGann: "Thank you, Mr. Speaker and Members of the Assembly. Senate Bill 1845 which became the Bill with Amendment #3 in relation to the Workman's Compensation for the Chicago Firemen. And it states here that they will be eligible in their problems under Workman's Compensation for burns only. We had a discussion on this when the Amendment was placed. This is an agreed Bill from both sides of the House, and I would, unless there are any questions, I would ask a favorable vote."

Speaker Greiman: "The Gentleman moves for the passage of Senate Bill 1845. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Mr. Terzich to explain his vote."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, even though this is a basic agreement, and it does cover me since I'm a Chicago firefighter. This only covers burns Representative McGann, and I understand that the downstate fire system is covered for other than burns such as for maiming for broken arms and limbs and loss of limbs. And even though this is just a short exception under the

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workman's comp since the Chicago firefighters are not participating in it, I'm going to support it, even though it's a conflict of interest. And I think it's just a small step, and they should be covered the same as any other employee under workman's comp."

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton, to explain his vote."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. Just to explain my vote. I understand that the Mandates Act has been exempt with regard to this Bill, but it will result in a very minor cost. It may even be less than the amount in which the Mandates Act applies, and there is an agreement with the City of Chicago with regard to the legislation."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Madigan 'aye'. On this Bill, there are 109 voting 'aye', none voting 'no', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1950. Out of the record. On the Order of Senate Bills Third Reading appears Senate Bill 1853. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1853, a Bill for an Act to amend the Illinois Highway Code. Third Reading of the Bill."

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

McGann: "Thank you, Mr. Speaker and Members of the Assembly. Senate Bill 1853 is enabling legislation which allows the Illinois Department of Transportation to enter into agreements with private companies, mainly public utilities, for the utilization of interstate highway right-of-way. A number of communication companies, including Illinois Bell and AT & T, plan to tie major cities in the state together

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with 'fiber optic' cable - the latest in communication technology. For this right to bury this cable under ground along I-55 and other interstates, these companies would pay the state the same amount that would be paid to private property owners. This is approximately between 7,000 and 10,000 dollars per mile. This Bill sets up standards and allows the negotiations to get started. The Bill is supported by the Illinois Department of Transportation and the affected utilities. The Bill had over 50 Sponsors in the Senate, and I know of no opposition. And I would appreciate a favorable vote on this very important piece of legislation."

Speaker Greiman: "The Gentleman from Cook has moved for passage of Senate Bill 1853. On that, is there any discussion? There being none, the question is, 'Shall this Bill...' The Gentleman from Livingston, Mr. Ewing."

Ewing: "Mr. Speaker, is my light working up there?"

Speaker Greiman: "If you do it quickly it does."

Ewing: "Yes, thank you. As a hyphenated Cosponsor on this side of the aisle on this Bill, I would like to reiterate what Representative McGann has said and ask for a positive vote on this Bill. Thank you."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 118 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1855, Ms. Nelson. Is Ms. Nelson in the chamber? Alright. Out of the record. Alright. Ms. Nelson has returned to the chamber. Mr. Clerk, on the Order of Senate Bills Third Reading appears

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Senate Bill 1855, read the Bill."

Clerk Leone: "Senate Bill 1855, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

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

Nelson: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Excuse me. I'm sorry I was off the floor. Senate Bill 1855 is very similar to my Bill 2830, which passed this House about a month ago on a vote of 111 to nothing. Excuse me. Senate Bill 1855 is Senator Berman's Bill that seeks to add provisions to our School Code to ensure that parents of children who are to be... who are going to be a... judged eligible for special ed services do have an opportunity for an independent evaluation. Basically, following a multi-disciplinary conference concerning the child's placement in a special ed program, the parents must be given a copy of all placement options considered by the staff. The parents must also be advised under Senate Bill 1855 that they may obtain an independent evaluation at public expense if they disagree with the placement. There is to be developed by the State Board of Education a list of these evaluators and made available to the parents by the local school districts. I'd be glad to answer any questions that you have on this Bill. Thank you."

Speaker Greiman: "The Lady from DuPage moves for the passage of Senate Bill 1855. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 117 voting 'aye', none voting 'no', none voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared... Yes. Mr.

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Winchester votes 'aye', so that we have 118 voting 'aye', none voting 'present'... and none voting... none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading appears Senate Bill 1857. Out of the record. No, I'm sorry. Right. Okay. I'm sorry. 1857. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1857, a Bill for an Act relating to civic centers. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Rock Island, Mr. DeJaegher."

DeJaegher: "Thank you, Mr. Speaker and Members of the General Assembly. 1857 is a very simplified Bill. All it does is create Illinois Civic Center Authority, and that's all it does. It just creates the Authority for Rock Island and Pekin area. This particular Bill has widespread support. In fact, the three mayors of the largest areas in that particular area are totally supportive of this particular Bill. The Chamber of Commerce is supportive of this Bill. The community leaders are supportive of this Bill. And it's very seldom that you can get three elected officials, all from what you might say opposite parties, agreeing on this substance of the Bill. The Mayor of Rock Island, who runs in a nonpartisan election, is supportive of this Bill. The Mayor of Moline, who is a Republican, is supportive of this Bill. The Mayor of East Moline, who is a Democrat, is supportive of this Bill. It's a Bill that we feel that we need. Rock Island County is recognized as a farm capital of the world. Hopefully with your positive vote on this particular measure, we can establish the Civic Authority we so direly need in that particular area. And also, you might also remember that in the City of East Moline, we have Quad City Downs which contributes heavily to the creation of civic centers throughout the State of Illinois,

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and hopefully you will give us an affirmative vote on this particular Bill."

Speaker Greiman: "The Gentleman from Rock Island moves for the passage of Senate Bill 1857. On that, is there any discussion? The Gentleman from Cook, Mr. Piel."

Piel: "Thank you, Mr. Speaker. Will the Gentleman yield to a question?"

Speaker Greiman: "Indicates that he will."

Piel: "Representative, could you do me a favor and explain what Amendments #1 and #2... what the effect of those two Amendments are, please?"

Speaker Greiman: "Amendment #1, all that does is to give the Mayor of East Moline another voting member. In the Bill's originality, that... that was only one. Now that's been raised to two so that they can conform with the City of East Moline, the City of Moline and the City of Rock Island."

Piel: "Could... before you go to Amendment #2. Does Amendment #1 have anything to do with Rosemont? Our analysis shows that it puts Rosemont Horizon in the position that it's eligible for state funds. You're talking about East Moline and Rosemont. There is a difference in mileage there, and I'm just wondering if you've got the right Amendment or I've got the right one."

DeJaegher: "It's similar to 1612 when it was in the House."

Piel: "That wasn't my question. My question was to explain Amendment #1. My analysis says one thing and you've explained something else. And I want to know does this deal with Rosemont Horizon or does it deal with East Moline?"

DeJaegher: "Oh, I'm sorry. I explained Senate Amendment #1, didn't I? And you wanted House Amendment #1."

Piel: "That's correct."

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DeJaegher: "Senate... Senate Amendment #1... House Amendment #1 adds amendatory language to Civic Center Act to provide that the state, through the Department of Commerce and Community Affairs which administers the Act, may make financial... may make financial assistance available to the Village Board of Trustees to the Village of Rosemont for the purpose of rehabilitating the Rosemont Horizon. Okay. And what Amendment #3 does, it changes the facility from the Rosemont Horizon to the O'Hare Exposition Center."

Piel: "Okay. Let's... Putting those two together... So basically we're talking about the O'Hare Expo Center. What we're talking about now is, we're making them eligible for state funds. In other words, they will no longer be a private entity or they will be a private entity receiving state funds?"

DeJaegher: "The... The entity is the same. We're basically changing the name. And again, of course, they'll be eligible for state funding."

Piel: "Okay. If it's... the entity is the same, then basically what you're saying is that this will be a private entity eligible for state funds?"

DeJaegher: "There's... There's no assurance that state funding would be provided to them. They would have to apply as others do."

Piel: "That wasn't my question. I don't care if there's any assurances yes or no. But the question that I have is, would this make a private entity eligible for state funds?"

DeJaegher: "I presume I'd have to say 'yes' to that particular question."

Piel: "So you're saying 'yes' that it would make a private entity eligible for state funds. Okay. Could you..."

DeJaegher: "This one, and this one only. Yes."

Piel: "Okay. You know, that was Amendment #1 and 3. What's

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Amendment #2 do?"

DeJaegher: "Amendment 2 is no longer on the Bill, is it? Wasn't that taken off just the other day?"

Piel: "It's you're Bill. I'm asking you the question. I mean according to my analysis..."

DeJaegher: "It is off. It is off. Amendment #2 was taken off. That was Amendment #2 that was offered by Capparelli, and that one was taken off."

Piel: "No, it was offered by Terzich."

DeJaegher: "Was it Terzich? I thought it was Capparelli. I'm sorry. But that was taken off."

Piel: "They all look the same? Okay. Thank you very much."

Speaker Greiman: "The Gentleman from Peoria, Mr. Tuerk. Mr. Tuerk. Further discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 70 voting 'aye', 42 voting 'no', 2 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Second Reading... Third Reading appears Senate Bill 1859. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1859, a Bill for an Act to amend the Illinois Municipal Code and the Intergovernmental Cooperation Act. Third Reading of the Bill."

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

O'Connell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. May I ask leave to bring the 1859 back to Second Reading for purposes of Amendments?"

Speaker Greiman: "Gentleman asks leave to return the Bill to the Order of Second Reading for the purpose of Amendments. Gentleman have leave? The Gentleman has leave, and the

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Bill is on Second Reading. Mr. Clerk."

Clerk Leone: "Floor Amendment #1, Cullerton, amends Senate Bill 1859."

Speaker Greiman: "Gentleman from Cook, Mr. Cullerton, on Amendment #1."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is an Amendment which is agreed to by the Sponsors of the Bill which is designed to... The Bill deals with the concept of take or pay. This is designed to make sure that it only applies to that particular concept of take or pay and basically maintains the status quo with respect to other municipality powers. I would move for the adoption of the Amendment."

Speaker Greiman: "Gentleman from Cook, Mr. Cullerton, moves for the adoption of Amendment 1 to Senate Bill 1859. On that, is there any discussion? The Gentleman from Cook, Mr. O'Connell."

O'Connell: "Sponsor?"

Cullerton: "Yes."

O'Connell: "Representative, in regards to your Amendment, there are a number of things that a municipality or a water commission can contract for in the sale of water. Can you respond to the question as to whether or not your particular Amendment is directed specifically at the take or pay provision and does not preclude or require that the water commission or municipality enumerate each and every... have enumerated by the State Legislature each and every provision that a water supply contract may be authorized?"

Cullerton: "No, the Amendment is designed merely to address the issue of take or pay, and it's not designed to in any way restrict the powers that the municipality may have now with regard to contracting for water."

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O'Connell: "Thank you."

Speaker Greiman: "Further discussion? The Lady from Cook, Ms. Braun."

Braun: "Thank you. To the Speaker... To the Sponsor of the Amendment. Representative, does this Amendment impair in any way any contracts existing or under consideration between the affected communities in the City of Chicago?"

Speaker Greiman: "Mr. Cullerton is the Sponsor of the Amendment, Ms. Braun."

Cullerton: "Oh, no, of course not. It wouldn't do that."

Braun: "Oh, alright. Okay. Thank you."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall Amendment #1 be adopted?' All... Yes, Mr. McNamara, for what purpose do you seek recognition?"

McNamara: "A question of the Sponsor."

Speaker Greiman: "Proceed, Sir."

McNamara: "I don't think I totally understood your answer when it came to municipalities. The municipality, we'll say, is generating or is a person that contracts the water supply out. In other words, it is the prime contractor on it, on the water, supplying it to other areas. Does this affect the prime contractor when it is a municipality? And they are selling to other municipalities? I thought I understood your answer saying that..."

Cullerton: "The Bill gives... The Bill deals with the concept of take or pay, and... and giving expansive... with the use of expansive language with regard to the Amendme... to the Bill. I only meant to limit that expansive language with regard to the issue of take or pay. And it does not impair any existing contracts."

McNamara: "I only bring it up on future contracts. Now, does it impair future contracts between municipalities?"

Cullerton: "No, the Bill gives the municipality more authority,

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and all the Amendment does it to merely limit that authority as it was originally drafted in the Bill."

McNamara: "Thank you."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall Amendment #1 be adopted?' All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendment?"

Clerk Leone: "Floor Amendment #2, Hoffman, amends Senate Bill 1859 on page..."

Speaker Greiman: "Gentleman from DuPage, Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 makes structural changes in the DuPage Water Commission, provides for an 11 member Board, gives them the authority to issue revenue bonds and to issue general obligation bonds by referendum. And all contracts, debts, obligations incurred by the currently constituted Commission remains in effect. I move for the adoption of Amendment #2 to Senate Bill 1859."

Speaker Greiman: "Gentleman from DuPage, Mr. Hoffman, has moved for the adoption of Amendment #2 to Senate Bill 1859. And on that, is there any discussion? The Lady from Cook, Ms. Braun."

Braun: "Thank you. To the Sponsor, and this is the real question on this Amendment and not Amendment #1 and that is, does this Amendment impair any contracts existing or under consideration between the affected communities and the City of Chicago?"

Hoffman: "No."

Braun: "Thank you."

Speaker Greiman: "Further discussion? The Gentleman from DuPage, Mr. Barger."

Barger: "Thank you, Mr. Speaker. I don't often address the

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Legislature, because almost invariably there is someone to protect the interested parties. In this particular case, we have a Water Commission that has been made up of the mayors of DuPage County and the County Board of DuPage County has been a member of that. This is purely, in my opinion, a turf issue and a power grab on the part of the County Board. The municipalities, the mayors of those municipalities and the present Water Commission have been doing a very fine job for a good number of years, and they have come up with a system that works quite well and that is the previous Amendment. This one gives the control of the Water Commission to the DuPage County Board and requires the municipalities to take a secondary position, all of the municipalities. Now, the municipalities own most of the water allotments. So, the County Board will have no water allotments other than a small one they have of their own. And if the municipalities decide not to transport their water through the county pipes, the county will be stuck with a group of pipes that can't be used. The mayors asked that the Board... that the Bill, as in Amendment #1, be passed without Amendment #2. Other than that, they asked that we not pass either of them and give them an opportunity to carry on the proper discussions on the local level with the County Board and the city and the Legislators from DuPage County, but it seems that we have a requirement that this must be passed today. I just received my copy of this Amendment about 15 minutes ago, and I object very strongly to the way this is being handled. I think that this Amendment is not in the best interest of the people of the community, and I would suggest that we vote this Amendment down. Thank you."

Speaker Greiman: "The Lady from DuPage, Ms. Karpiel. Repres...
Excuse me. Representative Matijevich in the Chair."

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Karpiel: "Yes, will the Sponsor yield, please?"

Speaker Matijevich: "I promise to do better. Yes, she'll yield."

Karpiel: "He."

Speaker Matijevich: "He... See, I didn't know where I was at."

Karpiel: "Thank you."

Speaker Matijevich: "He'll yield."

Karpiel: "Yes, Representative, I didn't think to ask you this before when we were meeting. But what happens... Under this Amendment, what will happen to a municipality such as Hanover Park which lies in both DuPage and Cook County and is receiving water from the Cook County northwestern municipal group that's getting water from Chicago?"

Hoffman: "They are excluded."

Karpiel: "They will be excluded completely?"

Hoffman: "They are."

Karpiel: "They are? Well, what will happen to the portion of the... that's in DuPage County? Those people will be receiving their water from Cook County?"

Hoffman: "That's correct."

Karpiel: "They will not be paying the tax..."

Hoffman: "They are excluded. They will not be taxed. They will not be taxed twice."

Karpiel: "They will not be taxed by DuPage. Thank you."

Speaker Matijevich: "Representative Hoffman, to close."

Hoffman: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I move for the adoption of Amendment #2."

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

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. Representative O'Connell."

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O'Connell: "Mr. Speaker, I would ask leave now to have the Bill considered for Third Reading."

Speaker Matijeich: "Gentleman asks leave for the immediate consideration of the Bill. Does he have leave? Leave. Clerk will read the Bill."

Clerk Leone: "Senate Bill 1859, a Bill for an Act to amend the Illinois Municipal Code and the Intergovernmental Cooperation Act. Third Reading of the Bill."

Speaker Matijeich: "Gentleman from Cook, Representative John O'Connell, on Senate Bill 1859."

O'Connell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1859 is a Bill which is sorely needed by municipalities and water commissions desirous of selling water in this state. I must stress the fact that the provision dealing with the take or pay provisions is exclusively directed towards the sale and purchase of water and the water revenue bonds pursuant thereto. Ever since the 1982 Washington State case which provided that the various entities in Washington State did not have the statutory authority to enter into a take or pay contractual relationship with users, that the status of revenue... water revenue bonds has been in a state of flux. The result has been a definite impairment on the ability of water commissions and municipalities to sell their water and to... to issue their water revenue bonds thereto. This especially affects the northwest suburban communities who are presently pending the purchase of water from the City of Evanston, as well as a number of communities in DuPage County that are presently negotiating for the purchase of water from the City of Chicago. So, there is a very, very serious and necessary need for this provision which will free up their ability to sell their water revenue... to issue their water revenue bonds, and I would ask for the

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favorable passage of this very important Bill."

Speaker Matijevich: "Representative O'Connell has moved for the passage of Senate Bill 1859. The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, Mr. Speaker, I would wonder if I could ask a question of Representative Hoffman who is the Sponsor of Amendment #2."

Speaker Matijevich: "Does the Gentleman have leave to ask a question of Representative Hoffman. Leave. Proceed."

Cullerton: "Representative Hoffman, under this legislation, is the countywide commission still under contract and obligated under the contract that they have with the City of Chicago, which was entered into by the existing DuPage County Water Commission?"

Speaker Matijevich: "Representative Hoffman."

Hoffman: "Yes."

Cullerton: "Is the DuPage countywide Commission set forth in this Bill merely a continuation of the existing DuPage County Water Commission, much like the reconstituted Chicago Board of Education back in 1980 was a continuation of the old Board?"

Hoffman: "Yes, that's correct. That's an excellent analogy in fact."

Cullerton: "And are the... And are the contracts between the existing DuPage Water Commission and the various DuPage municipalities binding on the countywide Commission and the municipalities?"

Hoffman: "Of course, because the countywide Commission is really the existing Commission with a new Board and some more territory."

Cullerton: "Fine. No further questions. Thank you."

Speaker Matijevich: "Representative Barger. Barger."

Barger: "Thank you, Mr. Speaker. Rather than waste a lot of the

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time of the Legislature by repeating my last speech, I would like for all of you to remember what I said and please vote against this."

Speaker Matijevich: "Representative O'Connell, to close."

O'Connell: "Mr. Speaker, just in closing I would ask for a favorable adoption. The Bill is necessary. It is needed. It will free up many problems, both present and in the future, that currently exist, and I'd ask for its favorable vote."

Speaker Matijevich: "The question is, 'Shall Senate Bill 1859 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. This question there are 98 'ayes', 13 'nays'. Senate Bill 1859, having received the Constitutional Majority, is hereby declared passed. One moment before we announce that last Bill. Representative Marzuki, for what purpose do you rise?"

Marzuki: "Record me as 'aye' on this, please."

Speaker Matijevich: "Marzuki 'aye'. Parliamentarian is determining if this took three-fifths vote. So, we'll be at ease for one moment. This Bill, having received the Constitutional Three-Fifths Majority, is hereby declared passed - Senate Bill 1859. Senate Bill 1864, Vinson. Clerk will read the Bill."

Clerk Leone: "Senate Bill 1864, a Bill for an Act relating to issuance and sale of general obligation bonds of the State of Illinois. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from DeWitt, Representative Vinson. Sam Vinson on Senate Bill 1864."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would ask leave to bring Senate Bill 1864 back to Second Reading for purposes of an Amendment."

Speaker Matijevich: "The Gentleman asks leave to return Senate

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Bill 1864 to Second Reading for the purpose of an Amendment. Does he have leave? The Bill is on Second Reading. Are there Amendments?"

Clerk Leone: "Amendment #3, Vinson, amends Senate Bill 1864 on page sixteen and so forth."

Speaker Matijevich: "The Gentleman from DeWitt, Representative Vinson, on Amendment #3."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. Amendment #3 to Senate Bill 1864 provides that special service areas, which are a creature of local government, authorized by the 1970 Constitution and provided for in state statute, may as a permissible purpose engage in industrial and commercial development projects. In addition it provides a method by which they can impose taxes for that purpose. The taxes are with referendum, front door referendum. It also provides that with those tax revenues or based on those tax revenues that such agencies may issue general obligation bonds. I would move for the favorable... for favorable action on Amendment #3 to Senate Bill 1864."

Speaker Matijevich: "Representative Vinson has moved for the adoption of Amendment #3. Representative Cullerton."

Cullerton: "Yes, just with respect to... a question, Representative Vinson."

Speaker Matijevich: "Proceed."

Cullerton: "Just with respect to the ability to terminate a district, does it... does your Amendment specify how the district can be terminated, who can terminate?"

Speaker Matijevich: "Representative Vinson."

Vinson: "It provides a process, as I recall. I'd forgotten that aspect of the Amendment. It provides a process for discontinuing the issuance of bonds and a referendum process for that. And if the referendum is in favor of

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that proposition, then it is discontinued."

Cullerton: "This is the voters within that particular special service area, the electors?"

Vinson: "Yes. On page four of the Amendment beginning on line 30 and going on, 'If 10% of the electors residing in the special service area petition for discontinuance of the issuing of bonds in a special service area, propositions shall be certified to... for referendum on that subject. And if a majority of the votes cast on that proposition are in favor of that, then the issuance of bonds for that special service area shall be discontinued.'"

Cullerton: "Alright. And my only question was, this allows for the voters in the area to discontinue, and I just wondered if you..."

Vinson: "The... The issuance of the bonds."

Cullerton: "Right. And I just wondered if you were planning on putting a... the ability of the property owners, the land owners within the district, have... give them the ability to discontinue the district. And I... Apparently it's silent on this subject."

Vinson: "That's correct."

Cullerton: "Fine. Thank you."

Speaker Matijevich: "Representative Diana Nelson. John O'Connell, the Gentleman from Cook. John O'Connell."

O'Connell: "Thank you, Mr. Speaker. A question of the Sponsor."

Speaker Matijevich: "Proceed."

O'Connell: "In terms of examples, Representative, if you have a municipality and in that municipality there is a business development, would this Bill permit the municipality to declare that business development area or industrial park a special service area for purposes of issuing general obligation bonds and taxing to pay the proceeds of principle and interest?"

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Vinson: "Yes, if one of two conditions were met. Number one, if all of the property owners so petitioned in that special service area or if, number two, a referendum were passed to do that."

O'Connell: "Well, if you have an industrial park where there are no voting residents, how could you establish it as a special service area?"

Vinson: "The... All of the property owners could petition to do that."

O'Connell: "Now if you do declare a special service area, can for purposes of... If I understand correctly, the Bill would allow for the purchase of machinery, expansion of buildings, et cetera."

Vinson: "That's correct."

O'Connell: "If you have, for example, ten different properties within that special service area can you have ten different purchases, ten different construction projects, or is this limited to one?"

Vinson: "You could do it either way."

O'Connell: "So each of the business owners could review their own capital development plan, for example, and decide that they indeed need to purchase another piece of machinery, or expand their docking facilities or whatever, they could participate then in the special service area?"

Vinson: "That's correct."

O'Connell: "Thank you."

Speaker Matijevich: "Representative Vinson to close."

Vinson: "I believe that this provision does create a process which will particularly facilitate industrial and commercial development, particularly in light of what's going on in Washington, and I would move for adoption of this Amendment."

Speaker Matijevich: "Representative Vinson moves for the adoption

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of Amendment #3. Those in favor say 'aye', opposed 'nay'.
Amendment #3 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. Representative Vinson."

Vinson: "Mr. Speaker, I would ask leave to consider Senate Bill
1864 on Third Reading."

Speaker Matijevich: "The Gentleman asks leave for the immediate
consideration of Senate Bill 1864. Does he have leave?
Clerk will read the Bill."

Clerk Leone: "Senate Bill 1864, a Bill for an Act relating to the
issuance and sale of general obligation bonds of the State
of Illinois. Third Reading of the Bill."

Speaker Matijevich: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
Assembly. Senate Bill 1864 creates the General Obligation
Bond Act. It amends various bond Acts to provide that
after June 30th, 1984 no additional bonds shall be sold
under those Acts but rather under the single general
obligation bond category. The Bill consolidates the
capital development, transportation, school construction,
antipollution and coal and energy development bonds into a
single type bond with proceeds from the total issue being
allocated among the various desired purposes. A separate
fund for each current type of bonds is maintained, and
there is no change in the individual bond categories. In
addition, the Bill makes the following changes to improve
the marketability of state bonds. Requires monthly
transfers of one-twelfth of the debt service payment rather
than a single transfer for the full amount just prior to
payment. Allows bonds to be sold at discount of not less
than 97% of their prior value. Clarifies that a clear
continuing appropriation exists in the event the General
Assembly fails to appropriate principle and interest

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payments. Permits the Director of BOB to reschedule a bond sale and deletes a provision limiting refunding bonds to 103% of the principle amount of bonds to be refunded. The Bureau of the Budget estimates this updated refunding provision could save the state 55 to 60 million dollars in debt service payments over the life of the bonds if the high interest rate... 1981 and '82 issues are refunded. A separate category for refunding bonds is established with an authorization of 200 million dollars. It is an administration Bill. It has been amended to segregate the transportation series B bonds, and it has been amended to facilitate industrial and commercial development by special service areas. I would move for the favorable action by the Assembly on Senate Bill 1864."

Speaker Matijevich: "Representative Vinson has moved for the passage of Senate Bill 1864. Representative James Keane."

Keane: "Would the Sponsor yield?"

Speaker Matijevich: "Proceed."

Keane: "You say that there's going to be savings of some 60 to 80 thousand, and we're going to discount the bonds though by 3%. That's going to cost us six million. Why are we discounting our bonds? I thought the state was... the state bonds were selling very well."

Vinson: "Representative, first of all, I didn't say 60 to 80 thousand. I said 55 to 60 million. The discounting provision should enable us to save money by permitting bond sales to go ahead on time rather than conceivably having to be cancelled because it becomes impossible to sell at 'par' value."

Keane: "Why don't we just reduce the interest rate or increase the interest rate?"

Vinson: "In many cases, individuals would prefer to buy a discounted bond because of the capital gains aspect rather

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than a bond with a higher interest rate."

Keane: "If we authorize a bond for 200 million and... discounted and you're coming out with six million less, are we going to be coming back for supplemental appropriations on all our bonds? Basically is this going to be... is this going to be an automatic 3% discount?"

Vinson: "No. It won't have anything to do with supplementals."

Keane: "Well, how are you going to take a capital development project that costs 200 million and sell bonds in the amount of 200 million and come out with 200 million if you discount them by 3%?"

Vinson: "Well, what we regularly do when we sell capital development bonds and other bonds in the state is to provide a cushion above the expected level of the project."

Keane: "Are you telling me that in the past we've always provided more money for the bonding money than we needed?"

Vinson: "Sure. Sure. And... And... I mean that's a normal matter of negotiation in the Appropriation Conference Committees."

Keane: "To the Bill."

Speaker Matijevich: "Proceed."

Keane: "I don't have that much of a problem with the Bill. I am very concerned that if we begin a discount of 3% this year, next year we could be 5%. The year after that we could be at 7%. The year after that we could be at 10%. This is an excellent deal for people who buy bonds. It's an excellent deal for fat cats. The problem is is that what we're doing is we are going to end up paying and funding projects, and we're throwing in at this time a 3% bonus. And I believe in the future, we're going to continue to have an increase in the bonus depending on the appetite of those who buy bonds. And for that reason, I would oppose... This is sort of the nose of the camel is now coming in the door. In a

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few years if you pass this, you're going to see a lot bigger camel coming through. Thank you."

Speaker Matijevich: "Representative Brummer, Rich Brummer."

Brummer: "The Sponsor yield? Representative Vinson, I think the... the authorization levels in here are the current authorization levels. Maybe you addressed this before, if you did, I apologize, but I didn't hear it. We have passed this year, for example, a Bill authorizing the issuance of additional capital development bonds. We've passed legislation authorizing the issuance of additional school bonds. I assume we either have or will pass legislation authorizing the issuance of additional transportation bonds. Yet I think this Bill prohibits the issuance of those bonds after June 30th, 1984. How will... How do you reconcile that?"

Vinson: "What Bond Council has indicated is that specific legislation that were to be passed by the Assembly... passed by both Houses and signed by the Governor would be in addition to the levels in this Bill."

Brummer: "Even though they would not be in accordance with the... the specific language of this Bill."

Vinson: "That's correct."

Brummer: "Okay. Thank you."

Speaker Matijevich: "Are you through? Alright. Representative Vinson to close."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. One of the substantial successes of Illinois State Government has been in controlling and marketing its bonds. Because of that, we have enjoyed a AAA bond rating. Because of that, our bond costs are not high. This Bill improves the marketability of state bonds. And because of that, it will facilitate our general fiscal objectives. In addition to that, this Bill facilitates special service

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areas in fostering economic and commercial development in the State of Illinois. I would move for the passage of Senate Bill 1864."

Speaker Matijevich: "The question is, 'Shall Senate Bill 1864 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question, there are 111 'ayes', 2 'nays', and House Bill... Senate Bill 1864, having received the Constitutional Three-Fifths Majority, is hereby declared passed. Senate Bill 1876, Vinson... Wait - Vinson... or Vinson rather. Clerk will read the Bill."

Clerk Leone: "Senate Bill 1876, a Bill for an Act to amend the Civil Administrative Code and the Illinois Pension Code. Third Reading of the Bill."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. Senate Bill 1876 amends the State Employees Article of the Pension Code and the Civil Administrative Code. It transfers to the Department of Central Management Services the authority to manage, operate and maintain certain buildings located within the Chicago Medical Center District. Specifies the power and duties of the police and security force, and provides that such officers are eligible for the alternative retirement annuity under Section 14-110 of the Pension Code. It transfers the operating responsibilities for buildings currently housing Mental Health, Rehabilitation Services, Children and Family Services and Corrections to Central Management Services. It revises that Department's police and security power slightly to coincide with the current mental health police responsibilities which the Department of Central Management

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Services will be assuming. It extends law enforcement officers pension benefits to sworn police officers employed by Central Management Services and authorizes the Department of Central Management Services to enter into 30 year leases in three specific instances: In Dixon, for a mental health facility; in Collinsville, for a Department of Transportation facility; and in Galesburg, for a Department of Corrections facility. In addition to that, the Bill has been amended in the House to provide authority for the Department of Central Management Services in purchasing computer equipment to alter their current... the current statute and comply with current practice, pardon me, to maximize the amount of competition in the computer sales to the Department. Finally, it has been amended by Representative Huff to provide for a land transfer, real estate property conveyance, in the City of Chicago. I would move for favorable action on Senate Bill 1976."

Speaker Matijevich: "Representative Vinson has moved for the passage of Senate Bill 1876. The Gentleman from Macon, Representative John Dunn."

Dunn, J.: "Thank you, Mr. Speaker. The Sponsor of the legislation detailed so much information, and there's something in this Bill for everybody, I suppose. So it's probably going to fly out of here. But the Membership ought to know that Amendment #4, which was adopted late last week, does in fact give a break that isn't heretofore existing in our state law with regard to data... electronic data processing equipment. The Sponsor did mention this. It was his Amendment, if I recall correctly. The current law provides that if the State of Illinois purchases electronic data processing equipment on one occasion and subsequently makes another purchase at more favorable terms, they must go back to the first vendor and require

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that vendor to provide the same terms and conditions. As you can quickly see, this is of great benefit to the taxpayers because the taxpayers continue to get the benefit of the lowest possible price for the equipment they are buying at taxpayer expense. The purpose of Amendment #4 is to eliminate this break to the taxpayers and provide it to those who sell electronic data processing equipment. And the rationale at the time the Amendment was adopted was that the poor electronic data processing equipment vendors are about to go out of business if they don't get this break because there are not enough of them left to sell electronic data processing equipment to the State of Illinois. And I submitted then and submit now that that's hogwash. Every time you pick up a newspaper, every time you watch television, every time you buy a magazine at the newsstand there's a computer ad in the... in the magazine. The computer companies are all at each others throats. They're trying to sell their computers right and left. The competition is fierce, and all of them will be very delighted to make a sale to the State of Illinois. And you know darn good and well that they would be willing to comply with the existing law. We don't need to give this break away. We talk about how difficult times are and how tight money is. This is... This is a give away to the computer companies. If you're for that, vote for the Bill. If you're not, withhold your vote until this Amendment is taken off."

Speaker Matijevich: "Representative Gordon Ropp."

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

Speaker Matijevich: "Proceed."

Ropp: "Is this the Bill that Representative Cullerton put a very... quick Amendment on that dealt with some church property that was not appraised?"

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Vinson: "I believe Representative Cullerton handled the Amendment for Representative Huff."

Ropp: "Could... Do you suppose Representative Cullerton could explain the appraised value of that particular piece of property which was... should have been appraised before we moved this Bill according to the House rules?"

Vinson: "I suppose that either one of them could explain it."

Ropp: "I don't care which one."

Vinson: "And I certainly prefer that they did."

Speaker Matijevich: "I don't see Representative Cullerton's light on."

Ropp: "Is Representative Cullerton in the chamber?"

Speaker Matijevich: "He's standing there smiling."

Ropp: "Would he be so kind to press his button? Well, I would certainly like to know from somebody the total amount of the appraised value of this piece of property that we're..."

Speaker Matijevich: "He'll read it in the newspaper."

Ropp: "I'd rather hear it on the House floor."

Speaker Matijevich: "Representative Cullerton is willing to answer that."

Cullerton: "Yes, I can assure you that this Amendment is not... Amendment #5 is not as bad as Amendment #4. It transfers property to a group called Manhanehyisiael. It's a church group in Representative Huff's district. And they indicated they'd have an appraisal for me today. I haven't seen it yet, so I'm not sure how much."

Ropp: "Well, I think according to the House rules this can't move..."

Cullerton: "No, no. No, no. The House rules say you can't go to Third Reading if someone objects. Here we go, 90 thousand dollars."

Ropp: "Ninety thousand is what it was appraised. And we're going

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to let them sell for 10 thousand?"

Cullerton: "It's a good deal."

Ropp: "That is a good deal. Well, I think you helped me one time on a Bill, a long time ago. I forget... It's been a long time, but..."

Speaker Matijevich: "Representative Woods Bowman."

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

Speaker Matijevich: "Proceed."

Bowman: "Representative Vinson, you know, the Department of Mental Health has said that they're interested in developing some specialized living centers. Are you familiar with that concept, Sir? Are you familiar with the concept of the specialized living centers?"

Vinson: "Yeah, that's what you and I both need."

Bowman: "Well, we will before the Session is over, Representative. But..."

Vinson: "Yes, I am familiar with the concept."

Bowman: "Will this... Will this particular piece of legislation have any... any bearing on the development of those centers any way, shape or form?"

Vinson: "Representative, my understanding is that these deal with three other facilities. I do not believe that it deals with the facilities that you're referring to which are supposed to be located at... at Elgin and at Galesburg. This is a different facility in Galesburg."

Bowman: "Okay. That's just what I wanted to establish for the record because I think there might be some questions raised about those... those facilities if... if they were facilitated by this legislation. Since they are not, then I am satisfied. Thank you."

Speaker Matijevich: "Representative Vinson to close."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. This Bill provides for a variety of

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administrative changes in State Government. It is a good housekeeping Bill. Now I remember about a year ago when I came before the Assembly with the Bill that attempted to tax the computer industry which today the Gentleman from Macon isn't too interested in. Back then he didn't think the competition could bear that increased tax. Today he says the competition is so vigorous that we need not be concerned about the number of bidders. In fact, what we are talking about in the provision that he is referring to is a matter of equity. If you have a computer vendor who sells a computer to the state when interest rates are in the 12% range and has to finance it at a 12% interest rate and then that same vendor two, or three, or four or five years later, or maybe ten years later, sells to another state the same computer when interest rates are in the 7% range, then, of course, if you're going to have any kind of participation in state contracts, he can't be held to that later sale. It is simply not a viable regulation. All this Bill says is that the sales have to be contemporaneous and on similar financial terms. I think that is a very reasonable tightening of the statute, and I believe that that will facilitate greater competition. The other elements of this Bill are equally desirable. Transferring the operating responsibility for the Medical Center District buildings to Central Management Services will create a situation where we have one agency accountable for efficient management of buildings rather than a hodgepodge of agencies each attempting to administer their own special wing or their own special building. I believe it's a good Bill, and I would ask for your favorable action on Senate Bill 1876."

Speaker Matijevich: "Representative Vinson has moved for the passage of Senate Bill 1876. The question is, 'Shall

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Senate Bill 1876 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 90 'ayes', 43 'nays', 11 answering 'present'. Senate Bill 1876, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1883, Ron Wait. Clerk will read the Bill."

Clerk Leone: "Senate Bill 1883, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Matijevec: "The Gentleman from Boone, Representative Wait, Ron Wait."

Wait: "Yes, Senate Bill 1883 provides that the public aid can help to get some of their money back that they have advanced to the public aid recipients. Now we put an Amendment on there that the Trial Lawyers requested that would allow the Judges to apportion or reduce the lien share if they felt it was not fair to the person. Also we have exempted in Amendment #2... would exempt minors, and Amendment #3 would exempt this from wrongful death factions. I'd be happy to answer any questions."

Speaker Matijevec: "Representative Wait has moved for the passage of Senate Bill 1883. There being no discussion, the question is, 'Shall Senate Bill 1883 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 111 'ayes', no 'nays', 3 answering 'present'. Senate Bill 1883, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1889, Terzich. Clerk will read the Bill."

Clerk Leone: "Senate Bill 1889, a Bill for an Act to amend an Act creating the Compensation Review Board. Third Reading of the Bill."

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Speaker Matijevich: "The Gentleman from Cook, Representative Robert Terzich, on Senate Bill 1889."

Terzich: "Yes, Mr. Speaker, Senate Bill 1889 creates the Compensation Review Board which will determine salaries for State Legislators, Judges, constitutionally elected officers, the Auditor General and certain designated members of the Executive Branch. The Board will consist of 12 appointed members - three appointed by each of the respective legislative Leaders. Board members will serve four years terms without compensation. The Board will hold public hearings and consider several criteria in determining the respective salaries. The Board's first salary report will be submitted within 90 days of the Act's effective date, and the General Assembly will then have until January 1, 1985, to either reject or reduce the Board's salary determination. Thereafter, the Board's salary reports will be submitted prior to May 1 of each even number year with the General Assembly having 30 Session days to either reject or reduce the salaries. This Bill passed out... favorably out of the Senate and should receive the support of all Members of the House."

Speaker Matijevich: "Representative Terzich has moved for the passage of Senate Bill 1889. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1889 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Representative Terzich to explain his vote."

Terzich: "Yes, Mr. Speaker, you know, this has been a long time coming. I do have my checklist for everyone who said that they were going to vote for this, and we should have 64 Members. So unless you're light of heart, then don't vote for it. But those of you who feel that there is fairness, it's time for some Compensation Review Board, if you don't have the guts enough to vote for a pay raise, then at least

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have one for the Board."

Speaker Matijevich: "The Gentleman from Cook, Speaker of the House, Michael Madigan, to explain his vote."

Madigan: "Mr. Speaker and Ladies and Gentlemen, I'm not sure that it will do any good as I look at the scoreboard, but there has been a great deal of thought given to the idea of a Compensation Review Board to determine the level of compensation for the constitutional officers, the members of the Governor's Cabinet, the Members of the Legislature and the members of the judiciary. We all know that from time to time we face the very difficult decision of voting in favor of pay raises for ourselves and for others against the political reality of the situation. And for many years we have discussed the wisdom of creating a Compensation Review Board... patterned after the Board and the mechanism which is in place at the federal level in the case of the Congress. For many years, the Members of the Congress have received periodic salary adjustments, which have been necessitated because of inflationary pressures, and it has occurred without a great deal of anguish on the part of the Members. The idea was that in creating Compensation Review Board in Illinois for the innumerable people, that we would place ourselves in a position similar to that found in the Congress. I happen to think that it's a good idea. I happen to think that we should do it, and that we ought to put 60 votes on this board to pass the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Woods Bowman to explain his vote."

Bowman: "Thank you. Very briefly, Mr. Speaker and Ladies and Gentlemen of the House, it's very difficult to consider the question of pay raises for Cabinet Officials and Legislators in a... in a rational, orderly way because it is such an emotion charged issue. Having a Compensation

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Review Board, I believe, would bring about a degree of structure and order to the discussion and debate. And I would remind the Members that we have it within our power to reduce or reject the proposals of the Compensation Review Board. So that we are not, indeed, forfeiting our right to make decisions in this way, in this matter, but simply that we are providing a Body to provide some structure to the debate and hopefully inject an element of rationality into it."

Speaker Matijevich: "The Gentleman from Cook, Representative Bullock. Larry Bullock, one minute to explain his vote."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Recently, we received in our office, at least some of us did, I hope, a survey from Northern Illinois University. The faculty commissioned a survey out there. And they asked a couple of questions, a couple of which related to how the public felt about their Legislators and how they felt about the Governor. And more importantly, it asked the question how they felt about the concept of a pay raise Commission. And if that report is valid and if it can be believed, it showed that throughout Illinois over 1,000 people were sampled and that about 90% supported the concept of a pay raise Commission. I think that we are playing ourselves short if we feel that somehow or another the citizens of the state want us to remain indentured servants forever and held hostage to the fear of retribution that we, in fact, decide that we ought to be compensated in a reasonable and fair manner. I certainly am prepared to stand up and support compensation... reasonable and fair manner, and I'm sure that most of the Members of this Body will do likewise. But I think this is the only logical, coherent and fair way for us to do it - up front and direct. And I certainly would like to see as

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many 'aye' votes. I know there are many people here voting 'no' or yellow and crossing their fingers, but we've got to bite the bullet. We've got to take a stand, and we've got to show our hand. And the responsible vote on this is an 'aye' vote."

Speaker Matijevich: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 52 'ayes', 64 'nays', 1 answering 'present'... Karpziel 'no'. Representative Karpziel 'no'. Representative Terzich, for what purpose do you rise?"

Terzich: "Yes, Mr. Speaker, everybody should really... should be taken at their own word, which may not be any good on this vote, so I ask for a Postponed Consideration."

Speaker Matijevich: "The Gentleman asks leave to put this Bill on Postponed Consideration. Does he have leave? Leave, and the Bill will be placed on the Order of Postponed Consideration. Senate Bill 1924, McGann. Clerk will read the Bill."

Clerk Leone: "Senate Bill 1924, a Bill for an Act to amend Sections of the Unemployment Insurance Act. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative McGann, on Senate Bill 1924."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. Senate Bill 1924 is a Bill that we talked about a few days ago. Representative Tuerk placed an Amendment with regards to an effective date. It... What it does, it amends the Unemployment Insurance Act to make a nonsubstan... change. The Federal Government has mandated an increase of approximately 3% in the maximum unemployment tax rate charge to small employers. Now presently the state is negotiating with the Federal Government to phase in this tax rate over a period of five years. So the purpose of

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this Bill is to hold it and have it go into Conference Committee. The increase is mandated by federal law, but the phase-in can be worked out. And we would hope that we would work it out by the November veto Session and be able to bring legislation about for January. So I would ask a favorable vote on this important holding Bill of Senate Bill 1924."

Speaker Matijevich: "Representative McGann has moved for the passage of Senate Bill 1924. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1924 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 83 'ayes', 22 'nays'... Hicks 'aye', 84 'ayes', 22 'nays', 6 answering 'present', and Senate Bill 1924, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1933, Kulas. Clerk will read the Bill."

Clerk Leone: "Senate Bill 1933, a Bill for an Act to amend the law regarding special funds in the state treasury and related matters. Third Reading of the Bill."

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

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 to Senate Bill 1933 is the Bill now. What Senate Bill 1933 does, it creates the Board of Cultural and Ethnic Events Advisors in the Department of Agriculture. This Board consists of 13 people which are appointed by the Governor. It also adds a Director of the Department of Agriculture and adds four more ex officio members who are the Chairman and Minority Spokesman of the House Agriculture Committee and the Chairman and Minority Spokesman of the Senate Agricultural, Conservation and

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Energy Committee. The duties of the Board are to advise the Director of the Department... in the Department of Agriculture on matters concerning the operation of cultural and ethnic events as they relate to the State Fair, and I ask for a favorable Roll Call."

Speaker Matijevich: "Representative Kulas has moved for the passage of Senate Bill 1933. On that, the Gentleman from Marion, Representative Friedrich, Dwight Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Matijevich: "Proceed."

Friedrich: "I... We haven't heard anything about the mushrooms this Session. I wonder if they were one of the cultural groups to be covered under this Bill."

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

Friedrich: "We haven't heard anything about the mushrooms this Session, and I wondered if they were one of the cultural groups that would be included in this Bill."

Kulas: "Yes, they are."

Speaker Matijevich: "The question is, 'Shall Senate Bill 1933 pass?' Those in favor signify by voting 'aye', 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 56 'ayes', 46 'nays', 10 answering 'present', and Representative Kulas asks for a Poll of the Absentees. One moment. Representative John Dunn 'aye', 57 'ayes'. Representative Van Dyne 'aye', 58. Mautino 'aye', 59. Poll of the Absentees. DeJaegher 'aye'. On this question, there are 60 'ayes'... Piel, for what purpose do you rise? Representative Piel."

Piel: "To verify the positive Roll Call."

Speaker Matijevich: "Alright. Now we'll have a Poll of the Absentees. Representative Ralph Dunn."

Dunn, R.: "Change me to 'no', please, from 'aye'."

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Speaker Matijevich: "Dunn from 'aye' to 'no'. Be at ease for a moment. Barger for what purpose do you rise?"

Barger: "I'd like to vote 'no'."

Speaker Matijevich: "Barger 'no'. Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Davis, Taylor and Mr. Speaker."

Speaker Matijevich: "On this question, there are 60 'ayes', and how many... Davis 'no'. Madigan 'aye'. Gordon Ropp, for what purpose do you rise? Ropp 'no'. Representative Dunn, I think we... Do you have John Dunn 'aye'. Yes, we have you 'aye'. Pangle. Pangle."

Pangle: "'Aye' vote."

Speaker Matijevich: "Pangle 'aye'. John Dunn wishes to be changed back to 'no'. Representative Kulas, for what purpose do you rise?"

Kulas: "What's the count, Mr. Speaker?"

Speaker Matijevich: "About one short, I believe. What's the count, Mr. Clerk? 59 'ayes', 50 'nos', 8 voting 'present'. Representative Homer, for what purpose did you rise?"

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

Speaker Matijevich: "How is Representative Homer recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'present'."

Homer: "Would you record me as 'aye'?"

Speaker Matijevich: "Record Homer as 'aye'. Representative Leverenz, for what purpose do you rise? 'Aye'. Leverenz 'aye'. There are 61 'ayes', 50 'nos', 6 voting 'present', and Representative Piel asks for a verification. We've had the Poll of the Affirmative. The Clerk will call out the Affirmative Roll. When you're name is called out, raise your right arm. Be in your seats."

Clerk Leone: "Poll of the Affirmative. Alexander, Berrios, Bowman, Braun, Brookins, Bullock, Capparelli, Cullerton,

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Curran, Currie, DeJaegher, DiPrima, Domico, Doyle."

Speaker Matijevich: "Representative Kulas, for what purpose do you rise?"

Kulas: "Can we take this out of the record for a few minutes?"

Speaker Matijevich: "Leave for the Bill to be taken out of the record. Leave, and the Bill is out of the record. Representative Daniels, for what purpose do you rise? The Minority Leader, Lee Daniels."

Daniels: "Yeah, Mr. Speaker, it's my request that we're taking out of the record. There's confusion on an Amendment that we think does not do what... what Mr. Kulas had wanted done. So it was at my request to be removed from the record, and we'll take it up from there."

Speaker Matijevich: "I'm glad you said that. I didn't want to get blamed again. Out of the record. Senate Bill 1935, Madigan - Currie. The Lady from Cook, Rep... Clerk will read the Bill."

Clerk Leone: "Senate Bill 1935, a Bill for an Act to amend an Act concerning long care... long term care facilities. Third Reading of the Bill."

Speaker Matijevich: "The Lady from Cook, Representative Currie, on Senate Bill 1935."

Currie: "Thank you, Mr. Speaker, Members of the House. I ask leave to return Senate Bill 1935 to Second Reading for purposes of an Amendment."

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

Clerk Leone: "Floor Amendment #3, Madigan - Currie - Bullock - Cowlshaw, amends..."

Speaker Matijevich: "The Lady from Cook, Representative Currie, on Amendment #3."

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Currie: "Thank you, Mr. Speaker, Members of the House. Amendment 3 to Senate Bill 1935 brings this Bill into conformity with the provisions of House Bill 2878, legislation that this chamber passed overwhelmingly a month or so ago. We have made a few other changes in the legislation since then. Let me just briefly remind you what the general provisions of the Bill would be. This is nursing home reform. And the proposal basically speeds up the enforcement process in the Department of Public Health, adds new penalties for owner licensee gross negligence, provides for greater public access to information about nursing home problems and abuses, strengthens the intermediate penalty provisions and calculations, provides for a business offense when there is intentional interference with enforcement actions, assures that the Attorney General and the state's attorneys have access to... to facilities that are out of compliance with the Act, revises the Medicaid formula so that additional dollars will be available to reimburse the institutions that are taking care of our elderly and our vulnerable. I would be happy to answer any questions, and I would urge support for Amendment #3 to Senate Bill 1935."

Speaker Matijevich: "Representative Currie has moved for the adoption of Amendment 3. The Lady from Cook, Representative Topinka."

Topinka: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I'd like to commend Representative Currie, and Representative Cowlshaw and anybody who's had any involvement in trying to put all this together including all the nursing home industries and people who are interested in genuine reform as opposed to just having a knee jerk reaction which publicizes well and basically does nothing or makes it almost impossible for good nursing homes to survive. This does do the job. It is very

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acceptable to all concerned. It is an honest move for reform. I think it's some place where we all want to be."

Speaker Matijevich: "Representative Currie has moved for the adoption of Amendment #3. All in favor say 'aye', opposed 'nay', and Amendment #3 is adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #4, Vinson, amends Senate Bill 1935 as amended."

Speaker Matijevich: "Representative Vinson on Floor Amendment 4."

Vinson: "Mr. Speaker, I withdraw Floor Amendment #4."

Speaker Matijevich: "Leave to withdraw Amendment 4. Leave. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. The Lady from Cook asks leave for the immediate consideration of... No. I thought she cleared that. I'm sorry."

Vinson: "Mr. Speaker, would the Sponsor please hold the Bill for a few minutes?"

Speaker Matijevich: "Sure she would. Alright. Leave of the House, we'll return back to Senate Bill 1933. I understand the problem's been worked out. Senate Bill 1933, the Clerk will read the Bill."

Clerk Leone: "Senate Bill 1933, a Bill for an Act amending the law regarding special funds in the state treasury and related matters. Third Reading of the Bill."

Speaker Matijevich: "Representative Kulas on Senate Bill 1933."

Kulas: "Thank you, Mr. Speaker. There was a lot of confusion on this Bill before. All this Bill does is create an Advisory Board in the Department of Agriculture to continue the ethnic and cultural part of the State Fair. That's all it does. There's nothing in this Bill on the neighborhood festivals, or on the private funding of Commissions or anything else. This is all the Bill does, and I ask for a

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favorable Roll Call."

Speaker Matijevich: "The question is, 'Shall Senate Bill 1933 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. On this question, there are 70 'aye', 38 'nays', 4 answering 'present'. Senate Bill 1933... Cullerton 'aye'. 71 'ayes', and Senate Bill 1933, having received the Constitutional Majority, is hereby finally been passed. Are we ready to go back to 1935? We did that one so nicely. Representative Vinson didn't hear that. On the Order of Senate Bills Third Reading appears Senate Bill 495, Carol Braun. Clerk will read the Bill."

Clerk Leone: "Senate Bill 495, a Bill for an Act relating to the review of increasing hospital costs and the containment thereof. Third Reading of the Bill."

Speaker Matijevich: "The Lady from Cook, Representative Carol Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to defer to my House Cosponsor, Representative Jack Davis, for an introductory remark and, well, yes... it has to be brought..."

Speaker Matijevich: "I understand this Bill... The Lady asks leave to return Senate Bill 495 to the Order of Second Reading for the purpose of Amendment. Does she have leave? The Bill is on Second Reading. Amendments from the floor?"

Clerk Leone: "Amendment #3, Braun - Davis, amends Senate Bill 495 by deleting the title and inserting in lieu thereof the following."

Speaker Matijevich: "Amendment #3, the Gentleman from Will, Representative Jack Davis."

Davis: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of

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the House. About a year and a half ago... Amendment #3, by the way, will become the Bill in 495. It deletes everything after the enacting clause. About a year and a half ago, Senator Bloom and others in the Senate began to try to grapple with the issue of wildly escalating hospital costs in this state and, indeed, across the nation. And the Bill originally started out as a very strict regulatory activity on hospital and hospital like activities in this state. As it got through the Senate process and finally came over to the House, it began to change its form into what is now a competitive mode kind of Bill. And most of the regulatory activity has been taken out in the form of... of regulatory caps on hospital care and on... on capital caps and now has taken a form that, I believe, that all of the health care providers, the APL-CI... the APL-CIO, the doctors, all of the business groups and all of the players that were involved in these lengthy negotiations in both the House and Senate have signed off on. It contains a number of provisions. To start with and very quickly I will outline them for you and then defer to my Cosponsor, Representative Braun, for further intent of language that needs to be read into the Bill. There is an 11 member cost containment or charge containment Council set up in the Bill that is generically provided to represent all interest groups on that Council. The function of the Council is to collect data on charge and cost of hospital care in this state and report back to the General Assembly on specified dates during the ensuing year so that we know what is continuing to be the problems in hospital care. One of the most important features of the Bill, it provides for Medicare or Medicaid contracting throughout the State of Illinois in an effort to reduce Medicaid cost to the State of Illinois and its welfare

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recipients. And because of the recent initiations of the Department of Public Aid, I can tell you that recent negotiations on HMO's on Medicaid contracting prior to this Bill have resulted in every case on seven instances of a reduction in hospital care and Medicaid cost to the state of 5% or greater, and we expect that to continue. The data collection portion of the Bill requires that hospitals report all charges and some cost to the Council so that is available in order to determine if Medicaid and private payer discounts are... are affecting cost shifting to the private payers. The source of the data is well identified in the Medicare supplemental forms required by hospitals to be given to the Federal Government and then returned to the Council so that cost information can be developed. Requires auditing of hospitals who are out of compliance or who do 10% or more of their business with the state. One of the most important consumer provisions is is that it provides for price information in the hospital in 25 procedural activities, radiology, pharmaceuticals, so that now you know... and room rates most importantly, so now you know exactly if you wish to shop a hospital what your procedure to have your gizzard taken out will be and what your anesthesiology will be and what your pharmaceuticals will be. And you can actually shop at this point. It has utilization review for third party payers in it. It contains language that is dedicated towards next year coming back to... preferred provider organizations. That is still in contention, but the Council is recommending to us next year what we should do in that area to a further... continuation of private payer activity with hospitals to reduce costs on private health insurance and on self-insureds. And basically, Ladies and Gentlemen of the House, that are the... that is the main provisions of a

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Bill that I believe, and the Sponsors believe and the interested parties believe is the beginnings of cost containment or charge containment, if you will, in the State of Illinois in health care. If you think utility rates are bad, Ladies and Gentlemen, in this state, I can tell you that Grace and Elmer back home truly believe that hospital costs, and hospital charges and the wild escalation of same are equally as important or greater than utilities. Oh, I should have mentioned that the Council will also report if any hospital specific or group of hospitals in this state is raising their charges greater than the CPI, and at that point measures will be taken by the Council to report to us what alternatives they think we should do including, at that point, some regulation of those hospital specifics or of those generic groups of hospitals. With that, Ladies and Gentlemen, I will summarize my remarks simply by saying I think it is a good first step, a step that the state needs to take. It's an experience that we will have to develop over the next year or perhaps two years to find out what... what this is truly all about, and if it's working and if we need more regulation. It is a competitive mode Bill. It will help to reduce, in my opinion, hospital prices and charges and yes, indeed, cost to the hospitals. And with that, I will defer to my Cosponsor, Representative Braun, for further remarks and to read some intent of specifics into the record."

Speaker Matijevich: "Representative Davis has moved for the adoption of Amendment #3. Representative Ropp."

Ropp: "Would the Sponsor yield?"

Speaker Matijevich: "Proceed."

Ropp: "Representative Davis, I had a question, and I'm not sure... I thought this was on the full Bill, but maybe it

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deals with this particular area in that the Council's report is to give their final draft as of July 1 of '85. In my particular area in a recent survey, this seemed to be the greatest concern that anyone had, was the rising cost of hospital health care. And because of that concern, I'm wondering why that report could not be moved back till either January of next year or March so that something may be dealt with in the next legislative Session if that's needed. With that report not coming back till July 1, we won't be able to do anything until two years from now."

Davis: "Well, Representative Ropp, that's not entirely true because the Bill does provide for continuing data collection on charges and cost by the Council which will go into effect immediately. And there are sanctions in the... in the Bill for hospitals who refuse to comply with that. So we're immediately aware... Or the Council will be immediately aware of violations of the Act itself and can advise us on what alternatives they see to correct the cost shifting if it occurs. I can also tell you that I think there are important steps in here on pricing information that would be available to the general public, and the Medicaid contracting alone should drive the costs of doing business from the State of Illinois in health care way down the next year."

Ropp: "Good. I think this is a good Bill and ought to be supported. Thank you."

Speaker Matijevich: "Representative Davis has moved for the adoption of Amendment 3. All in favor say 'aye', opposed 'nay', and Amendment #3 is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. And the Lady from Cook, Representative Braun, asks leave for the immediate

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consideration of Senate Bill 495. Does she have leave?
Leave. The Clerk will read the Bill."

Clerk Leone: "Senate Bill 495, a Bill for an Act to amend an Act relating to the review of increasing hospital costs and the containment thereof. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman (Sic - Lady) from Cook, Representative Braun, on Senate Bill 495."

Braun: "Thank you, Mr. Speaker. The Lady from Cook appreciates your consideration. I'd like to say first, that this Bill in its present form, is the product of many, many hours of intense negotiations, and conversation and discussion among the various participants and interests involved here. We believe - Representative Davis and I - believe that this Bill, in its final form, represents a coming together of those various interests, so that we now have in Illinois what may well become a model for other states in the area of health hospital cost containment. The approach contained in this legislation is neither purely regulatory, nor is it all out wild and woolly competition. What it suggests is that we can begin to... What it suggests is that we can begin..."

Speaker Matijevich: "Proceed."

Braun: "...To address the issue of rising hospital costs and consider cost containment with more information than we've ever had before. This is, if you will, a sunshine on the process. It allows for, not just the sharing of cost data - cost information - by hospitals with the Department, but it also calls for sharing of information by hospitals with the consumers, whom we all are bound to represent in this General Assembly. So we have in this legislation a process, whereas information is shared regarding costs and prices and the like between the hospitals and the Department of Public Aid and the council rather. We have

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Medicaid contracting by the Department of Public Aid. We have the posting... or the council's authorized to require the posting of charges. And finally, we have the Auditor General in place, so that if there are outrageous increases in hospital costs in a sector of the state, the Auditor General is in power to come in and conduct an actual audit of those operations. So, this legislation does have teeth. This legislation does, I believe, address this issue in a way that make sense for Illinois. It does not precisely track the model of other states, but then Illinois is not like other states. We have a situation of milieu here, that I believe this legislation addresses. Mr. Speaker and Ladies and Gentlemen of the House, there are a number of issues that were negotiated, about which some legislative intent ought to be put in the record, so that we are all clear about what was the intent of a given Section. Under the Section on the emergency care, the definitions relating to emergency care outlined by the Department of Public Aid, under rules promulgated for purpose of Article III of this Bill, shall not be more restrictive than existing rules governing emergency rules. That is kind of technical, but it's important to get in the record, so that we are clear that the Department has no intention of implementing rules on emergency care that are more restrictive than what's presently in place. Second, with regard to specialty hospitals such as children hospitals and rehab hospitals and out of state hospitals, long term care hospitals, those will be given special consideration during the process of negotiations for...under Article III contracting. With regard to the access question, it is certainly the intent of this legislation that access to quality health care be provided, and we believe that we can implement this legislation without any disruption in the patterns of care

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to Medicaid recipients. Finally, with regard to, well not finally, and with regard to the cap on general assistance, that issue has been addressed in more than one way. In the first instance, the Governor has made a commitment that he will take a look at the GA cap in November, with purposes looking toward removal of the cap should the budget so allow, but he has certainly indicated his support for removal of the cap. There is a labor issue, and I just want it for the record...be clear about it. It is our intent that the provisions of TFRA, the Federal Tax Act, which is technically under Medicare and not under Medicaid, that those provisions of TFRA prohibiting union busting with Medicaid fund, apply to contract negotiated under this Bill. With regard to the issues of the contracting and the Health Maintenance Organization, it is also the goal of this legislation that there not be limitations on the kind... the access of Medicaid recipients to health care in forms, such as a HMO, other than a hospital. And finally, with regard to the posting, that is a matter for the council to take up, and the specific items to be posted shall be considered by the council. I believe that pretty much covers the areas of remaining controversy. All of them are very technical points, and I'm sure there is probably about two people on this whole floor who care. No, I take that back, but those are very technical matters, but they do represent and go to grave concerns about how this legislation is to be implemented. I just want to say that it was everybody's feeling going into the negotiations, and again, one of the reasons why it worked, it was everybody's feeling that this would provide a model to help provide the best quality care, not just in the Medicaid Section, which allows for contracting, but the best level of health care services available to Illinois

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consumers of those services, whether Medicaid or not. And we are looking at addressing hospital cost containment, with an eye to preserving the quality of care imperatives, which we believe drives the whole purpose of the Medicaid Program. So we have... We hope as we started down the past of reconciling those two interests, cost and quality care and access, and we believe that we have them in Senate Bill 495. So with that, I encourage your affirmative vote."

Speaker Matijevich: "Representative Braun has moved for the passage of Senate Bill 495. On that, Representative Oblinger, the Lady from Sangamon."

Oblinger: "Mr. Speaker, will the Representative yield to a question?"

Speaker Matijevich: "Proceed."

Oblinger: "Representative Braun, I only have one short question. Is this a modified PPO type of thing or is it not, I hope?"

Braun: "Representative, PPO's are not specifically addressed in this legislation, and frankly, there is still some... there is some debate over whether PPO's can exist in Illinois under our present language, the present language of the insurance laws. What this legislation empowers... does is it sets up a council, and the council will be able to consider any questions that may arrive in the future regarding the legality of PPO's, but it's our understanding that, again, there is still a gray area, and it's still an open question whether or not PPO's have any legal problem in Illinois, at the present time."

Oblinger: "Thank you."

Speaker Matijevich: "Representative Richmond. Bruce Richmond."

Richmond: "Thank you, Mr. Speaker. Will the Lady yield for a question?"

Speaker Matijevich: "Proceed."

Richmond: "As amended, does the Bill have a cap in it?"

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Braun: "No Sir, the Bill does not have either a revenue cap nor a capital cap in it. If you're talking about the general assistance \$500 cap, that's not addressed in this legislation. That is, however, as I said earlier, that's addressed in other legislation which is pending, as well as, again, the Governor has, I think, pretty much given us his commitment that he will consider removal of the GA cap in November."

Richmond: "Was the Hospital Association party to the negotiations?"

Braun: "Oh, absolutely. Absolutely, Representative, and every possible interest that could have been represented in these negotiations has signed off on this Bill."

Richmond: "Thank you."

Speaker Matijevich: "The Gentleman from Cook, Representative White. Jesse White."

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

Speaker Matijevich: "Yes. Proceed."

White: "Representative, when a hospital posts its prices on nursing services, how does the hospital compute it?"

Braun: "I'm sorry, what was the question again?"

White: "When a hospital posts its prices on nursing services, how does the hospital figure that price? How do they compute the price?"

Braun: "Well, that is another matter to be determined by the council. It was certainly our thinking in the negotiations, that the council would, itself, be able to take up, with regard to a specific hospital, how the posting would take place."

White: "Okay. Alright. Alright. Thank you."

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

Marzuki: "Move the previous question."

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Speaker Matijevich: "Representative Marzuki 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 Braun to close. Davis to close, I guess. Alright. Representative Braun to close."

Braun: "Representative Braun will close."

Speaker Matijevich: "I just put the question to the floor."

Braun: "Yes. I would encourage your affirmative... Mr. Speaker..."

Speaker Matijevich: "The question is, 'Shall Senate Bill 495 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. It's what we call a full House. 118 'ayes', no 'nays', and Senate Bill 495, having received the Constitutional unanimous Majority, is hereby declared passed. Leave of the House on Senate Bills Third Reading appears 1223, Hoffman. The Clerk will read the Bill."

Clerk Leone: "Senate Bill 1223, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Dupage, Representative Hoffman. Gene Hoffman, on Senate Bill 1223."

Hoffman: "Thank you. Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1223, as it now stands, affects five statewide pension systems; the General Assembly System, the State Employees, University Employees, Downstate Teachers and Judges. And it provides for a gradual increase in the rate of state contributions, so by the year 1995, the State's contribution is sufficient to meet the normal cost and amortize the unfunded accrued liability over a 30 year period, at a level percentage of the payroll. It also provides that if the systems

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experience a more favorable economic conditions than those assumed, the figures can be revised. By an Amendment in the House... that we took out the requirement that any legislation introduced after January 1st of next year, which increased benefits or cost, shall be accompanied by appropriate increases in the minimum contribution rate. As this Bill came to the House from the Senate, it was a two part Bill, had two kinds of impact. As it is leaving the House and going back to the Senate, it will only impact on one of the two aspects of the Bill. And a half a loaf is better than no loaf at all and... So I would rise and ask for your support of Senate Bill 1223 in its amended form."

Speaker Matijevich: "The Gentleman asks for the passage of Senate Bill 1223. On that, the Gentleman from Madison, Representative Sam Wolf."

Wolf: "Thank you. Mr. Speaker, will the Sponsor yield to a question?"

Speaker Matijevich: "Proceed."

Wolf: "Representative Hoffman, is it my understanding that now that the Amendment... is now the Bill? Amendment #2."

Hoffman: "That is correct."

Wolf: "How does that Amendment differ from the original Bill as submitted?"

Hoffman: "It differs in that it eliminates from the Bill the requirement that any legislation introduced after January 1st of next year, which would increase benefits or cost, would have to be accompanied by appropriate increases in the minimum contribution rates."

Wolf: "In other words, that portion has been removed from the Bill."

Hoffman: "That is correct, Sir."

Wolf: "Have you discussed this change with the Senate Sponsor and received his tentative approval?"

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Hoffman: "Yes, I have, and thank you for asking. I intended to mention that in my initial discussion. He is agreed."

Wolf: "In other words, then... When this Bill goes back to the Senate there really is no reason for this Bill to go to a Conference Committee."

Hoffman: "There is absolutely no reason at all, and there is no intention that it goes to a Conference Committee."

Wolf: "Thank you. Mr. Speaker, to the Bill."

Speaker Matijevich: "Proceed."

Wolf: "I rise in support of Senate Bill 1223. This Bill is, as the Sponsor has indicated, a Bill that is to provide for funding of the five major pension systems. It's a Bill that now is in the posture of having been agreed upon by most of the representatives of the retirement systems. It has been agreed upon by members of the Pension Laws Commission. And I believe it's in a posture now that addresses the concerns of many annuitants who have been concerned about this very problem. I would solicit your support of Senate Bill 1223."

Speaker Matijevich: "The Gentleman from Cook, Representative Robert Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, again, Senate Bill 1223 certainly should receive the support of the entire House. The Bill did come out of the Pension Laws Commission. The funding of our pension systems is long overdue. I think this is a very, very reasonable approach and hopefully that this type of legislation will be met and these obligations met in our... in our pension system. And I would appreciate the support of the entire House."

Speaker Matijevich: "The question is, 'Shall Senate Bill 1223 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted

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who wish? The Clerk will take the record. 116 'ayes', no 'nays', and Senate Bill 1223, having received the Constitutional... Laurino 'aye', sorry. 117 'ayes', no 'nays', and Senate Bill 1223, having received the Constitutional Majority, is hereby declared passed. Leave of the House, we'll go to Senate Bill 1384, Hastert. The Clerk will read the Bill."

Clerk Leone: "Senate Bill 1384, a Bill for an Act in relationship to the State Property Tax Appeal Board. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Hastert... The Gentleman from Kendall, Representative Hastert. We'll try it that way."

Hastert: "Thank you, Mr. Speaker. I ask leave to take this Bill back to Second Reading."

Speaker Matijevich: "The Gentleman asks leave to return the Bill back to the order of Second Reading for the purpose of an Amendment. Does he have leave? Leave. Bill is on Second Reading. Representative Ewing, Tom Ewing, for what purpose do you rise?"

Clerk Leone: "Amendment #3, Ewing, amends Senate Bill 1384."

Speaker Matijevich: "The Gentleman from Livingston, Representative Ewing."

Ewing: "Mr..."

Speaker Matijevich: "Yes."

Ewing: "Mr. Speaker, I would like to move to withdraw Amendment #2 before we consider or to table..."

Speaker Matijevich: "Gentleman moves to table Amendment #2. All in favor say 'aye', opposed 'nay'. And Amendment #2 is tabled. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Ewing, amends Senate Bill 1384."

Speaker Matijevich: "The Gentleman from Livingston,

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Representative Ewing, on Amendment #3."

Ewing: "Amendment #2, which we just tabled, was the Amendment which said outside of Cook County that the exemption process for charitable properties would be handled at the local level. We have now tabled that Amendment. And in an effort to meet two recent Supreme Court decisions the first dealing with nursing homes and that's Methodist Old People's Home versus 'Cordenson' and a second case dealing with parsonages, 'McKenzie' versus Thomas Johnson, Director of Revenue, we have worked out a solution or compromise which would put into our statute provisions which say that if a parsonage, convent or monastery shall be considered for purposes of this Section to be exclusively used for religious purposes if the pastor or the residents of these facilities are required, as a condition of their employment, to live in that facility. Secondly, in dealing with homes for the aged and facilities for developmentally disabled we have said that if these institutions are exempt under federal... from federal tax or are charitable under Section 501(c), not exempt from federal tax but are charitable under Section 501(c) of the Internal Revenue Code, and that their bylaws provide for a waiver or reduction of any entrance fee, that they shall also be considered nontaxable. And this compromise has been worked out, I think, with all of the interested parties. I would say that the Tax Payers Federation supported my move to table Amendment #2 and are neutral on Amendment #3."

Speaker Matijevich: "Representative Ewing moves to the adoption of Amendment #3. The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. It's my understanding that this Amendment is being offered in response to that recent Supreme Court

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decision which created some confusion among charitable organizations with regard to what would be exempt and what would not. And it's our understanding that this will have very little, if no effect, on the exemptions for old people's homes which are now currently exempt. And it was with that understanding that I would support the Gentleman's Amendment."

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

Hastert: "Would the Sponsor yield?"

Speaker Matijevich: "Proceed."

Hastert: "Representative Ewing, I... Representative Ewing, would you yield, please? I have a question. In a situation for homes of the aged, and I just want to clarify this, in homes for the aged and homes for the developmentally disabled that come under 501(c3) - tax exemption, what... is it true that the owners of those homes have to provide that certification to the assessors?"

Ewing: "That they have to provide proof of that exemption?"

Hastert: "Right."

Ewing: "That's right."

Hastert: "And then also in addition, do they have to, those institutions seeking exemptions, do they have to have within its bylaws an explicit waiver or reduction of fees based upon an individual's ability to pay?"

Ewing: "That's correct."

Hastert: "Thank you."

Speaker Matijevich: "Gentleman from Cook, Representative Woods Bowman."

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

Speaker Matijevich: "Proceed."

Bowman: "The... Let me make sure I got this straight, Representative. With respect to the question of local

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control or local review, is that still in the Bill, or is what we're doing here is simply providing a clear statement to the Department of Revenue as to how they should rule in certain matters? Who actually does the deciding?"

Ewing: "Department of Revenue will continue to make the final determination. We are not changing our exemption procedure with this Amendment #3 like we did with Amendment #2."

Bowman: "Okay, but we are giving them some clear guidance."

Ewing: "We are giving them some legislative intent as to what this Body thinks is clarification of those Supreme Court decisions that I reiterated earlier and giving them guidance for making their decisions."

Bowman: "Sounds like a great idea. Now what about Cook County? Where does Cook County fit in? Is it included?"

Ewing: "Cook County is included."

Bowman: "Fine, Thank you. I support the legislation."

Speaker Matijevich: "Representative Ewing moves for the adoption of Amendment #3. All in favor say 'aye', opposed 'nay', and Amendment #3 is adopted. Gentleman from Kendall, Representative Hastert, asks leave for the immediate consideration of the Senate Bill 1384. Does he have leave? And the Bill is on the Third... oh wait, we didn't put it on... I thought we did, alright. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. Now he asks leave for the immediate consideration of Senate Bill 1384. Does he have leave? Leave. And the Bill is on Third Reading. Clerk will read the Bill."

Clerk Leone: "Senate Bill 1384, a Bill for an Act in relationship to the State Property Tax Appeal Board. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Kendall, Representative

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Hastert."

Hastert: "Thank you, Mr. Speaker and Ladies and Gentlemen of this House. I bring before you Senate Bill 1384. 1384, the genesis of the Bill, deals with the State Property Tax Appeal Board. What it does is divorce the Department of Revenue from the State Property Tax Appeal Board for administrative purposes. It also transfers salary qualifications and appointment provision for Board appointees from the Civil Administrative Code to the Revenue Act of 1939. As the Bill was just amended, we took off the previous Amendment which was somewhat controversial and Amendment #2 which dealt with exemptions of certain types of charitable organizations. And the old Amendment #2 said that came under the auspices of local taxing boards. We eliminated that Amendment and now define the definitions of various types of institutions for such purposes and focus it on the Department of Revenue to look at that in the light of constitutional dictum. I would be happy to answer any questions."

Speaker Matijeich: "Representative Hastert has moved for the passage of Senate Bill 1384. Being no discussion, the question is, 'Shall Senate Bill 1384 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wished? Clerk will take the record. On this question there are 116 'ayes', no 'nays', none answering 'present'. And Senate Bill 1384, having received the Constitutional Majority, is hereby declared passed. Leave of the House, on page six of the Calendar, Senate Bills Third Reading appears Senate Bill 1692, Cullerton. The Clerk will read the Bill."

Clerk Leone: "Senate Bill 1692, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Matijeich: "Gentleman from Cook, Representative

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Cullerton."

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

Speaker Matijevich: "Representative Cullerton asks leave to return Senate Bill 1692 to Second Reading for the purposes of an Amendment. Does he have leave? Leave. The Bill is on Second Reading. Are there Amendments?"

Clerk Leone: "Floor Amendment #2, Cullerton, amends 1692 by deleting the title..."

Speaker Matijevich: "Gentleman from Cook, Representative Cullerton, on Amendment #2."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is similar to the Bill, in that it creates the third seat on the Cook County Board of Tax Appeals, but provides for a staggered six year term for all three commissioners, an election in November as is contemplated. I'd move for the passage of Amendment #2."

Speaker Matijevich: "Gentleman moves for the adoption of Amendment #2. Being no discussion, all in favor say 'aye', opposed 'nay', and Amendment #2 is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. Gentleman from Cook, Representative Cullerton, asks for the... leave for the immediate consideration of Senate Bill 1692 on Third Reading. Does he have leave? Leave, and the Bill is on Third. The Clerk will read the Bill."

Clerk Leone: "Senate Bill 1692, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman..."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Ladies and Gentlemen, Senate Bill 1692 as it

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came over from the Senate would have provided for a third person to be added to the Board of Tax Appeals, and would have basically allowed for an election to take place in 1986 patterned after the Board of... the County Board's ordinance, which allowed for three separate districts... I'm sorry, one separate district outside of Chicago and two at large. No, the Bill when it first came over from the Senate. So, what we have done with Amendment #2 is to create a third seat on the Cook County Board of Tax Appeals to be elected in the 1984 election, and sets up a staggered six year term for all three commissioners. The... For this election in November, the Democratic and Republican candidates would be selected by their respective County Central Chairman. Independent candidates would file petitions before August 6th of this year, which is... the following period which is normally used for third parties. It also provides that the Chairman is selected for a two year term based on seniority. The Chairman is the Chief Administrative Officer and controls the budget, establishes standards to be applied by the commissioners in hearing cases. And I'd be happy to answer any questions."

Speaker Matijevich: "Representative Cullerton has moved for the passage of Senate Bill 1692. Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker. I wonder if I may take the Gentleman up on his opportunity to answer questions."

Speaker Matijevich: "Proceed."

Vinson: "Representative, now, this expands the Cook County Board of Appeals. Is that what you are saying?"

Cullerton: "No, that's what the Bill did, and this Amendment also does that."

Vinson: "This Amendment also does that?"

Cullerton: "Right, the Bill as amended does the same thing as it

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did when it passed the Senate. It expands the Board..."

Vinson: "Now, does that mean... Does that mean that there is a separate suburban seat on the Board of Tax Appeals?"

Cullerton: "No, that was changed with my Amendment. We feel that, if you want to elect a Republican to the Board of Tax Appeals, you should do it county-wide the way Bernie Carey got elected, county-wide. He's the state's attorney."

Vinson: "That's a delightful thought. Now, how... When does this begin affecting elections?"

Cullerton: "This November. We would have the Chairman of the Republican County Party, which I think is former Representative Barr, is that his name?"

Vinson: "Yes, that's him."

Cullerton: "And he would appoint a candidate, and then the Chairman of the County Democratic Party would appoint a candidate."

Vinson: "Who?"

Cullerton: "That would be Alderman Vrydoliak, Chairman Vrydoliak, he would appoint a candidate, and then they would... the two candidates would run against each other in November. And, of course, there is also the possibility for an independent candidate to file by August 6th."

Vinson: "Does the name 'Coin' mean anything to you?"

Cullerton: "Yes, he was a successful candidate in a primary in... for this same third office and..."

Vinson: "How is he affected by this Amendment?"

Cullerton: "He would be very pleased with the Amendment, I'm sure, and would hope that Chairman Vrydoliak would make him the candidate, since the people have already spoken and made him the candidate."

Vinson: "So, the people have spoken and made him the candidate, and now you are giving Alderman Vrydoliak..."

Cullerton: "Chairman Vrydoliak, in this case."

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Vinson: "Chairman Vrydoliak... you are now going to let him, perhaps, veto the action of the people."

Cullerton: "Well, no. There's a question as to whether or not that election, which was authorized by county ordinance, is even constitutional. In fact, it was found to be unconstitutional, and it's being litigated in the Supreme Court. So, what we are doing here is making a constitutional election in November."

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

Speaker Matijevich: "Proceed."

Vinson: "The Bill denies accountability in the Board of Property Tax Appeals. We all know the increased accountability that comes from single member districts. Unfortunately, Representative Cullerton seeks to deny that accountability to the people of Cook County. He also seeks to substitute Chairman Vrydoliak's judgment for the people of Cook County. I think we ought to defeat this thing. I think that this is, perhaps, the worst example of the kind of back room legislation that comes out of this General Assembly late in the days of June. We ought to decisively reject this. When the voters have decided in a primary, we ought not permit the Chairman... the powerful Chairman of the Cook County Democrat Central Committee, Mr. Vrydoliak, to veto their action, and I would urge a 'no' vote."

Speaker Matijevich: "The Republican Party from the City of Chicago, Roger McAuliffe. You have your light on, Rog. No. He decided against it. The Gentleman from Knox, Representative McMaster."

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

Speaker Matijevich: "Proceed."

McMaster: "Mr. Cullerton, as I recall, the County Board of Cook County originally passed an ordinance that there would be three members elected to the Board of Appeals up there, one

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from the suburbs, one from the City and one at large. Are you saying that your Amendment did away with this ordinance of the County Board?"

Cullerton: "Right, because that ordinance is being litigated as to its constitutionality, and so we thought the best way to go would be to go electing three county-wide."

McMaster: "John, let's suppose the courts rule that after this legislation is passed, the idea of electing from separate districts becomes constitutional. Will they then go back to one from the suburbs, one from the City and one at large?"

Cullerton: "No, I think that at this date... this statute... this Bill right here would prevail since those counties are just creatures of the state."

McMaster: "They can't? Another thing, John. Currently, there are two members, right?"

Cullerton: "Right."

McMaster: "Who are those two members?"

Cullerton: "Patrick 'Quinn' and Harry 'Summerall'."

McMaster: "Is it true that they have difficulty getting two members there to make decisions?"

Cullerton: "Oh, no. They are both there all the time."

McMaster: "Well, not from what I hear."

Cullerton: "They make decisions, but you need the approval of both of them, you see."

McMaster: "One of the reasons that I heard spoken in Committee in regard to this Bill was that they had difficulty getting two members there for the meetings; and; therefore, if they had three members, they could have two people that would decide, due to the fact that Pat 'Quinn' is never there."

Cullerton: "Well, there was some discussion about having a special meeting that one wanted to go to and the other one didn't, but that's a rare occurrence, and I'm sure that

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they'll work... these two gentlemen will work well with the fine Democrat that we elect for the third member."

McMaster: "John, as you described this Bill in Committee, and your intentions of what you wanted to do with it, I was inclined to support it. Now, after I hear what you have done with it, after you made me agree to withdraw my Amendment that would require one to be elected from the suburbs, one at large and one from the City, with the threat that if I did not withdraw that Amendment, you would kill the Bill..."

Cullerton: "Right, thank you for that. I appreciate it."

McMaster: "... because you wanted to go along with what the County Board was doing and let them do it by ordinance. You have changed that completely now, and I think this is really an abortion upon what you had intended to do. And I would certainly feel that I would go along with Mr. Vinson and vote against this Bill decisively."

Cullerton: "Right."

Speaker Matijeich: "Gentleman from Cook, Representative Bullock."

Bullock: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of Representative Cullerton's Amendment to the legislation. The fact of the matter is, once again, Mr. Vinson has resurrected a straw man in trying to insinuate that this legislation is some devious, nefarious type legislation phantomed by the Cook County organization. We'll knock that straw man down, Sam, because you had legislation here a few days ago where you are talking about enfranchisement and political empowerment for minorities. This legislation would, in effect, give every resident in Cook County an opportunity to vote for a very sensitive position, that of the Cook County Board of Tax Appeal. The fact of the matter is, Sam, we have seen

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reform come to that agency and we will stymie reform if we don't allow some system of tie-breaking. This legislation will allow for that system of tie-breaking. But more importantly, unlike some of the downstate communities in Chicago and Cook County, we have bipartisan campaigns. And the voters in November will have an opportunity to cast a ballot in support of the Democrat or the Republican, and that means every voter in the county. If we were to follow your arguments, Sam, we'd probably have those Board of Tax Appeal members only deciding cases that originated in those narrowly defined districts that you suggest. And I don't think that's really what you meant. I'm certain that every Member of this House believes in equal vote and equal representation, and that's what this Amendment does. It affords equal vote and equal representation to every single voter in Cook County. Mr. Vinson resurrected a straw man. If you cast an 'aye' vote, we'll knock down that straw man and move on with further reforms in Cook County and related to the tax... the Board of Tax Appeal."

Speaker Matijevich: "Gentleman from Cook, Representative Berrios."

Berrios: "I move the previous question."

Speaker Matijevich: "Representative Berrios 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. Representative Cullerton, to close."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like to correct one thing. I made an error with Representative Vinson. It's not the Chairmen of the parties who pick the candidates. It's the Central Committee which votes on who they wish to be the candidates. So, I was premature in saying that Mr. Vrydoliak would be the person that would make the pick

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alone. He would have to, of course, get the support of the Central Committee. And that, by the way, is only for this '84 election. Then in '86, of course, we have a normal process of the primaries and elections in 1986. The key difference, of course, is that rather than have these segregated districts where there is one suburban only and one... only in Chicago, we have a whole county-wide election, and I think, as a practical matter, that Cook County is becoming more and more Democratic, so even under this system, it's possible... even under the old system, it's possible a Democrat would be elected, just as Gene 'Quinn' was elected a commissioner this last year as a Democrat. So, I think it's a good idea. It doesn't vary too much from what the Senate wanted, and I would ask for your support."

Speaker Matijevich: "Representative Cullerton has moved for the passage of Senate Bill 1692. Question is, 'Shall Senate Bill 1692 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Representative Pierce, the Gentleman from Lake."

Pierce: "Mr. Speaker, this is good legislation. I'll tell you why. You can't have a two member board. Every other county in the state has a three member board of review. You can't get a majority opinion with a two member board. Now, the county central committees selecting the candidates is only for this one election because the primary is over. You are not going to hold a special county-wide primary to nominate candidates, now that our March primary is well behind us. The only way we could pick the candidates for November is to have the central committees, which fill vacancies and nominations anyway, the Republican County Central Committee and the Democratic County Central Committee pick the candidates of the Party for the November

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election. Then you have, this one time, those candidates run. In the future, the primary elections will determine the candidates. So that Central Committee, Sam, it's just for this one time because the primary is over. Now, as for having districts based on suburbs and City, they wouldn't be even in population. That would be very unfair because the city district would be larger than the suburban district. Nowhere in the state does the Board of Review require that you live in a certain municipality or not live in a municipality. They are county-wide, and they are appointed except, I understand, in St. Clair County. So, I think it's good legislation. There's a deadlock in Cook County now with only two members of the Cook County Board of Appeals, a majority of two is two and they can't get the two to vote the same way. With three members, then two of the three would be a majority. Only this one time would the Central Committee select the nominees. After that, the nominees would be chosen by the voters in the primary election. It's good legislation. There is nothing tricky about it. This November you may get a Republican landslide in Cook County. You may get a landslide..."

Speaker Matijevich: "Gentleman conclude his remarks."

Pierce: "You may get a landslide that results in Republican control of the House. Who knows? You've got to be optimistic. Let the voters decide county-wide this November. They elected Dick Ogilvie President of the County Board of Cook County. They elected him Sheriff of Cook County. Let the voters decide."

Speaker Matijevich: "Gentleman bring his remarks to a close."

Pierce: "Let the voters decide. We need a three man Board of Appeals in Cook County. I vote 'aye'."

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

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Cullerton: "Mr. Cullerton, I wonder if we could... if I could ask leave to have Representative Pierce be added as a Cosponsor and make this his last Bill?"

Speaker Matijevich: "That's a good idea. It doesn't sound like he wants to quit, does it? Gentleman from DeWitt, Representative Vinson, one minute to explain his vote. No, he explained it. He..."

Vinson: "Mr. Speaker, in the event that this... In the event that this Bill should get the requisite number of votes for Postponed Consideration, I request a verification."

Speaker Matijevich: "Gentleman from Will, Representative Van Dwyne."

Van Dwyne: "Thank you, Mr. Speaker. The fact of the matter is that this is good legislation and the conduct of Mr. 'Sumner' and especially Mr. 'Quinn' in Chicago with the standoff that they have had previously accounts for that. It graphically displays it. They have to agree on any... on any type of changes that they make and the petty little arguments that they have up there and the politics that are played up there are another graphic illustration that they really do need three people. Now, I'd just bring it to everybody on this floor that this is good legislation, and I don't care how... what the origin of it is. Nevertheless, it is still good legislation and I support it."

Speaker Matijevich: "Gentleman bring his remarks... Gentleman from DuPage, Representative McCracken, one minute to explain his vote."

McCracken: "Thank you. I may have a conflict, and I'm voting my conscience. Thank you."

Speaker Matijevich: "Have all voted? Have all voted who wish? Clerk will take the record. On this question, there are 48 'ayes', 53 'nays', 13 answering 'present', and this Bill,

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having failed to receive the Constitutional Majority, is hereby declared lost. Barbara Currie, I think we are ready. Leave of the House, we will go to Senate Bills on Third Reading, Senate Bill 1935, which appears on page seven of the Calendar. Those on Third Reading. The Clerk will read the Bill."

Clerk Leone: "Senate Bill 1935, a Bill for an Act to amend an Act concerning long term care facilities. Third Reading of the Bill."

Speaker Matijevich: "The Lady from Cook, Representative Currie, on Senate Bill 1935."

Currie: "Thank you, Mr. Speaker and Members of the House. I think I described, by virtue of describing the Amendment to Senate Bill 1935, pretty much what this Bill does. It conforms to the provisions of House Bill 2878, which we passed out of this chamber a month ago, with certain additions and further conversations with the Department of Public Health, the Department of Public Aid, the nursing home industry, the Legal Assistance Foundation, the Nurses Association, the Illinois Citizens for Better Care, other consumer advocate groups. The Bill basically provides for streamline procedures within the Department of Public Health with respect to nursing home investigations and complaints. It provides for access to nursing home facilities by the state's attorney and by the Attorney General. It provides full public disclosure of information in the purview of the Department of Public Health. It also provides for changes in the reimbursement system. I urge your support of the Bill. And I would be happy to answer any questions."

Speaker Matijevich: "Representative Currie has moved for the passage of Senate Bill 1935. Gentleman from Macon, Representative John Dunn. Oh... Gentleman from DeWitt,

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Representative Vinson. Sam Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill contains provisions in it relating to nursing home reimbursement which total approximately \$26,000,000. Those provisions were added in part because of the action of this House in making a very clear statement that nursing home reform, without improved reimbursement, was an illusion. And I believe that that is a desirable posture for the Bill to be in. In addition to this, these nursing homes reimbursement provisions, there is litigation outstanding on the subject of nursing home reimbursement. Just as there is a bottom line in the operations of private business and just as the existence of that bottom line requires that we recognize the importance of nursing home reimbursement enhancement, there is a bottom line in the State Treasury. The Governor's Office has outstanding to the industry an offer of some \$44,000,000 for the settlement of the litigation and for the reimbursement enhancement envisioned in this Bill. It would certainly be my hope, as an advocate of improved nursing home reimbursement, that the industry meet and in good faith negotiate with the Governor's Office on that subject prior to action in the Senate on this Bill. I would hate to see this Bill go to the Governor's Office and because of potentially recalcitrant members of the industry failing to negotiate in good faith to see the Bill result ultimately in an amendatory veto, which placed in question reimbursement for the entire industry. I think that that would be a most unseemly outcome. And if I, as one Member of this chamber, came to a conclusion that it was because of recalcitrants in an unreasonable position by some part of the industry, then I would certainly move to support the Governor's veto and become... take a very different

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position in the future in regard to nursing home reimbursement. I hope that those members of the industry, who are considering this, will recognize the need to deal with the subject in good faith because otherwise, they may face very lean days in the future. Those items said and clearly on the record, I do rise in support of Senate Bill 1935 and believe it should be passed by this chamber at this time."

Speaker Matijevich: "There being no further discussion, the question is, 'Shall Senate Bill 1935 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 115 'ayes'. Speaker 'aye'. 116 'ayes', no 'nays'. Senate Bill 1935, having received the Constitutional Majority, is hereby declared passed. Gentleman from DeWitt, Representative Vinson. You rise on a Motion?"

Vinson: "Yes, Mr. Speaker. I now move that the..."

Speaker Matijevich: "Speaker is 'aye' on that last Bill. Yes, Sir."

Vinson: "Mr. Speaker, I now move that the appropriate rules be suspended so that Senate Bill 1733 and Senate Bill 1790 will remain on the House Calendar on the Order of Business that they are now on until Wednesday at 12:00 midnight."

Speaker Matijevich: "Gentleman asks leave that Senate Bill 1733 and Senate Bill 1790 be... remain on the Calendar until Wednesday, June 27th at midnight. There being no discussion, leave, and the use of the Attendance Roll Call for that purpose. Leave, and those two Bills' deadline will be Wednesday, midnight. Representative Vinson, for what purpose do you rise?"

Vinson: "Mr. Speaker, I now move that Senate Bill 1850, that the appropriate rule be suspended so that that Bill is not

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tabled and remains on the House Calendar until the end of the Spring Session."

Speaker Matijevich: "Gentleman asks leave in the use of the Attendance Roll Call that Senate Bill 1850, that the rules be suspended and the deadline rule not apply so... until the end of the Spring Session. Does he have leave? Leave, and the Attendance Roll Call will be journalized for that purpose. Agreed Resolutions. Hold up on that. Representative Terzich, for what purpose do you rise?"

Terzich: "Yes. Mr. Speaker, I would like to have leave for consideration to leave Senate Bill 1899 extended till Wednesday. 1889. 1889."

Speaker Matijevich: "Gentleman ask leave in the use of the Attendance Roll Call so that Senate Bill 1889... that the rules be suspended so that the deadline for that Bill be Wednesday, June 27th at midnight. Does he have leave? Leave, and the Attendance Roll Call will be journalized for what purpose. Representative Bullock, for that purpose do you rise?"

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Mr. Speaker, I was inadvertently off of the floor today when Senate Bill 1735 was called. I think the resulting Roll Call was 112 to 8. I would like to request leave to be added to that Roll Call... as an 'aye' vote."

Speaker Matijevich: "We... That is against the rule. We can't add your name but your... your intention will be journalized."

Bullock: "Thank you."

Speaker Matijevich: "Thank you. Representative Giorgi, that Bill you've got is... that's through - the one on the School Code. That's the deadline, alright. Agreed Resolutions. One moment. Representative Ronan, for what purpose do you rise?"

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Ronan: "Thank you, Mr. Speaker. Earlier this evening I was in inadvertently voted incorrectly on a Bill. And I would like leave to be recorded as voting 'present' on Senate Bill 1876."

Speaker Matijevich: "That is against the rules. We can't do it, but your intentions will be journalized."

Ronan: "That is fine with me."

Speaker Matijevich: "Agreed Resolutions."

Clerk Leone: "House Resolution 1103, Topinka; 1105, Judy Koehler; 1106, Rice; 1107, McCracken - Nelson - Topinka; 1108, Mays; 1109, Kulas - et al, 1110, Speaker Madigan; and House Joint Resolution 169, Bowman."

Speaker Matijevich: "Gentleman from Winnebago, Representative Giorgi, on the Agreed Resolutions."

Giorgi: "Mr. Speaker, Topinka's 1103, talks about the Hinsdale Branch of the American Association of University Women; 1105, by Taylor, the exceptional success of the Morton High School Potters in capturing their basketball (sic-baseball) championship; 1106, by Rice, celebrates his 60th anniversary; 1107, by McCracken, recognizes the Downers Grove North High School, 1108; by Mays, a 50th Anniversary; 1109, by Kulas, marks the 26th anniversary of Captive Nations' Week; 1110, by Madigan, honors a 80th birthday; and 169, by Bowman, designates July as Registered Disabled Voters' Month. I move for the adoption of the Agreed Resolutions."

Speaker Matijevich: "Representative Giorgi has moved for the adoption of the Agreed Resolutions. Representative Vinson."

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

Speaker Matijevich: "Proceed."

Vinson: "Is there anything in there relating to the Chicago Calumet Skyway?"

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Giorgi: "No, Sir."

Vinson: "Thank you."

Speaker Matijevich: "There being no further discussion, all in favor say 'aye', opposed 'nay', and the Agreed Resolutions are adopted. Further Resolutions."

Clerk Leone: "House Resolutions 1104, McGann."

Speaker Matijevich: "Committee on Assignment. Death Resolution."

Clerk Leone: "House Resolution 1102, in respect to the memory of Solomon D. Hill."

Speaker Matijevich: "Representative Giorgi moves the adoption of the Death Resolution. All in favor say 'aye', opposed 'nay'. And the Death Resolution is adopted. We have a Death Resolution of a former Member. We will be at ease for one moment. Messages from the Senate."

Clerk O'Brien: "A message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representative, the Senate has concurred with the House in passage of Bills, to wit, together with Amendments; House Bills; 2325, 2334, 2355, 1348, 2211, 2359, 2395, 2509, 2560, 2657, 2666, 2706, 2804, 2837, 2853, 2876, 2917, 2953, 3031, 3036, 3067, 3069, 3083, 3089, 3102, 3204, 3148, 3221, 3255, 1658, 2368, 2513, 2534, 2543 and 2566, passed by the Senate as amended June 25, 1984. Kenneth Wright, Secretary.'"

Speaker Matijevich: "We are now going to have a Death Resolution of a former Member, known to many of us. Good friend of ours, John Fary. After which on the Motion to adopt the Resolution, the House will stand in adjournment until 10:00 a.m. Will the Members please stand as the Clerk reads the Death Resolution of John Fary? Members please stand."

Clerk O'Brien: "Senate Joint Resolution 121, by Representative Vitek. Whereas, it is with profound sorrow that this Body learns of the passing of John G. Fary, distinguished former

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United States Congressman and State Representative from Chicago, on Thursday, June 7, 1984, at the age of 74; and whereas, first elected to the Illinois House of Representatives in 1954, Representative Fary ably served his constituents for over 20 years in the 69th through 79th General Assemblies, where he greatly benefited the citizens of his district and this state with his loyal dedication and legislative expertise; and whereas, in 1975, John Fary became the United States Congressman from the 5th District in the special election following the death of Representative John F. Kluczinski and until 1982, capably served in that office, where he was instrumental in bringing about the revitalization of Midway Airport and federal funding of the Little Calumet Water Shed Plan; and whereas, with an ever-present smile and a genuine affectionate regard for his constituents, John Fary's name became synonymous with the ability and integrity as he exerted his profound influence at the State and federal levels of the Legislative Branch of government; and whereas, John Fary is remembered by many of his friends, and former colleagues and constituents for the little gifts he generously distributed, including small American flags and pins and he was known to many as 'Mr. Bingo', as a result of his 16 year campaign to legalize the game in Illinois; and whereas, a life long resident of Chicago, John Fary received his formal education at St. Peter and Paul Polish Roman Catholic School, Holy Trinity High School and Loyola University and by profession was a real estate and insurance broker and for years operated a popular tavern in the back of the yards neighborhood of Chicago; and whereas, an exemplary citizen of his community, Mr. Fary was an active and enthusiastic member of numerous social and civic organizations, including the LaSalle

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General Assembly, the Knight's of Columbus, the Moose, Eagles, Kiwanis, and Lions Club, and the Chamber of Commerce, and he profoundly (sic - proudly) acknowledged and promoted his ethnic heritage through his active involvement in the Polish National Alliance and the Polish Roman Catholic Union; and whereas, Mr. Fary leaves a proud heritage to mourn his passing in the persons of his loving wife Lillian; his daughter, Marion; his son, James; two sisters, Bernice Jadowski and Angeline Resutko; and two brothers, Andrew and Frank and many admiring friends and fellow public servants in his community and in this State, which he served so well; therefore, be it resolved by the Senate of the 83rd General Assembly of the State of Illinois, the House of Representatives concurring herein, that we mark with sadness the death of our esteemed former colleague, Representative and Congressman John G. Fary, whose sense of devotion and dedication to the betterment of the citizens of Chicago and this state continues to inspire our every endeavor and whose very life exemplified the finest traits of the noble statesmen, and that we convey our heartfelt sympathy to his grieving family and friends; and be it further resolved that a suitable copy of this Preamble and Resolution be presented to his widow, Mrs. Lillian Fary, and to his children, Marion and James, as a token of our esteem and as a further token... expression of our sympathy, the House does now stand adjourned."

Speaker Matijevich: "Gentleman from Cook, Representative John Vitek."

Vitek: "Thank you. Mr. Speaker, Ladies and Gentlemen of the House. The other day I spoke of death, death, death, how beautiful. Johnny Fary come in 1975. And I was happy as I took his seat here from 1960 to 1966 when I stepped aside on the redistricting thing on the request of Mayor Richard

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J. Daley that John he will become the Director of Real Estate, let Fary go into the House, back in the new district, the old 29th District. In 1975 when Kluczynski died, our Congressman of the 5th District, the Mayor called me, he said, 'John, how would you like to go to Congress?' I said, 'No, my father and mother are still living. They're 89 and 87 years old. I would like to stay in Chicago with them or in Springfield. I would like to go back to Springfield and take my seat because I only had three terms here. And yet, I have four terms to apply for a pension. 'Did you leave your money in the pension fund?' I said, Yes, I did. He said, 'Okay.' He said, 'We will send Fary to Congress because we beat 'Lawler' by a big vote,' on my birthday, July 8th, 1975. What a present that was for me to come back to the House. Jerry Shea flew me down here. They swore me up on the podium there with Redmond. John Fary was happy that he went to Congress. I got his seat. Over here is Mr. Bingo's seat, and you remember that little drawer he had down here was always filled with little goodies. The little two ounce shot when ever you were a little lacking late at night, two or three in the morning, John had that little shot ready for you, and 'Kenny Wrent' was one of his best customers, the Judge today. And poor Kenny passed away too, so you see death is beautiful, it awaits all of us. And I am happy to say that when we were voting on the bingo, I was the guy that use to drive them and bring all the sausage down to the hotel for the American Legion boys, and I was the bartender, and many a guy got out of there, he was stiffer than a hoot owl. So when we got on the House floor, we fought like heck and it was only sixteen years that we finally got bingo passed, thanks to the continuing fight. And the big thing that I remember about Johnny was he would give you his word and he

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tried to stick by it. He was loyal. He said he was loyal till death to the name of Richard J. Daley, because Daley put him in there, and I am loyal to the name of Daley for putting him in. So, Mr. Speaker, Ladies and Gentlemen of the House, you have got before you a picture of a true, smiling, good hearted, little fat round man with a smile like Santa Claus, with a twinkle in his eye. And I would only hope and pray that it wasn't against the rules that we could put every Member of the House on a Senate Joint Resolution. I hope the Clerk will check with Wright to see if that's legal. And I am sure there are a lot of guys that I was going to prepare my own Resolution but Lechowicz put one through with identical wording that I had, and I couldn't say it any better than our Senator Teddy. So with that, I move for the adoption of Senate Joint Resolution 121."

Speaker Matijevich: "Representative Vitek moves for the adoption of the Senate Joint Resolution. All in favor say 'aye', opposed 'nay'. The Senate Resolution is adopted, and the House in memory to Congressman John Fary and a former Member does now stand adjourned until 10:00 a.m. tomorrow, Tuesday."

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