

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

82nd Legislative Day

October 19, 1983

Speaker McPike: "The House will come to order. The House will come to order. The Members will be in their seats. The Chaplain for today will be Rabbi Israel Zoberman of Temple B'rith Shalom in Springfield. Rabbi Zoberman is a guest of Representative Mike Curran. The guests in the gallery please rise to join us in the invocation."

Chaplain Zoberman: "Our God, of infinite promise, cherished Legislators, at this season of new beginnings may we be conscious of the divine gifts implanted within us to respond to the multiple challenges of reality, confident of our unique ability to rise to the demands of the hour. We need not resign in despair, rather affirm that in spite of complex issues that seem to overwhelm us, we can, individually and collectively, make a difference. To be dedicated to making that difference in our lives and on our public agenda is a privilege and a responsibility, ours to appreciate. So may it be. Amen."

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

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

Speaker McPike: "Roll Call for Attendance. 113 Members answering the Roll Call. A quorum is present. Representative Greiman, do you have any excused absences? Representative Vinson, do you have any excused absences?"

Vinson: "Not from the best of my knowledge, Mr. Speaker, at this point."

Speaker McPike: "Thank you. Introduction and First Readings."

Clerk O'Brien: "House Bill 2321, Topinka - Mautino and Tate, a Bill for an Act to amend the Nonprofit Health Care Service

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Plan Act. First Reading of the Bill. House Bill 2322, Leuchler - et al, a Bill for an Act to amend the School Code. First Reading of the Bill."

Speaker McPike: "Agreed Resolutions."

Clerk O'Brien: "House Resolution 512...512, Jane Barnes; 513, DeJaegher - et al; 514, Mautino; 515, Panayotovich - Madigan; 516, Panayotovich - Terzich and Giglio; 518, Madigan; 519, Madigan. House Joint Resolution 82, Bopp; 83, Bopp; 84, Bopp; 85, Neff - Friedrich and Ewing; 86, Hastert; 87, Hastert, and Senate Joint Resolution 62, Van Duyn - Woodyard."

Speaker McPike: "Representative Giorgi on the Agreed Resolutions."

Giorgi: "Mr. Speaker, House Resolution 512, Barnes, tells about the City of Palos Heights recycling trash; 513, by DeJaegher, talks about a new disease that ought be studied; 514, by Mautino, the Valley...Association of Insurance Women honor their award of honor; 515, by Panayotovich, honors the closing of the United States Steel Plant; 516, by Panayotovich, talks about the Tamburizza Association; 518, by Madigan, tells of an anniversary; 519, by Madigan, it also tells of an anniversary; 82, by Bopp, heralds the Miss Illinois Teenage All American Pageant that was held at the Marriott O'Hare Hotel in Chicago; 83, by Bopp, gives us the winners of the Racquet Ball Tournament; 84, by Bopp, gives us the winners of the Tennis Tournament; 85, by Neff, honors the Imperial Potentate of the A.A.O.N.M.S.; 86, by Hastert, spreads on the record the 81st Annual Convention of the Navy League of the United States; 87, by Hastert, honors Colonel..., and Senate Joint 62, by Van Duyn, commends General John Phipps. I move for the adoption for the Agreed Resolutions."

Speaker McPike: "Representative...Representative Giorgi has moved

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for the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Resolution 513 was removed from the Agreed list. General Resolution. House Resolution 513, DeJaegher - et al."

Speaker McPike: "Committee on Assignment. Representative Wolf, for what reason do you rise?"

Wolf: "Thank you, Mr. Speaker. I would request leave of the House at this time to place Senate Bill 44, which now is on the Calendar under the Order of Second Reading First Legislative Day, to move that to Second Reading Second Legislative Day. This Bill is a vehicle to correct the deficiencies in House Bill 1305, the Gas Tax Bill, errors which were discovered after this Bill had been passed into law."

Speaker McPike: "Representative Vinson on the Motion."

Vinson: "Mr. Speaker, I rise in support of the Gentleman's Motion. It's an appropriate Motion to expedite the treatment of this technical corrective piece of legislation, which all parties involved in are signed off on, and it's particularly important to several industrial groups. And I would urge acceptance of the Motion."

Speaker McPike: "Representative Wolf has asked leave to use the Attendance Roll Call to place Senate Bill 44 on Second Reading, Second Legislative Day. Hearing no objections, leave is granted. The Attendance Roll Call will be used. Senate Bill 44, Second Reading, Second Legislative Day. On page 16 of the Calendar, Amendatory Veto Motions, appears House Bill 41. Representative Mautino. I'm sorry, that's on a Subject Matter of Call. House Bill 186, Representative Giorgi. Yes. Read the Bill, Mr. Clerk."

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Representative Giorgi on the Motion."

Giorgi: "Mr. Speaker, I move that we accept the Governor's amendatory veto on House Bill 186. All it is is technical in nature, so that...no change in the substantive matter."

Speaker McPike: "Representative Vinson on the Motion."

Vinson: "Mr. Speaker, I think this is on a matter of parliamentary privilege, and I think it's appropriate for Members to describe what it is we're dealing with."

Speaker McPike: "Your point is well taken. That point was raised yesterday. Representative Giorgi, would you care to explain the Bill? This is final action."

Giorgi: "Well, let me get my hand...let me get my hands on the veto message and take it out of the record momentarily. I don't have it here."

Speaker McPike: "Well, we...we will return to that as soon as Representative Giorgi gets the material. House Bill 234 is on Special Call. House Bill 247, Representative Pierce. Representative Pierce."

Pierce: "House Bill 247 is the product of the so called 'Green Sheets' Committee set up by special Joint Resolution of the House and the Senate. It had to do with the burden of the real estate transfer forms that had been placed on those in the real estate business, lawyers, realtors, savings and loans, lending institutions and others, by the requirements for disclosing all creative financing on the real estate transfer forms. The Joint Committee of the House and the Senate met, and Representative Hastert and I introduced legislation, House Bill 234, to correct the situation of the 'Green Sheets'. I think we did it to everyone's satisfaction. However, one index we used in the Bill turned out was abolished by the Federal Government. So the Governor's amendatory veto sets up a new index to be used that will...that is in existence and can determine whether

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we have creative financing or not. I, therefore, move to accept the Governor's recommendations for change on House Bill 247."

Speaker McPike: "Is there any discussion? Being none, the question is, 'Shall the House accept the Governor's specific recommendations for a change with respect to House Bill 247 by the adoption of the Amendment?'. This is final action. All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 111 'ayes', no 'nays', none voting 'present'. This... Mulcahey 'aye'. 112 'ayes'. This Motion, having received the Constitutional Majority prevails, and the House accepts the Governor's specific recommendations for change regarding House Bill 247 by the adoption of the Amendment. Representative Giorgi, are you ready on House Bill 186? Representative Giorgi."

Giorgi: "Yes, Sir, the correct Motion was just signed. What 186 did to begin...beginning with, it created the group of self-insurance insolvency fund which triggers in when an employer goes bankrupt. Now, the Governor's amendatory veto didn't change the basic substance of the Bill, but it makes the Industrial Commission responsible for administration of the new self-insurance insolvency fund. And second, the veto message provides that no monies may be spent out of the fund until the Industrial Commission has determined that a bankrupt company securities, surety funds and insurance policies had been exhausted. That's all the Bill does. I urge support of the...accepting the Governor's veto message."

Speaker McPike: "Is there any discussion? Representative Giorgi, there seems to be some confusion at the...with the Clerk as to which Motion we're moving. So let's take this out of

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the record. And if you could come to the well, we'll try to straighten it out. House Bill 333, Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I move to accept the specific recommendations of the Governor as it pertains to House Bill 333. House Bill 333 in its initial form authorized the Department of Conservation to set up a funding mechanism for the purchase and provisions for financing poaching enforcement by the Law Enforcement Department of the Department of Conservation. The Law Enforcement Division of the Department of Conservation. The Governor has stricken the provisions that set forth the funding of ten thousand dollars from the contractual line items, but he has recommended that he agrees with the philosophy, and the funding should come from private sources, that being the sportsmen's clubs, the hunting and fishing clubs throughout the state who wish to donate to that fund. In that regard, I accept the Governor's recommendation and move for adoption as it pertains to House Bill 333."

Speaker McPike: "Is there any discussion? Being none, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 333 by the adoption of the Amendment?'. This is final action. All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 113 'ayes', no 'nays', none voting 'present'. This Motion, having received the Constitutional Majority prevails, and the House accepts the Governor's specific recommendations for change regarding House Bill 333 by the adoption of the Amendment. Representative Breslin in the Chair."

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Speaker Breslin: "House Bill 615, Representative Bomer. Is Representative... Representative Brunsvold? Representative Brunsvold."

Brunsvold: "Thank you, Madame Speaker. House Bill 615 has originally passed out of this House 111 to 0, now the Senate 57 to 0 - would call for reports of alleged battery to school personnel within twenty-four hours. The Governor agreed with that situation. However, he used his amendatory veto to...to not allow personnel to be paid for loss of salary due to this battery or this situation. And I'm asking for an override on that situation."

Speaker Breslin: "Is there any discussion? Representative... The Representative from Winnebago, Representative Hallock. Representative Hallock."

Hallock: "Am I on? Okay. Did we do this Bill yesterday?"

Brunsvold: "Yes, we did."

Hallock: "Well, Madame Speaker, it seems to me that yesterday this Bill was called. The votes were not there for the override, and I think we have done the Bill once. That's it. My understanding was to be that today he would move for the...to accept the amendatory veto. I mean, Madame Speaker, are we going to have a Postponed Consideration Calendar for Bills which did not pass the first time on the override Motion?"

Speaker Breslin: "The Clerk advises the Chair that this is a new Motion that was filed, Representative Hallock, and the Gentleman is within his rights."

Hallock: "Well then, what you're saying is that each time a person loses an override bid, you can just file a new Motion; you can hear the Bill all week long."

Speaker Breslin: "Within the purview of the rules there are no limits with that regard. We would certainly hope that people would not repeat Motions if they do not have their

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votes, of course."

Hallock: "Well, we certainly would hope that too."

Speaker Breslin: "But those are the rules. Representative Brunsvold on that question."

Brunsvold: "Yes, Madam Speaker, I was just... A second Motion here, I was just amazed that this Bill passed out of the House 111 to 0 and out of the Senate 57 to 0, and we can't get...we can't get 71 votes on this Bill. It just...I was just amazed to see that happen yesterday. And I just wondered what the problem was. We were so sure of this Bill before and all of a sudden we've taken a reverse action here. I just wondered what the problem was."

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

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen of the chamber. Representative Hallock was absolutely correct on this. He couldn't have been more correct. The Sponsor of the Motion could not be more incorrect in proceeding in this fashion tying up the chamber at a time when we have a Calendar full of very important amendatory vetoes, full of very important total vetoes and full of important substantive legislation. Now, I believe if he is going to be dilatory in that fashion; then should he get the requisite number of votes, Madam Speaker, I request a verification."

Speaker Breslin: "You are within your rights. Is there any further discussion on this Bill? There being no further discussion, the question is, 'Shall House Bill 615 pass, the veto of the Governor notwithstanding?'. This is final action. All those in favor vote 'aye', all those opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Representative Homer to explain his vote. The Clerk will take the record. On this Motion



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there are 70 'ayes', and 39 'nays'. And the Sponsor requests a Roll of the Absentees. Roll the absentees, please, Mr. Clerk."

Clerk O'Brien: "Poll of the Absentees. Ebbesen, Jaffe, Klemm, Rice, Ropp, Vitek, Wait, Winchester and Woodyard."

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

Vitek: "Vote 'aye'."

Speaker Breslin: "Is there anyone further who wishes to be recorded? On this Motion there are therefore 71 voting 'aye', and 39 voting 'no'. And the Gentleman from DeWitt, Representative Vinson."

Vinson: "Madam Speaker, I request a verification of the Affirmative Roll."

Speaker Breslin: "The Gentleman has requested a verification of the Roll Call. Representative Turner, for what reason do you rise? Representative Turner asks leave to be verified, Representative Vinson. Is that acceptable? And Representative Markette asks leave to be verified. That is acceptable. You have leave. Proceed, Mr. Clerk."

Clerk O'Brien: "Poll of the Affirmative. Alexander, Berrios, Bowman, Braun, Breslin, Brookins, Brusner, Brunsvold, Bullock, Capparelli, Christensen, Cullerton, Curran, Currie, DeJaegher, DiPrima, Lonicco, Ecycle, John Dunn, Farley, Flinn, Giglio, Giorgi, Greiman, Hannig, Hawkinson, Hicks, Homer, Huff, Keane, Kirkland, Krska, Kulas, Laurino, LeFlore, Leverenz, Levin, Markette, Marzuki, Matijevich, Mautino, McCracken, McGann, McPike, Mulcabe, Nash, O'Connell, Panayotovich, Pangle, Pierce, Preston, Rea, Rhee, Richmond, Ronan, Saltzman, Satterthwaite, Shaw, Slape, Steczo, Stuffle, Taylor, Terzich, Turner, Van Duyn, Vitek, White, Wolf, Younge, Yourell and Mr. Speaker."

Speaker Breslin: "Representative Vinson, do you have any

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questions of the Affirmative Roll Call?"

Vinson: "Yes, I do, Madam Speaker. Representative Braun."

Speaker Breslin: "Is Representative Braun in the chamber? Representative Braun. The Lady is not... The Lady is in the chamber in the back of the chamber."

Vinson: "Morning, Representative. Representative Capparelli."

Speaker Breslin: "Representative Capparelli. Representative Capparelli is in the chamber in the back of the chamber."

Vinson: "Representative Cullerton."

Speaker Breslin: "Representative Cullerton."

Vinson: "Haven't heard any of his action today yet."

Speaker Breslin: "Representative Cullerton. Is the Gentleman in the chamber? Representative Cullerton. The Gentleman is not in the chamber. Remove him."

Vinson: "Representative Farley."

Speaker Breslin: "Representative Farley. Representative Farley. Is the Gentleman in the chamber? Remove him."

Vinson: "Mr. Greiman."

Speaker Breslin: "Representative Greiman. Representative Greiman. Is the Gentleman in the chamber? The Gentleman is not in the chamber. Remove him."

Vinson: "Mr. Krska."

Speaker Breslin: "Representative Krska. Representative Krska. Is the Gentleman in the chamber? The Gentleman is not in the chamber. Remove him."

Vinson: "Mr. Laurino."

Speaker Breslin: "Representative Laurino. Representative Laurino. Is the Gentleman in the chamber? The Gentleman is not in the chamber. Remove him."

Vinson: "Mr. LeFlore."

Speaker Breslin: "Representative LeFlore is in the back of the chamber."

Vinson: "Mr. Leverenz."

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Speaker Breslin: "Representative Leverenz. Representative Leverenz is in the front of the chamber."

Vinson: "Mr. Matijeovich."

Speaker Breslin: "Representative Matijeovich. Representative Matijeovich. The Gentleman is not in the chamber. Remove him."

Vinson: "Mr. O'Connell."

Speaker Breslin: "Representative O'Connell. Representative O'Connell. The Gentleman is not in the chamber. Remove him."

Vinson: "Mr. Rea."

Speaker Breslin: "Representative Rea. Representative Rea. The Gentleman is not in the chamber. Remove him. Representative Rea has re-entered the chamber. Please put him back on the Roll Call."

Vinson: "Mr. Slape."

Speaker Breslin: "Representative Slape. Representative Slape. Is the Gentleman in the chamber? Remove him. Representative Hawkinson asks leave to be verified. The Gentleman has leave. Remove Representative Rea."

Vinson: "No, wait a minute, Rea is okay."

Speaker Breslin: "Representative Slape, excuse me. Remove Representative Slape."

Vinson: "But, Rea should be on there."

Speaker Breslin: "Re...Rea should be on the...the Roll Call, yes."

Vinson: "Mr. White."

Speaker Breslin: "Representative White. Representative White is at the side of the chamber."

Vinson: "Mrs. Satterthwaite."

Speaker Breslin: "Representative Satterthwaite. Representative Satterthwaite. Is the Lady in the chamber? The Lady is not in the chamber. Remove her."

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Vinson: "Mr. Yourell."

Speaker Breslin: "Representative Yourell is in the chamber."

Vinson: "Mrs. Younge."

Speaker Breslin: "Representative Younge. Representative Ryvetter  
Younge. The Lady is not in the chamber. Remove her."

Vinson: "I think that's enough."

Speaker Breslin: "Are you finished, Representative?"

Vinson: "I said, I think that's enough. Can we just get the  
count and then if I need to get a few more, I can?"

Speaker Breslin: "Mr. Clerk, would you give us the count? There  
are... On this Motion there are 61 voting 'aye', and 39  
voting 'no'. And the Motion to override, therefore, fails.  
Gentleman, the...the Bill has failed already. The next  
Bill to be called on the Order of Amendatory Veto Motions.  
Representative Vinson, for what reason do you rise?"

Vinson: "Would you report to Mr. Brunsvold that now is the time  
to file the third Motion on that one?"

Speaker Breslin: "Representative and Members, the Gentleman would  
be in his rights to refile a Motion on this subject. That  
is the current status of our rules. However, please note  
that you should not make Motions...repetitive Motions  
unless you believe that the Bill has a good chance for  
passage, which I'm sure this Gentleman thought at the time.  
The next Bill to be called on the Order of Amendatory Veto  
Motions is House Bill 628. Representative Stuffle."

Stuffle: "Madam Speaker, Members of the House, I would move to  
accept the Governor's specific recommendations for change  
with regard to House Bill 628. The Governor has, in his  
action, provided statutory language for what has been the  
custom and use of the method of payments to the downstate  
and the Chicago teacher retirement systems. He has placed  
in the amendatory veto language in the Finance Act and the  
School Code that codifies existing practice. And I move to

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accept the amendatory veto of the Governor."

Speaker Breslin: "The Gentleman moves to accept the amendatory veto of House Bill 628. And on that question, is there any discussion? Is there any discussion? There being no...no discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 628 by the adoption of the Amendment?'. This is final action. All those in favor vote 'aye', all those opposed vote 'nay'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 110 voting 'aye', and 1 voting 'no'. This Motion, having received the Constitutional Majority prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 628 by the adoption of the Amendment. Representative Fiel, for what reason do you rise?"

Fiel: "Thank you, Madam Speaker. I would like unanimous leave of the House to waive rule 65 (b) while the present Speaker is in the chair."

Speaker Breslin: "The Gentleman asks to waive rule 65 (b). Is there any objection? There being no objection, the rule is waived. On the Order of Amendatory Veto Motions there appears House Bill 645. Representative Bea. Since Representative Bea is not in the chamber, we will go on to House Bill 6...rather House Bill 744. Representative Van Dyne. Representative Van Dyne."

Van Dyne: "Thank you...Thank you, Madam Speaker, I move to accept the Governor's specific amendatory veto. The intention of the Bill was to take some of the ambiguous language out of who was given the authority to promulgate the rules of the Nature Preservation Commission. And we had it in reverse and the Governor has reversed it again - and so, as long as we have it clarified while we're in

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favor. And so I move to accept the Governor's veto."

Speaker Breslin: "The Gentleman has moved to accept the Governor's amendatory change of House Bill 744. And on that question, is there any discussion? Is there any discussion? There being no discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 744 by the adoption of the Amendment?'. This is final action. All those in favor vote 'aye', all those opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 109 voting 'aye', and none voting 'no'. This Motion, having received the Constitutional Majority prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 744 by the adoption of the Amendment. On the Order of Amendatory Veto Motions appears House Bill 775. Representative Stuffle. Representative Stuffle. Since Representative Stuffle is not in the chamber, we will pass that Motion and go to House Bill 803, Representative Brummer. The Membership should be advised to watch the Calendar carefully. We are skipping over all Bills that are on a Special Subject Matter Call. Therefore, your Bill could come up very quickly. Look at the Calendar carefully. Representative Brummer."

Brummer: "Yes, I move to accept the Governor's specific recommendations for change. The change is technical in nature. This Bill itself is a clean-up Bill dealing with the fines that can be imposed on oil and gas operators. The intent was to make this a civil offense, and inadvertently, language regarding a petty offense was left in the Bill. The Governor correctly suggested that that be deleted. And therefore, I recommend...move to accept the

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Governor's recommendation for change."

Speaker Breslin: "The Gentleman moves to accept the Governor's recommendation for change on House Bill 803. On that question, is there any discussion? There being no discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 803 by the adoption of the Amendment?'. This is final action. All those in favor vote 'aye', all those opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 108 voting 'aye', and none voting 'no'. This Motion, having received the Constitutional Majority prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 803 by the adoption of the Amendment. On the Order of Amendatory Veto Motions now appears House Bill 975. Representative Stuffle. Representative Stuffle. The Gentleman is not in the chamber. We will, therefore, go over to page 18, House Bill 1239. Representative Yourell. Representative Yourell on House Bill 1239."

Yourell: "Thank you, Madame Speaker and Ladies and Gentleman of the House. House Bill 1239 was amended by the Governor to make additional changes in the Act to provide a park owner of a mobile home...mobile home lot substantial and almost unlimited control over the sales transactions of mobile homes within the park. It also allows the park owner prior approval of any sale within the park. I think that this strengthens the Bill as it passed out of the House, and I move to adopt the recommendations of the Governor relative to House Bill 1239."

Speaker Breslin: "The Gentleman moves to accept the Governor's specific recommendations for change in House Bill 1239. On that question, is there any discussion? There being no

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discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 1239 by the adoption of the Amendment?'. This is final action. All those in favor vote 'aye', all those opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 112 voting 'aye', and none voting 'no'. This Motion, having received the Constitutional Majority is hereby...rather prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 1239 by the adoption of the Amendment. The Chair will go back to Amendatory Veto Motions for Representative Mautino. I skipped his Bill. That is House Bill 1133 on the Calendar. Representative Mautino."

Mautino: "Thank you very much, Madam Speaker. I move to accept the Governor's specific recommendations on House Bill 1133. The legislation in its initial concept authorized a new method in which to collect sales tax on motor fuels in the State of Illinois. Basically, it established a provision that authorized the retailer to pay the tax to the wholesaler who remits it then to the State of Illinois. It sets up a paper trail so that the sales tax is collected correctly and properly on motor fuel taxes in the state. The...In accepting the Governor's recommendations, we have also cleaned up some technical language that addresses the question of prepayment of taxes in the Section concerning to gasohol. Since this legislation...this Legislature eliminated the tax on gasohol, it was agreed to by the Governor, his staff and the Department of Revenue that those provisions, as they pertain to gasohol, be eliminated from the legislation, and it was not addressed by the Governor's amendatory veto. Therefore, we have adopted by



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the Amendments, the technical changes, the recommendations of the Governor as well as the provisions on noncollection of gasohol tax."

Speaker Breslin: "The Gentleman moves to accept the Governor's specific recommendation for change in House Bill 1133. And on that question, is there any discussion? There being no discussion, the question is, 'Shall the House accept the Governor's specific recommendation for change with respect to House Bill 1133 by the adoption of the Amendment?'. This is final action. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 111 voting 'aye', and none voting 'no'. This Motion, having received the Constitutional Majority prevails. And the House accepts the Governor's specific recommendation for change regarding House Bill 1133 by the adoption of the Amendment. By the adoption of the Amendment, we have accepted it, Representative. The next Bill appearing on the Order of Amendatory Veto Motions is House Bill 1336. Representative Fierce."

Pierce: "House Bill...House Bill 1336 was a Bill proposed by the Attorney General's Office in order to help collect the sales tax. It provided for posting a lien in lieu of a bond during administrative review proceedings as long as a lien was as secure as a bond. The Governor saw no problem with that part. President Rock put an Amendment on in the Senate providing exemption for proprietary schools, and he saw no problem with that because of the definition of the vocational schools had solved educational merit. The Governor, however, did veto out by amendatory veto an Amendment put on in the Senate by Senator Lemke that exempted resales of books by schools from the sales tax.

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The Governor knocked that out. I'm willing to go along with the Governor's amendatory veto even though I didn't see anything wrong with that provision. It will only cost the state maybe a 150,000. The Governor did knock out that portion of the Bill which is not in my original Bill which was added in the Senate by a Senate Amendment. And I move, therefore, to accept the Governor's recommendations for change to accept the amendatory veto and ask that you vote 'aye'."

Speaker Breslin: "The Gentleman moves to accept the Governor's specific recommendations for change in House Bill 1336. Is there any discussion on that question? There being no discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 1336 by the adoption of the Amendment?'. This is final action. All those in favor vote 'aye', all those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 109 voting 'aye', and none voting 'no'. This Motion, having received the Constitutional Majority prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 1336 by the adoption of the Amendment. On the Order of Amendatory Veto Motions now appears House Bill 1342. Representative Leverenz."

Leverenz: "Thank you, Madame Speaker, Ladies and Gentlemen of the House. I would move that we accept the amendatory veto of the Governor. The change he made was a pure technical one. He rewrote the paragraph. It's simply for clarification on a request by a police officer, and I would ask for your favorable vote."

Speaker Breslin: "The Gentleman moves to accept the Governor's specific recommendations for change in House Bill 1342. On

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that question, is there any discussion? There being no discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 1342 by the adoption of the Amendment?'. This is final action. All those in favor vote 'aye', all those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 111 voting 'aye', and none voting 'no'. This Motion, having received the Constitutional Majority prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 1342 by the adoption of the Amendment. On the Order of Amendatory Veto Motions appears House Bill 1402. Representative Pierce."

Pierce: "Madame Speaker, Ladies and Gentlemen of the House, House Bill 1402 was a rather complex Bill putting the state income tax more in line with the federal income tax by allowing taxpayers to show an amount less than zero on their...taxes to show losses and to take advantage of them. There was some concern, and I think the Majority Leader, Representative McEike, expressed it on the floor that there may be opportunity for someone to receive a double benefit. And so the Governor's amendatory veto provided that if a taxpayer reports negative taxable income in a year of loss, such loss may not be taken into account in computing base income for any other taxable year. He can take it for that taxable year, but not for any other taxable year. I think amendatory veto makes sense. I think it's a safeguard on the Bill, and I, therefore, move to accept the Governor's specific recommendations for change on House Bill 1402 and ask for an 'aye' vote."

Speaker Breslin: "The Gentleman moves to adopt the Governor's specific recommendations for change in House Bill 1402. On that question, is there any discussion? There being no

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discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 1402 by the adoption of the Amendment?'. This is final action. All those in favor vote 'aye', all those opposed vote 'nay'. Voting is open. Have all voted who wish? The Clerk will take the record. On this Motion there are 112 voting 'aye', and none voting 'no'. This Motion, having received the Constitutional Majority prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 1402 by the adoption of the Amendment. On the Order of Amendatory Veto Motions appears House Bill 1495. Representative Matijevich."

Matijevich: "Yes. Madame Speaker and Ladies and Gentlemen of the House, I am moving to...that House Bill 1495 do pass, the veto of the Governor notwithstanding. House Bill 1495, in its form as given to the Governor, really would protect the drug enforcement groups, the metropolitan drug enforcement group. And if we accept the Governor's amendatory veto, it would really destroy the drug enforcement throughout the State of Illinois. This is a very crucial issue. I understand the Governor's reasoning that we should start to go toward funding out of the Narcotics Profits Forfeiture Act. However, we must all admit, and I'm sure that the Governor is aware, that there are not any funds available through that source. When the day comes that funds are available, then yes, but right now if we would go along with the Governor, we would really put a crippling affect on drug enforcement. I have received support from both sides of the aisle that we should override the Governor's veto on this matter. There is nothing more important, I think, than enforcement of drug laws in the State of Illinois. I would urge the Membership, urge the Membership

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that we override on this particular issue and that House Bill 1495 do pass. Senator Rock has a Motion in the Senate to...to restore funds for the metropolitan drug enforcement groups which I will support when that comes over here, and I would urge your support of me on this one."

Speaker Breslin: "The Gentleman moves to override the Governor's veto on House Bill 1495. And on that question, the Gentleman from Cook, Representative Marzuki."

Marzuki: "Thank you, Madame Chairman, Ladies and Gentlemen of the House. I would urge you to support this override. It is very important that this legislation remain in place for those small communities, especially in the metropolitan area, who in no way can afford to fund this kind of activity by themselves. This has worked well. It's one of the better things that we have done in the State of Illinois. I would hope that everyone would vote to override this."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the question is, 'Shall House Bill 1495 pass the veto of the Governor notwithstanding?'. All those in favor vote 'aye', all those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 93 voting 'aye', 22 voting 'no', and 1 voting 'present', and the Motion to override prevails. On the Order of Amendatory Veto Motions now appears House Bill 1667. Representative Keane."

Keane: "Thank you, Mr. Speaker (sic - Madame Speaker). I move to override the Governor's veto on House Bill 1667. As the Bill left the General Assembly, we said it was lawful for a person to hold the office of a county board member and a township assessor or a town clerk simultaneously in all counties. At the present time that's limited to counties

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of less than 300,000 population. The Governor's veto message says that he bases his veto of that Section on the basis that it's...to allow individuals in the most populous counties to hold two positions at once will not be in the best interest of the citizens of those areas. He said it would appear to encourage a lack of participation of the citizens in the electoral process. I think we're all aware of cases where Members of the General Assembly hold two office, two public offices. There are a number of cases where people hold two public offices and do a very fine job. I would ask that you vote 'aye' on the override of the Governor's veto."

Speaker Breslin: "The Gentleman has moved to override the Governor's amendatory veto on House Bill 1667. And on that question, the lady from DuPage, Representative Karpiel."

Karpiel: "Yes, thank you, Madame Speaker. I hate to disagree with my usual colleague on these type of legislation. But being from DuPage, the feeling is there that with so many people at such a large county with such a large population it is not necessary to have office holders holding two offices at once. It's considered double dipping. A lot of our township supervisors and assessors make a great deal of money. They make a very nice salary and holding a county board office simultaneously is really not in the interest of the people there, and it is not... We don't feel in that county that it's the proper thing to do to hold those two office...hold two offices and make two big salaries at the taxpayers expense. And I would urge a 'no' vote on the override Motion."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the Gentleman from Cook, Representative Keane, to close."

Keane: "Thank you, Madame Speaker. If we follow the Governor's

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logic to its logical conclusion, we could say that anyone serving in the General Assembly should not serve as a Mayor. We can come up with a lot of rationale. I don't think that we want to do that. I think that we're very energetic people, some very very talented people, and that we should not limit their involvement in government. And I'd ask for a favorable Roll Call."

Speaker Breslin: "The question is, 'Shall House Bill 1667 pass the veto of the Governor notwithstanding?'. All those in favor vote 'aye', all those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 76 voting 'aye', and 33 voting 'no', and the Motion to override, therefore, prevails. On the Order of Amendatory Veto Motions now appears House Bill 1674. Representative Cullerton."

Cullerton: "One moment, please. Thank you, Madame Speaker and Ladies and Gentlemen of the House. This Bill rewrote the Public Adjustor Regulatory Act which was passed in 1981. The purpose of which was to remove some ambiguities which existed in the law and also to codify some rules that the Department of Insurance wished to have in the statute as opposed to just having as rules. We made a mistake in drafting the Bill in that the grandfather clause which was in the original Act was inadvertently left out. The Governor caught that mistake, and unfortunately, we have a process of an amendatory veto where the Governor can correct technical mistakes like that, and he did do that in this particular case. So I would move to accept the Governor's amendatory veto."

Speaker Breslin: "The Gentleman moves to accept the Governor's specific recommendations for change in House Bill 1674. On that question, is there any discussion? There being no

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discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 1674 by the adoption of the Amendment?'. This is final action. All those in favor vote 'aye', all those opposed vote 'no'. Have all voted who wish? The Clerk will take the record. On this Motion there are 112 voting 'aye', and none voting 'no'. This Motion, having received the Constitutional Majority prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 1674 by the adoption of the Amendment. Now, Ladies and Gentlemen, we will go back to those amendatory veto Motions that were previously called where the Sponsors were out of the chamber, and the first one is Representative Rea. House Bill 645. He was here just a minute ago. Okay, Representative Stuffle, would you like to present your Bill? House Bill 775. Out of the record. Representative Rea. Therefore, Ladies and Gentlemen, we will change the Order of Call at this time to Total Veto Motions found on your Calendar on page 9. The first Bill that is not on a Subject Matter of Call on that Order is House Bill 97. Representative Matijevich. Out of the record. House Bill 171, Representative Johnson. Out of the record. House Bill 172, Representative Johnson. Out of the record. House Bill 307, Representative Birkinbine. Representative Birkinbine. Out of the record. We are on the Total Veto Motions, Ladies and Gentlemen, on page 9. Please be prepared to present your Bills. Representative Marzuki, House Bill 439. Out of the record. Representative Johnson, House Bill 475. Out of the record. Representative Terzich, House Bill 482. Out of the record. Ladies and Gentlemen, we are on the Order of Total Veto Motions. Remember we are only going to be in Session for one more day. Please call your Bills as soon as possible.



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Representative Hawkinson wishes to have House Bill 522 out of the record. Representative Fangle, House Bill 662, amends the Illinois Lottery Law. Do you wish to call that Motion, Representative? Out of the record. Representative Matijevich, House Bill 682. It's a Total Veto Motion on the Illinois Pension Code. Representative Matijevich."

Matijevich: "Yes, Madame Speaker, Ladies and Gentlemen of the House, I am moving now that House Bill 682 pass, the Governor's veto notwithstanding. House Bill 682 is an attempt by me with the support of the Professional Firefighters of Illinois and the downstate firefighters to set up into the statutes a system of guidelines for pension funding. What has happened in the State of Illinois there is a wide discrepancy between some funding systems of the downstate firefighters' pension systems where some are funding at a...abysmally low level. This Bill would help to upgrade the pension systems for firefighters in Illinois. And I would urge the Members to override the Governor and support me on the passage of the Bill."

Speaker Breslin: "The Gentleman moves to override the Governor's veto of House Bill 682. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 682 pass, the veto of the Governor notwithstanding?'. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 84 voting 'aye'... Representative Hawkinson wishes to be recorded as voting 'no'. There are 84 voting 'aye', and 30 voting 'no' on this Motion, and the Motion to override prevails. Representative Rea, House Bill 730. A Motion to override, Representative Rea, on House Bill 730, amends the Illinois Income Tax Act. Representative Rea. Representative Rea

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asks that House Bill 730 be taken out of the record. I would, again, remind the Members that we are skipping all those Bills on Subject Matter Calls. Please be prepared to present your Bill when it is called. The next Bill to be called is Representative Kirkland's. House Bill 743. Is the Gentleman in the chamber? House Bill 743. Out of the record. Representative Richmond. House Bill 791. Out of the record. Representative Matijevich. House Bill 799. 799. It's a Bill to authorize police officers to organize and bargain collectively with their public employers. Representative Matijevich. Oh, out of the record. Representative Giorgi, are you prepared on House Bill 805? Out of the record. Representative Ronan, House Bill 932. Is the Gentleman in the chamber? Representative Ronan. Out of the record. Representative Pierce, House Bill 958. 958, amends the Code of Civil Procedure. Representative Fierce."

Pierce: "Madame Speaker, Ladies and Gentleman of the House, House Bill 958 was a very sensible idea. It was so sensible it wasn't even my idea originally. A practicing attorney and Judge Sullivan in the Skokie court supported it. What it provides, instead of getting notaries on all verified pleadings, a verified pleading can be certified, have the same penalty as if that had been notarized, and your client can sign a verified pleading without having a notary sign it, a notary seal. Many of us in the past, and I...not myself, but other lawyers, of course, have had notaries verify their client's signatures on pleadings, notaries that didn't see the client sign. Now, the lawyers knew it was a client's signature and so on and so forth, but this is really obsolete. And all this Bill does is say you can have the effect of a verified pleading by stating it's verified without bothering with the notary and with a

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notary's jurat. It made lot of sense. It was not controversial. It passed out, first, unanimously. For some reason the Governor vetoed it, and I think it was just one of those days maybe when his back was hurting and he was in a lot of pain. And so, therefore, I move to override the veto on House Bill 958, so that a verified pleading need not be notarized."

Speaker Breslin: "The Gentleman moves to override the Governor's veto of House Bill 958. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 958 pass the veto of the Governor notwithstanding?'. All those in favor vote 'aye', all those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 111 voting 'aye', and 5 voting 'no', and the Motion to override prevails. On the Order of Total Veto Motions on page 11, Representative Mautino, House Bill 965."

Mautino: "Thank you, Madame Speaker and Ladies and Gentlemen of the House. I move to...I move to totally...to override the veto of the Governor as it pertains to House Bill 965. And in concert with that Motion, I am supported by the legislator from Dixon, Illinois, Representative Olson. The legislation, basically, authorize the Kreider Services who used the two facilities at the former Dixon Developmental Center for Mental Health to have quit claim deed for a dollar as long as that property is used for the clientele that is no longer going to be at the Dixon Developmental Center. The Kreider Center, which is on...under contract to Mental Health and Developmental Disabilities for those services, have agreed to refurbish, in accordance with certification needs and the Departmental rules and regulations, both of the facilities which they are

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currently using. The legislation passed overwhelmingly in the House and in the Senate. I do believe that the Governor was mistaken in his evaluation, and the input he received on that question certainly was not valid mainly because there is a need for Kreider facilities to continue serving the clients that are still at Dixon Developmental Center and will be there even after the corrections facility is completed. Therefore, I move for an override of the Governor's veto on 965."

Speaker Breslin: "The Gentleman moves to override the Governor's veto of House Bill 965. And on that question, the Gentleman from Lee, Representative Olson."

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I join with Representative Mautino and concur in his statements. Dixon is a unique facility in the sense that with all the mental health closings this one facility has retained an element of mental health - and the Kreider Center provides an excellent service to our community - and the acquisition of this property is significantly important to the orderly transferral of the resident's requirements to the people. I would urge an override of this Bill."

Speaker Breslin: "Representative Ewing."

Ewing: "Mr. Speaker (sic - Madame Speaker), I wonder if the Sponsor will yield."

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

Ewing: "You are transferring this land to the city, is that right, Dick?"

Mautino: "No, Representative, we're transferring the buildings which are currently being used by Kreider at the facility to Kreider for a dollar as long as it is used for that specific purpose. To Kreider it's a...Kreider is the service center for the mentally and handicapped in the Dixon area that...it has expanded because of the closure of

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that facility for corrections."

Ewing: "Is Kreider private, public, who owns it?"

Mautino: "Kreider is a community base services as a cap agency, Community Action Program. They have a board of directors, very diversified, have been in operation for many years in the Dixon area. There is... Now, I must point out as well, Kreider is going to refurbish the building at a cost, and you can check with Representative Olson, of about \$61,000. If the Department were to do it under the federal guidelines, the cost of that refurbishing is about \$300,000. That's one of the reasons that the Department was really not opposed to letting Kreider have the property for their continued use and to have Kreider do the refurbishing."

Ewing: "Dick, then what we're doing here is we're transferring the buildings and property?"

Mautino: "The buildings...which just the buildings to Kreider for this specific use that they have been doing for many years."

Ewing: "Well, I mean, who keeps the title to the underlying property?"

Mautino: "If I remember correctly... Will you give me a moment to look, Tom, please, if you don't mind? Property goes with it according to this legislation."

Ewing: "And it's three acres?"

Mautino: "It's approximately 3.36 acres. Just exactly what they're using now for their same services."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, if I may speak to the Bill. I am not going to object to this particular transfer. I do get up and oftentimes feel that we do an injustice to the taxpayers of this state when we transfer unused or unusable state property for much less than its market value to other units of government. I

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think probably in this case there are extenuating circumstances that make this a very legitimate transfer."

Speaker Breslin: "The Gentleman moves to override House Bill 965. The question is, 'Shall House Bill 965 pass, the veto of the Governor notwithstanding?'. All those in favor vote 'aye', all those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 98 voting 'aye', 13 voting 'no', and the Motion to override prevails. On the Order of Total Veto Motions appears House Bill 974. Representative Pierce."

Pierce: "Yes, Madam Speaker, Ladies and Gentlemen of the House, House Bill 974 was aimed at correcting inequity that came about under Governor Walker's administration. As you know, on special education reimbursements, we, in the General Assembly, have mandated school districts to provide special education aid, but our reimbursement programs, which by the way, aren't even the hundred percent that the statute provides for, or as much as statute provides, for are not made till the following school year. The school districts put out their money for special education, for teachers, in some cases for extraordinary aid and private tuition. The school districts advance the money, pay the money, and the state doesn't reimburse them till the following school year and only reimburses them for money actually spent. When Governor Walker was in, he wanted to slow it down even more, and he provided that the payment should be made in September, December, March and April of the fol...September, December, March and June of the following year. This really caused the school districts an acute cash flow of problem. All my Bill does, House Bill 974, is return us to where we were before the Walker change and still allows the State to reimburse special education in

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the following year, but it says it shall do it one half on September 30 and one half by December 30 instead of extending it to March and June. Again, this is the year following which the school district actually spent the money. It's the next fiscal year. In order...won't be any problems this year, I provide the Bill will not become effective till fiscal year 1985. The Governor vetoed the Bill, and I recommend...to help our school districts with their special education cash flow that we override the Governor's veto of House Bill 974."

Speaker Breslin: "The Gentleman moves to override House...the Governor's veto of House Bill 974. And on that question, the Lady from Dupage, Representative Nelson."

Nelson: "Thank you very much, Madam Speaker. I believe that the arguments that Representative Pierce have presented to override would be valid in another year. And I think that his statement that he has made, a very late effective date on this Bill, indicates to you what the problem is. The Governor, I believe, would not object to the provisions of this Bill which allow for accelerated special ed payments if we had the money available in our state treasury, but we do not. What I would recommend at this time is that we uphold the Governor's veto. We'll be back here again and at that time, we can see whether or not the State of Illinois can afford to accelerate these payments back to the way that use to be before Governor Walker's change. I would ask that Republicans and others who are concerned about our state cash flow problems hold off on this. Stay with the Governor, do not vote for the override, and then we'll come back and take a look at it again next spring or at a later date when we can better judge the probability for continued increases in the state economy however moderate they may be. Thank you."

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

Hoffman: "Thank you very much, Mr. Speaker (sic - Madam Speaker), Ladies and Gentleman of the House. Representative Fierce, the Sponsor of this Motion and I have been involved in the funding of special education and the problem of funding special education for maybe longer than either of us would like to admit. And the suggestion that he made would put us back into a position that we were at a time when the level of the payments were more modest than they are now. This year we're putting a \$182,000,000 into special education. And the cash available and the cash flow in this state was such that we could make these payments without great difficulty. We moved to the present schedule because of the cash flow problem. And I think it's important to recognize that we went to that position because we didn't have the money to and would not have the money to make those payments in a timely fashion. We still do not have those resources to make those payments in a timely fashion. And for that reason and that reason alone, I must rise in opposition to the Gentleman's Motion. I think it's important to realize that over the last seven or eight years, this General Assembly in its wisdom has seen fit to eliminate over a billion dollars from our state tax base. That has limited our ability to do a lot of the things that some of our constituents would like us to do, and I believe this is one of those that we cannot do at this particular time. And so I reluctantly rise in opposition to the Gentleman's Motion."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the question is, 'Shall House Bill 97... Excuse me, Representative Fierce to close. Excuse me, Representative.'"



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Pierce: "Thank you. Thank you, Madam Speaker. You been moving us along very well, doing a great job. I heard some mumbling there, but I think that was...must have been Leader Hoffman; that certainly wasn't educator, Dr. Hoffman speaking there. And I know that leadership has heavy burdens, and there was some mumbling there towards the end about the state's cash flow crisis. How about our school districts? How about their cash flow crisis? They can't impose an income tax. They pay out this money in this fiscal year; they pay out the money in the year '83 - '84, and they're not reimbursed till the fall of '85, even under my Amendment, not till September and December following the year in which they've put out the special education money that we mandated they put out. And the Governor wants to stretch that out, not only September and December, but into March and June of the year following the year the schools have spent the money. Now, Representative Nelson kind of shocked me, really shocked me, when she appealed to some partisanship. She said, 'my fellow Republicans'. She didn't even talk to the Democrats, my fellow Republicans, and I didn't know that she appealed to party loyalty on all her speeches because she doesn't always follow party loyalty when Representative Vinson or Daniels calls for it. So I don't think you Republicans have to listen to her on the party loyalty ground cause she always show her independence of her Leaders when she thinks they're dead wrong, and as she is in this case. So let me ask, now, not for...let me ask, now, for the handicapped children of our state, the special education children of our state..."

Speaker Breslin: "Excuse me, Representative. The Gentleman from Livingston, Representative Ewing, for what reason do you rise?"

Ewing: "I would anticipate that the Speaker has been in this

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Assembly long enough to know he doesn't use names in debate. He's almost put everybody's name in debate."

Speaker Breslin: "Representative, the...you are correct in your reading of the rules. Conclude with your closing, Representative Pierce."

Pierce: "Excuse me, I was going to say the lady from DuPage but didn't want anyone to think I was...Cook; but there are so many ladies from Cook here it's hard for the Gentleman from Livingston to realize that."

Speaker Breslin: "Excuse me, Representative. Representative Vinson, for what reason do you rise?"

Vinson: "Yes, Madam Speaker, a second ago I was speaking with Representative Friedrich, and I heard my name mentioned and I didn't hear the context of it, and I wonder if whoever mentioned it would reiterate the context of it so I know what's going on here."

Speaker Breslin: "Representative Pierce, bring your remarks to a close."

Pierce: "My context was the lady from Cook appealed to party Republican loyalty to follow her on this issue, and I said I was rather surprised by that because I hadn't noticed her particularly following the leadership of her party. And I incorrectly, in violation of the rules, mentioned two very prominent leaders of which you are one, and the gentleman from DuPage, were the other, that she doesn't always follow when she thinks... when she doesn't agree with them, and when she thinks they're not right. And so what I was saying here was, she's obviously not right here; and, therefore, it wasn't necessary for you and the gentleman from DuPage, who's your leader, to follow her advice on this because we have mutuality in all things. What this Bill does is provide that school districts be reimbursed for money they actually put out for special education

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mandates that we mandated and that they put that money out in September and December of the following year. That... That does create a cash flow problem for school districts, but a better one than we have now than Governor Walker, if I may use his name in debate, imposed on us that it be September, December, March and June of the following year. This helps the school districts. It helps the handicapped children. The Illinois Association of School Administrators, including the one that covers Livingston County, has... has asked me to move to override the Governor's veto here, and I ask that we put partisanship aside despite the Lady from Cook's call to narrow partisanship. We put partisanship aside, and we vote for the school districts and the children of our state and that their reimbursement come in the following year after the expenditure in September and December. This will not affect fiscal '84, and I, therefore, ask that we override the Governor's veto of House Bill 974 as requested by the Illinois Association of Special Education Administrators."

Speaker Breslin: "The question is, 'Shall House Bill 974 pass, the veto of the Governor notwithstanding?'. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Representative Vinson to explain his vote."

Vinson: "Yes, Madam Speaker, I just want to say that out of party loyalty, I'm following Representative Nelson and the Governor on this matter and voting 'no'."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 69 voting 'aye' and 47 voting 'no'. The Gentleman from Lake, Representative..."

Pierce: "As long as we're this close, can we poll the absentees?"

Speaker Breslin: "Poll the absentees, Mr. Clerk. The Gentleman

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from Lake, Representative Pierce, has withdrawn his request for a Roll of the Absentees. On this Motion, there are 69 voting 'aye', 47 voting 'no' and 1 voting 'present', and the Motion to override fails. On the Order of Total Veto Motions now appears House Bill 1023, Representative Hannig. Out of the record. The next Bill appearing on the Calendar of Total Veto Motions, that is not on a Special Subject Matter Call, is House Bill 1141, Representative Steczo. Amends the Unemployment Insurance Act, Representative Steczo."

Steczko: "Thank you, Madame Speaker, Members of the House. House Bill 1141 was a Bill that was introduced last spring with the concurrence of both labor and business. The intention of this legislation was to deal with volunteer firemen in the employment of fire protection districts, and these are people who generally... work on an emergency basis. And it has been the practice in the past that those fire protection districts, basically, cannot afford the contributions to the unemployment fund. So, the fire protection districts had asked that we take some action in that respect. We... The Governor in his veto message had indicated that House Bill 1141 may have a conformity problem with federal law; however, we amended House Bill 1141 to try to provide a sort of a self-destruct mechanism if that conformity feature proved to be so. Additionally, I would like the Members of the House to know that while researching the federal law, as it pertains to volunteer firemen and other people, the federal law suggests that the coverage under the Unemployment Act is that for people who's employment would constitute regular activities of local governments, such as the Public Works Department, a full-time firemen, full-time policemen, et cetera, and basically, we think that the federal law does not apply to

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volunteer firemen. In addition to these... that question about firefighters, I should point out that the current State of Illinois law suggests that people involved with temporary... temporary emergencies such as snow, earthquake, fire are currently exempted from coverage under the Unemployment Act - Unemployment Insurance Act - in Illinois. What House Bill 1141 sought to do is just to clarify that question and say that those emergency fireworkers were volunteer firefighters in the employment of fire protection districts paid on a per call basis. That's all that House Bill 1141 did. We think it's reasonable. We put the self-destruct mechanism in the Bill. We think the Governor erred in his veto message, and I would ask for the House to approve House Bill 1141, notwithstanding the veto of the Governor."

Speaker Breslin: "The Gentleman has moved to override the Governor's veto of House Bill 1141, and on the question, the Gentleman from Peoria, Representative Tuerk."

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

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

Tuerk: "Do you have a letter of... any kind of a document from the U.S. Department of Labor that says that the passage of this Bill keeps us in conformity with the U.S. Act?"

Steczo: "Representative Tuerk, in response to your question, I... I saw a document last June which suggested that there might be a conformity problem. It was that document which... which made us amend House Bill 1141 to suggest that if there is a conformity problem that House Bill 1141 automatically self-destructs."

Tuerk: "Well, Madame Speaker, speaking to the Bill. The answer to the question didn't satisfy my question in terms of the fact that we amend a Bill based on some document doesn't mean that it is in conformity with the U.S. Act. And over

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the years, we've had enough problems with unemployment insurance and other things to indicate that when we're out of conformity with the U.S. Act, we put the state in terrible jeopardy about receiving federal funds; and, therefore, we run into all kinds of problems, have to come back to the General Assembly to amend the Act over, and over, and over and over to make sure that it's in conformity. And I would say the best vote on this is negative, a 'no' vote, until we're sure - until we're sure - that it does conform to the U.S. Act. In other words, we don't want to put ourselves in a bad position from the standpoint of conforming with the... with the national Act. So, I would urge your 'no' vote."

Speaker Breslin: "The Gentleman from Cook, Representative Steczo, to close."

Steczko: "Thank you, Mr... Thank you, Mr. (sic - Madam) Speaker. In response to the last speaker, I would... I would suggest that as the... the statement was made that this... this letter from the U.S. Department of Labor suggested some kind of nonconformity problem, I... I think there is a valid rationale and argument to suggest otherwise. And we've also had a situation arise where the... the Governor vetoed this Bill based on a presumed non... potential nonconformity problem. As I had mentioned, we took great pains during the course of the spring Session not only to put the self-destruct provision in the law but, additionally, to get the okay from all the business and labor organizations in the state. This Bill was not introduced until all those people had signed off on this particular Bill. I think it's... it's a minor Bill, but it - to most of us here - but a very important one to those fire protection districts in the State of Illinois. And I should just mention as an aside too, that I have been

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trying to get further clarification from the U.S. Department of Labor. Unfortunately, they aren't quite responsive lately, but I would appreciate the House to give the consideration to address this problem and support the override of the Governor's veto."

Speaker Breslin: "The question is, 'Shall House Bill 1141 pass, the veto of the Governor notwithstanding?'. All those in favor vote 'aye', all those opposed vote 'no'. This is final action. Representative Mautino to explain his vote. Have all voted who wish? Representative Erummer to explain his vote. Have all voted who wish? The Clerk will take the record. On this Motion, there are 80 voting 'aye', 35 voting 'no', none voting 'present', and the Motion to override prevails. On the Order of Total Veto Motions appears House Bill 1156, Representative Steczko."

Steczko: "Madam Speaker, would it be possible to take this out of the record for a few moments?"

Speaker Breslin: "Out of the record. The next Bill appearing on this Order of Call is House Bill 1337. Representative Keane on House Bill 1337. Out of the record. Representative Homer, House Bill 1382. Representative Homer on House Bill 1382. Representative Homer."

Homer: "Thank you, Madam Speaker. Ladies and Gentlemen, at this time, with the approval of the Chair, I would yield to Representative Vinson."

Speaker Breslin: "Representative Vinson on House Bill 1382."

Vinson: "Thank you, Madam Chairman... Madam Speaker, Ladies and Gentlemen of the House. At this point, I would urge the chamber to cast a unified vote to override the Governor's veto on House Bill 1382. I do not believe in analyzing his reasons for action on 1382, and I do not believe in looking at the total flow of legislation he dealt with on this subject, as a result of our Spring Session, that the

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Governor acted appropriately in this case. And I do not believe he dealt in balanced fashion with the problems that we have to deal with in regard to this Bill and to this matter of public policy. Now what House Bill 1382 does, it does about the same thing that the doctors ask us to do when they ask us for a statute of limitation on malpractice. It does about the same thing that anybody does when they come to us and ask us for a statute of limitations that cuts off the liability for malpractice or for negligence. At some point there has to be an end to things. You can't let things go on and on forever, and that's what 1382 is about in the field of taxation - in the field of municipal and local governmental taxation. What it says is that at some point, and in this case in the case of 1382, it says, after a year, after those taxes have been illegally... illegally collected for a year, that that is the limitation on how long you can go back and recover those taxes for. It does a couple of things. It encourages the taxpayer to file his complaint, his protest and to recover his money, and it protects the taxpayer. One of the things which a number of people seem to have forgotten in discussing the merits of 1382 is that when you have a case where a municipality or a local government has, by mistake, illegally collected taxes and then is ordered to repay those taxes that money that they've got to repay does not come from heaven. It doesn't grow on trees. The only place that they can get that money that they have to repay is from taxpayers, and what really happens - what really happens - in these cases is that some big corporate taxpayer files a claim, gets a decision from the court saying those taxes were illegally collected and then the unit of government has to go out and levy taxes on farmers and residence... small residence owners - the home owner -



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to pay back that big corporation on those illegally collected taxes that they probably should have gotten into court on to begin with. Now, Madam Speaker, there's another point here. Another Bill, a companion Bill to this, Senate Bill 101, was approved in the Legislative Session and has been signed by the Governor. And one of the things that Senate Bill 101 did was to absolutely protect the utilities, for instance, on everything except nuclear power plants for their exemption from the property tax. When you have pollution control equipment on a utility, you get a property tax exemption for that. And we passed a Bill last spring that protected that exemption in deference to the concerns expressed by the utilities. Now, one of the things that we also have to look at is that a number of local governmental units had legislation pending that surrounded that particular Bill. And what 1382 does, in the same way that we protected the utilities with 101, 1382 tries to provide a measure of balance for those particular local governmental units. And as I would emphasize again, for their farmers, who are taxpayers, and for their homeowners, who are taxpayers, who, in the event that we do not act favorably on the Motion to override this veto, those homeowners and these farmers are going to be socked with higher taxes because of our failure to do that. For all of those reasons, I would strongly urge your favorable vote to override the Governor's veto on 1382, because it is essential if we're going to protect farmers and if we're going to protect homeowners on their property tax rates."

Speaker Breslin: "The Gentleman moves to override the Governor's veto on House Bill 1382, and on that question, the Gentleman from Effingham, Representative Brummer."

Brummer: "Will the Sponsor yield?"

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

Drummer: "Is this a Bill that the Illinois Taxpayers Federation or the Taxpayers Federation of Illinois has been lobbying very much against to... they have been lobbying for support of the Governor's veto?"

Vinson: "The... The Taxpayers Federation has not contacted me on it, so I presume the answer to your question is 'no'."

Drummer: "I have before me a Taxpayers Federation memo urging acceptance of the veto. They point out several items in there that I would like to raise here. First of the all, the Bill, apparently, addresses a time period of one year prior to the filing of a complaint. I think that the word complaint is specific language in the Bill. Is that correct?"

Speaker Breslin: "Representative Vinson, that was a question."

Vinson: "I... I'm sorry. Did you have a question?"

Drummer: "Yes, the Bill specifically addresses the time period of one year prior to the time upon which a complaint is filed. Is that correct?"

Vinson: "Yes, it provides a statute of limitations that cuts off a recovery in excess of that time period."

Drummer: "And the time... the time period is specifically triggered by the... by the filing of the complaint, itself. Is that correct?"

Vinson: "Yeah. Yeah."

Drummer: "Okay. When an item is filed before a board of review by local taxpayers, that is not a complaint, is it?"

Vinson: "I'm sorry."

Drummer: "When an action is filed by a local taxpayer before the board of review that action is not a complaint."

Vinson: "Well, I believe that that ought to be very clearly established in the legislative history on this Bill and that is a complaint."

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Drummer: "Well, in the statutory scheme of things, that is not deemed to be a complaint, that is quite clear. And that is one of the reasons, I think, the Governor vetoed this Bill. Second thing, this Bill... You made reference to various corporations and utilities. The fact of the matter is, is it not, that it is applicable to all taxpayers, whether it is the 4,000 taxpayers in Will County that currently have their taxes pending before the Board of... the State Property Tax Appeal Board or whether it's some utility company? Is that correct?"

Finson: "You know you can't have special legislation that singles out people for action. You've got to adopt uniform statutes. That's a constitutional provision, and this one does that and meets that constitutional test."

Drummer: "So the answer, I take it, is clearly 'yes'. It is applicable with regard to every taxpayer whether it's the 4,000 taxpayers in Will County that currently have their taxes... their assessments pending before the State Property Tax Appeal Board, whether it's the several thousand people in Shelby County several years ago who went up and down the appellate process several times before some of those issues were resolved. I think everyone ought to understand that this is an item that does not only deal with railroads or utility companies, but it deals with every taxpayer who may have a cause of action as a result of some tax being illegally assessed or illegally... illegally levied. In addition to that, the provision of the Bill, I think, provides that there shall be no other recovery other than potentially attorney fees. Now, is it the intent of the Sponsor to preclude interest from being paid with regard to that? Could the Sponsor respond to that?"

Finson: "Oh, I'm sorry. I thought you were speaking to the Bill."

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Did you have another question?"

Drummer: "Yes, is it the intent of the Sponsor to... to preclude the recovery of interest? Several years ago we passed legislation that entitled the taxpayers, when they received a refund of taxes, illegally assessed or collected, that they could receive interest on that. Is it the intent of this Bill to preclude and prohibit the payment of interest on those taxes that would be paid back?"

Winson: "Why don't you go on to your next question, and I'll get you the answer to that one in a second."

Drummer: "Well, I refer specifically to line 20 of the Bill which says, 'No other recovery shall be allowed, provided that this provision shall not be construed to limit the power of the court to award attorney fees.'. Now, for some reason, apparently, you want to allow the court to award attorney fees to the taxpayer but not allow the court to award interest to the taxpayer. Is that correct?"

Winson: "No, I don't believe that you can read that language properly in that fashion."

Drummer: "Well, what is the language then, 'no other recovery shall be allowed', refer to if it is not, among other things, precluding the recovery of interest."

Winson: "It means that no recovery for a period prior to one year prior to the filing of the complaint can be recovered."

Drummer: "You... It is your intent then that interest be recoverable even though it says, 'no other recovery shall be allowed'."

Winson: "In an appropriate case."

Drummer: "The... Okay. I have an additional question. This refers to taxes paid one year prior to the date upon which a complaint was filed. Many times those issues are not finally resolved for several years later going up through the Appellate and Supreme Court process, initially going

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through the Board of Review process, and the State Property Tax Appeal Board process, then the Circuit Court, then the Appellate Court, then the Supreme Court. As a result of that, many times taxes are paid for several years after the initial filing of the complaint. Would this preclude the recovery of those taxes paid after the time that the complaint was filed?"

Winson: "No."

Drummer: "So that a taxpayer who had... had paid taxes within one year prior to the time the complaint was filed and then had filed and paid subsequent year taxes would still be allowed to recover those taxes?"

Winson: "It's to cut off past liability, not future liability."

Drummer: "Okay. Now, the issue of the State Property Tax Appeal Board, what is the document that is filed with the State Property Tax Appeal Board when a taxpayer is objecting to the level of assessment on his home, for example?"

Winson: "I'm sorry. What is what?"

Drummer: "What is the document called that is filed with the State Property Tax Appeal Board when a homeowner, for example, is appealing to the State Property Tax Appeal Board as a result of what he deems to be an excess assessment on his home?"

Winson: "I do not know, and it's not relevant to this Bill."

Drummer: "Well, it is relevant because what you're doing is cutting off the... the taxpayer's right of recovery only if a complaint has been filed, and if that document is not a complaint, you're not protecting those taxpayers.:"

Winson: "I think I indicated to you... I think I indicated to you much earlier in this discussion, Representative, that after he makes his initial protest at the local level and that comes before he makes his appeal to the state, after he makes that initial protest at the local level that that's

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the period that you determine what he can recover for. I think that was my response to your first question."

Brummer: "Well, we were talking about the Board of Review document then, not the State Property Tax Appeal Board."

Vinson: "Yes, and the Board of Review comes before the Tax Appeals Board."

Brummer: "That's right but it's a separate document."

Vinson: "And that's the determining... That is the determining time event."

Brummer: "Madam Speaker, may I speak to the Bill?"

Speaker Breslin: "Please proceed."

Brummer: "Yes, I would urge everyone to examine this very carefully. The purported intent of this legislation is to address problems with regard to repayment by units of government as a result of taxes that were illegally or unconstitutionally assessed and levied. The Sponsor indicates that it may have application or its primary target is with regard to large utility companies or large corporations. I would point out that there are, I think, tens of thousands of protests a year filed with the State Property Tax Appeal Board. There are taxpayers, I suspect, in every county in this state - individual taxpayers - who are concerned about the level of assessment with regard to their home, or with regard to their local filling station or with regard to the local business that they operate. I think there is significant danger, as the Governor correctly pointed out in his veto message, that we will, in some manner, preclude the repayment to those taxpayers as a result of them challenging the... the action of the unit of local government with regard to either the assessment levy... assessment level or the rate level of a certain tax. Keep in mind that this is a tax which some court ultimately has determined was illegal or unconstitutional.

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I do not think that we ought to disadvantage the taxpayers of the State of Illinois by precluding them from recovering those taxes that they have illegally and unconstitutionally paid and have been collected by the unit of local government. The Taxpayers Federation of Illinois is adamantly opposed to overriding the Governor's veto. The Governor was correct in vetoing this Bill. It was a Bill that came before us during the last, I think, it was possibly passed on July 2nd during the closing moments. It was a Bill that had not had an opportunity to have scrutiny in the Committee process. It was a Bill that was ill thought out and ill-founded at the time we passed it last July. The Governor correctly vetoed it, and we should sustain his veto."

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

Davis: "Well, that was an impassioned speech. I rise in support of the Motion to override 1362. There are two sides to the issue, Madam Speaker. And one side, of course, is the one... by Representative Brunner, the other by Representative Vinson. I can simply tell you that I buy Representative Vinson's argument that notwithstanding the impact of minor taxpayer returns from overpaid taxes that were collected under hazy legislation before by utilities in particular, if those payments are made and impacted on the local school districts and on the local units of government that are covered in the Bill by that definition, then you will find higher property taxes staring those units of local government right in the face and not necessarily as a matter of bad faith but as a matter of good faith through the years as they have collected legitimate taxes and now found them to be illegitimate. The Taxpayers Federation aside, other lobbyists aside, who

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have talked to you about it, the issue is one of equity and fairness for the taxpayer, ultimately, who must pay higher taxes to return those that were collected in what I think was a scam to begin with five or six years ago. This was a trade off compromise for 101 and for the 'nuke' power generation stations in this state as opposed to power. It impacts my district. It impacts Representative Hastert's and a number of others around the state, and I, certainly, solicit your 'aye' vote for an override on House Bill 1382."

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

Braun: "Thank you, Madame Speaker, Ladies and Gentlemen of the House. I rise in support of the Gentleman's Motion to override the veto of the Governor. Without this override, municipalities will be confronted with the prospect of refunding taxes paid for many years without challenge or inquiry. Municipalities in that case will never know whether the tax monies that have been collected and expended years earlier will... will or will not have to be repaid at some future time. It will threaten the fiscal integrity of our taxing bodies and the... and will cause great dislocations in the ways that municipalities have to do business. I believe, Mr. Speaker... Madam Speaker, Ladies and Gentlemen of the House, that this purposed... this override of the Governor's veto will simply reinstate the law. The concerns expressed by utilities, or school districts or anyone else have been... have been addressed by legislation which has recently been filed. I believe this is a good Motion that the Bill, as originally passed by this House, was in good form, and I encourage your support for the Motion to override the Governor's veto."

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

Piel: "Thank you, Madame Speaker. I move the previous question."



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

Vinson: "I thought Mr. Brummer was asking me another question for a second. Madam Speaker, Members of the House, what this Bill does is, it protects the individual taxpayer. And it protects the individual taxpayer because he is the victim of the tax increases necessary for these rebates. I think it's a good Bill. I think it's appropriate that at some point we say there is an end to things. I think it's... it's appropriate to do that particularly when you have these horrendous potential settlements. I think that every profession comes to us and says, there should be an end to things in litigation, and that's what this Bill does. I think that everybody knows, as in the case of Oak Park, as in the case of Evanston, as in the case of Chicago, as in the case of Will County, as in the case of Kendall County, as in the case of Jasper County that what's going to happen, if you permit this litigation to go on and on and on, the costs are going to mount up, ever grow in amount for the individual farmer and for the homeowner, and I don't think that's right. And for those reasons, I would ask for an 'aye' vote on the Motion to override the Governor's veto on House Bill 1382."

Speaker Breslin: "The question is, 'Shall House Bill 1382 pass, the veto of the Governor notwithstanding?'. All those in favor vote 'aye', all those opposed vote 'nay'. The Gentleman from Livingston, Representative Ewing, to explain his vote."

Ewing: "Yes, Madam Speaker, thank you. I'm sorry I didn't get a chance to debate on this matter. My light was on, but we

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did move the previous question. I think that we're not being fair in this Bill. I think it was probably hastily written, and it goes too far. One of the prior speakers talked like all tax monies would be up for grabs unless you voted for that. That is not the case. This is unfair. It's unfair to some of those bodies that are forced to collect taxes. I certainly hate to oppose my colleagues on this side, but I think this Bill needs to go back to the drafting boards, and be tightened up in a number of ways and brought back to us. And I would suggest a 'no' vote."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 58 voting 'aye', 48 voting 'no', none voting 'present', and the Motion to override, therefore, fails. On the Order of Total Veto Motions now appears Representative Ronan's House Bill 1390. Representative Ronan. Representative Ronan, out of the record. Representative Steczo, House Bill 1473. House Bill 1473 amends the Income Tax Act."

Steczko: "Thank you, Madam Speaker, Members of the House. I would move to have the House approve the provisions of House Bill 1473 notwithstanding the veto of the Governor. To give you the background on what's transpired during the course of the summer or during the course of the last Session, in fact, even prior to that we know that in the last Veto Session of the last General Assembly the Members here in the House and the Members in the Senate allegedly approved a compromise that was put forth by the Governor on the whole question of unitary taxation. And for those of you that are unfamiliar with that, that's based on... that's taxes paid by a corporation based on three factors - property, payroll and sales. Some areas of the business community were not happy with what the Governor did with

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House Bill 1473 and with the compromise that was approved last year, actually suffered greater tax liability in the State of Illinois. We looked at what other states were doing, and we provided in House Bill 1473 that any corporation whose payroll factor exceeds 250% of the average of its... property and sales factor may exclude that payroll factor from the computation. Well, we took that before the Revenue Committee, and it turned out to be a pretty expensive proposition. So we indicated that once a corporation would elect to do that, they would have to do that for a ten year period. So, under the provisions of House Bill 1473 that... that payroll factor has to exceed 250% of the average of its property and sales factors, but in addition to that, any corporation electing to take this particular... this particular way of computing their tax liability would have to do it for a ten year basis. There's no going back and forth every year. So you lock them in to that particular scheme. Now, Mr... Madam Speaker, Members of the House, the Governor indicated in his veto message that the cost for this type of program would be minimal. The cost is relatively insignificant. So what we are talking about here not only is improving the business climate of the State of Illinois but probably protecting, at least, 4,000 jobs that could find their way out west or down south. So, it sounds to me very sound reasoning that House Bill 1473 be considered affirmatively by the Members of the House, and I would ask the House to approve House Bill 1473, notwithstanding the Governor's veto."

Speaker Breslin: "The Gentleman moves to override the Governor's veto on House Bill 1473, and on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 1473 pass, the veto of the Governor

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notwithstanding?". All those in favor vote 'aye', all those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 97 voting 'aye', 8 voting 'no', 3 voting 'present', and the Motion to override prevails. Representative Stęczo, House Bill 1156."

Stęczo: "Thank you, Madam Speaker. Today seems to be my lucky day. House Bill 1156 is an Act which concerns cable television in the State of Illinois. The Governor totally vetoed the provisions of House Bill 1156, but, Madam Speaker, I think that the Governor probably did not use as sound a reasoning as he possibly could have in the... in the veto message and the rationale. What House Bill 1156 does, it says that for all those easements that were granted under the Flat Act that cable television companies would be allowed to use those easements that were given to telephone and electric companies in order to provide cable television services to various areas in this state. Now, the Governor mentioned in his veto message that if it is done without the owners consent, as provided in this Bill, it is taking the property without compensation. And Madam Speaker, Members of the House, I wonder whether or not the Governor's staff read the original Bill or the Bill as amended because that Amendment was addressed by House Amendment #2 that was offered and adopted by Representative Klemm. That Amendment made House Bill 1156 applicable only to the Flat Act which, of course, are easements given before property is built in a certain location. Additionally, Madam Speaker, I'm very concerned about the comment the Governor made relative to the whole question of cable television systems using public utility easements. He seems to think that that whole question is of... is

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constitutionally questionable, and I would indicate to the Members of the House that if, in fact, the Governor is true, then the whole cable television industry in the State of Illinois is, in fact, unconstitutional because every day cable companies and cable systems putting up their cable lines place those cable lines on various poles that are owned... that are owned by various electric and telephone companies throughout the State of Illinois. So again, I think the Governor erred in his statement to that effect. I would also like to mention to the Members of the House that during the course of the Bill's journey through the General Assembly, we were contacted by various natural gas companies who said, 'Hey, we've got a problem because in case there's an electric current going through these cables we may risk an explosion.'. That was addressed by Amendment in the Senate saying that if those lines are exclusively used for gas easements, then this Bill is not applicable. In addition to that, the railroads objected at first, but then we found that they were not under the constraints of this Bill either, so allegedly they've withdrawn their objection or they should have no objection. And so, you know, Madam Speaker, Members of the House, the Governor signed House Bill 1157 which provides that any apartment owner, condominium owner, or apartment renter, et cetera, should have access to cable television. And yet, with the vetoing of House Bill 1156 we're not so sure that they could ever get that access because there's... there might be no way to run the cable lines to that particular building. I think that for the future of cable television in the State of Illinois, which I know we all think is important, that House Bill 1156 is very necessary, and I would ask the House to approve the provisions of House Bill 1156 notwithstanding the veto of the Governor."

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Speaker Breslin: "The Gentleman moves to override the Governor's veto of House Bill 1156, and on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Madam Speaker, I wou... wonder if the Sponsor would yield for a question."

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

Vinson: "Representative, there seems to be some debate about a particular aspect of this Bill and this veto, and I wonder if you would clarify it for me. I believe you said and other people have said that this Bill would never apply to a natural gas pipeline. Is that correct?"

Steczo: "Representative Vinson, the Amendment that we adopted said that... or I should say, it excludes all easements that are for that purpose only. So, by rights, those are excluded from the Bill."

Vinson: "What Amendment was that?"

Steczo: "I believe it was Senate Amendment #1. In fact, it was Senate Amendment #1. Those used exclusively for... as gas pipelines are excluded."

Vinson: "Exclusively as gas pipelines?"

Steczo: "Yes."

Vinson: "Now, if you have an easement with a gas pipeline and shall we say an underground electrical cable, would that kind of easement be excluded or not?"

Steczo: "That would not be excluded, Representative Vinson, for one reason, because when the natural gas people came to us last year, they indicated that they had difficulty with the fact that these cables, perhaps, might carry electric charges and they might run the risk of an explosion of some kind. However, it would seem to me that if you're using the same easement side by side with a telephone or electric wire then it would seem to me that that line would be safe enough where the risk of explosion would be minimal,

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because the electric and... phone people are already using it, and there are electrical charges that go through those lines."

Vinson: "I have been told that in the case of Northern Illinois Gas Company alone that 120 times in the past year gas pipelines were broken by cable television excavation in the area. Now, what about that?"

Steczo: "Representative Vinson, I have no knowledge to that fact. It was never brought to my attention; however, I know... I do know that there's been discussions between the cable industry and the various utilities with regard to the whole 'julee' system of notifying each other when any kind of digging's going to take place. And I would presume that if, in fact, some circumstance such as that did happen that it could happen whether it be cable television, electric or telephone that was using the underground easement."

Vinson: "Well, Madam Speaker, to the... to the Bill. The Bill clearly has become a matter of some controversy in the last few days, and there are a variety of stories going around on the... on this particular veto. I think under the circumstances I would urge Members to vote 'no' on the Motion to override the veto and to reconsider this matter next spring. I know, personally, that I would be willing to commit, as one Member of the Rules Committee and one Member alone, to exempt any vehicle for consideration by the Public Utilities Committee on this subject next spring so that we can have a full discussion on the subject. But I am, personally, somewhat concerned when we're dealing in an area that is really substantially affected with the public safety. To authorize this thing, when apparently there is substantial concern by the other utilities about the safety factor and when the Governor and the Commerce Commission apparently may have substantial concern on that.

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I, certainly, don't want to do anything to discourage the development of cable television, and I would commit to you my vote for exemption. And I suspect you could get that same commitment from other Members of the Rules Committee. I just think that hurrying through public policy on this matter when we're not really sure where anybody is on the subject, when we're not really sure what the merits of the issue are is a mistake, and I'm particularly concerned about this question that the exclusion only applies to those gas pipelines where the easement is exclusively for the gas pipeline. It would seem to me that there's as much concern anytime there's a gas pipeline in the area, and for those reasons, I would urge the Membership to oppose the Motion to override the veto."

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

Hoffman: "Thank you, Madame Speaker, Ladies and Gentlemen of the House. The Governor vetoed this Bill basically on the grounds that cable TV is, in fact, not a public utility, and that, by definition, it does not fall under the classification of public utility. The fact of the matter is that we have a long history of public utility law as it relates to easements, and the idea of performing a function as a public utility, by definition, excludes cable TV. And for that reason, I would suggest to you that the Governor is correct in his veto. I would suggest to you that contrary to what some people have said, the Governor has not changed his position. He stands on this particular veto message and believes it is correct, and I concur in the Governor's position on this and would ask that you oppose the Gentleman's Motion and sustain the Governor's veto."

Speaker Breslin: "The Gentleman from McHenry, Representative



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Klemm."

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

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

Klemm: "I think the question that we've asked, a number of this, is about the safety factor, so I'd like to follow up on that if I could. In these public easements that we're talking about with the various utilities that are using them, if, in fact, there is a problem on the Commonwealth Edison or electrical caused by the gas company, is it normal practice that that utility that caused the damage would go out and repair it or pay for that repair?"

Steczo: "Representative Klemm, that is the case, and as far as... so far as I know, cable companies have been willing to do the same thing."

Klemm: "Alright, that was my next question."

Steczo: "Sure."

Klemm: "If, in case or in fact, some damage were caused by existing utility lines in that easement by a cable company, wouldn't they, in fact, also have to be required to repair or replace the damaged area?"

Steczo: "Absolutely, Representative Klemm, and if I can... if I can just take your... your comment one step further, right now cable companies do use the telephone poles and electric poles that are owned by public utilities, and for the usage of those poles just compensation is paid. Surveys have to be done to determine if any lines have to be moved. The crews of those various public utilities are paid for the work that they do in order for those cables to go up, so in all instances, if any damage is done in that respect, in the other respect, or for any work done that the public utility has to do to get that area ready for the cable to go, be it on a pole or underground, and poles, as I said, are used now, the cable company pays for those."

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Klemm: "There was, I think this Session, a Bill that was introduced and passed by Cities and Villages that, and I believe it went to the Governor, and I was curious about the outcome of it, that gave the right of eminent domain to municipalities for cable TV. Do you recall what's happened to that one?"

Steczo: "Representative Klemm, yes, I do. That was signed by the Governor."

Klemm: "So, in fact, the Governor very... maybe inadvertently has maybe got a contradiction between the veto on this Bill because he's already signed one allowing the utilities to use it with a 'taking a property', so called, quote, unquote. Isn't that correct?"

Steczo: "I would... I would think that he did, and I would wonder, and it's just speculation on my part, Representative Klemm, whether or not the Governor's Office looked at the Bill as drafted or the Bill as amended that was passed, because I think there are certain... there are certain problems in his veto message that we thought... that we know we took care of by Amendment. Yours was one, when House Bill 1156 went through the legislative process."

Klemm: "Thank you, Madam Speaker. On the question then, if I may, I stand in support of the override of House Bill 1156. I believe there's been sufficient safeguards. There's been legislation already adopted by the Governor that, in fact, is doing and allowing what he is saying should not be done on House Bill 1156. It seems inconceivable that utilities will not use the planning process of allowing the property that's been set aside for an orderly extension of the services that become so vital today, that this is the proper location, the proper place for these services to go. I think cable TV has become a public utility in the, maybe the quasi - legal term of the definition, and I think that

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we'll eventually find that it is. So, I do stand in support of the Bill, and I do recommend your favorable vote. Thank you."

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

Steczko: "Thank you, Madame Speaker, Members of the House. I would just like to respond to a couple comments that were made by speakers who spoke in opposition to my Motion to override the Governor's veto on House Bill 1156. First of all, relative to the question of public safety, the Governor said nothing in his veto message relative to that point. The Governor was satisfied. I would presume that there is no real safety factor, and I would question again whether or not there really is a safety factor if you can have electric and telephone lines running side by side with these gas lines. The people from the gas company were supportive of the Amendment that we tacked on in the Senate, the Amendment that passed as part of House Bill 1156. They seemed to be very happy with that. Relative to the whole question of, you know, cable TV being a public utility, I think it's a moot point. The question... The fact is is that cable TV companies and systems right now use public utility easements in the form of telephone poles and, in fact, without that there would be no cable television in the State of Illinois. The Governor's comments on House Bill 1156 are erroneous, and I think they're misguided. And I would suggest that since these... this Bill applies to the Flat Act only that it's a safeguard in that respect and does not concern easements, and that was taken care of by Amendment with Representative Klemm that are private agreements between a property owner and a public utility. Those do not come under the jurisdiction of House Bill 1156. So, during the course

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of... of the discussions last year, we tried to take care of everything. And to respond to Representative Vinson's gracious invitation, I would suggest that, Representative Vinson, I would prefer to have the House override the veto of House Bill 1156 and then should any clarifications be necessary next spring, we will have time for the discussion during the next few months. And we'll carry on from that point. But... until then, I would prefer that the House accede to my request of overriding the veto of the Governor."

Speaker Breslin: "The question is, 'Shall House Bill 1156 pass, the veto of the Governor notwithstanding?'. All those in favor vote 'aye', all those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 75 voting 'aye', 29 voting 'no', 4 voting 'present', and the Motion to override prevails. Ladies and Gentlemen, we are about to move off of this Order of Business, Total Veto Motions. Is there anyone who has a Total Veto Motion that was out of the chamber or took their Bill out of the record that would like to have it called now before we move off of that Order of Business? Since there is no one seeking recognition, we will... the Chair will now move to House Bills Second Reading on page two, and the first Bill appearing there is House Bill 569, Representative Braun. Representative Bowman, LeFlore or Bullock, would you care to present that Bill on Second Reading, House Bill... Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 569, a Bill for an Act to amend an Act in relationship to state monies. Second Reading of the Bill. Amendments #... No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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Clerk Leone: "Floor Amendment #1, Braun, amends House Bill 569 on page two and so forth."

Speaker Breslin: "Representative Bowman."

Bowman: "Yes, Madam Speaker, I'm sorry, I was seeking attention to ask that the Bill be taken out of the record because the... there is an Amendment that we're trying to get agreed, and I'd like to ask you to hold it at this time."

Speaker Breslin: "Cut of the record. Representative Matijevich in the Chair."

Speaker Matijevich: "House Bill 1644. Yes, proceed."

Clerk Leone: "House Bill 1644, a Bill for an Act to amend the Nursing Home Care Reform Act. Second Reading of the Bill. Amendments #2, 3, 4, 5, 6 and 8 were adopted in Committee."

Speaker Matijevich: "Are there any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "Floor Amendment #9, Slape - Bullock - Shaw, amends House Bill 1644 as amended."

Speaker Matijevich: "Is Representative Slape on the floor? Representative Slape, on Amendment #9."

Slape: "Thank you, Mr. Speaker. Amendment #5..."

Speaker Matijevich: "Oh, I'm sorry. I'm sorry. The Sponsor of the Bill wants the Bill out of the record. I was not aware of that. Out of the record. House Bill 2281, does the Speaker want to proceed with that Bill? Amendments are not ready yet. Out of the record. House Bill 2300, Nautinc. Are you ready with that Bill? Read the Bill."

Clerk Leone: "House Bill 2300, a Bill for an Act to amend the Surface-Mined Land Conservation and Reclamation Act. Second Reading of the Bill. No Committee Amendments?"

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "None."

Speaker Matijevich: "Third Reading. House Bill 2302, Homer, do

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you wish... Read the Bill."

Clerk Leone: "House Bill 2302, a Bill for an Act to amend the Unified Code of Corrections. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Matijevich: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "No floor Amendments."

Speaker Matijevich: "Third Reading. House Bill 2305, Yourell. Read the Bill."

Clerk Leone: "House Bill 2305, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor."

Clerk Leone: "Floor Amendment #1, Yourell, amends House Bill 2305 on page one and so forth."

Speaker Matijevich: "Representative Yourell on Amendment #1."

Yourell: "Thank you. Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #1 to House Bill 2305 merely sets the interest charged at the rate of one half percent per month before July 1st..."

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

Vinson: "We don't have a copy of that Amendment. Has it been printed and distributed?"

Speaker Matijevich: "Has the Amendment been printed and distributed? Yes, it has. Proceed, Representative Yourell."

Yourell: "Amendment #1 sets the interest rates at one half percent per month before July 1st, 1984 when the Bill goes into effect and one percent per month thereafter. That's what all the Amendment does. I move for the adoption of Amendment #1 to House Bill 2305."

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Speaker Matijevich: "Representative Yourell moves to adopt Amendment #1 to House Bill 2305. Is there any discussion? If none, all in favor say 'aye', opposed 'nay', and Amendment #1 is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. House Bill 2306, Farley. Is Representative Farley on the floor? Out of the record. House Bill 23... House Bill 2308. Read the Bill. Cullerton is... Where's he at?"

Clerk Leone: "House Bill 2308, a Bill for an Act to amend the Law Enforcement Officers, Civil Defense Workers, Air... Civil Air Patrol Members, Paramedics and Fire (sic - Firemen) Compensation Act. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "None."

Speaker Matijevich: "Third Reading. At ease for a moment. Out of the record on 2309. 2311, Jim Bea. 2311. Read the Bill."

Clerk Leone: "House Bill 2311, a Bill for an Act making appropriations of state funds. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Richmond, amends House Bill 2311 and so forth."

Speaker Matijevich: "Representative Richmond on Amendment #1... #1."

Richmond: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #1 to House Bill 2311 would add the sum of 122,000 dollars for the Department of Agriculture for soil surveys and mapping Illinois soil. This was in the... in their appropriation Bill and was deleted in the... in the process at the end of the Session, and the state pays one

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fourth of this cost. The Federal Government pays one half, and the county one fourth. In the county and federal, monies have been made available, but the state's share has not, and that's what the purpose of this Amendment is. It's a very important need for this soil survey, and I ask your support of this Amendment."

Speaker Matijevich: "Representative Richmond moves for the adoption of Amendment #1. The Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, ladies and Gentlemen of the House. Mr. Speaker, I'm going to request a recorded Roll Call vote on this matter. I'm going to verify the Roll Call should it get the requisite number of votes. What we are dealing with here - we discussed the matter at some length yesterday - we're dealing with the state which if we incur no additional obligations and if we are on target on the revenue projections, and that's all we are at this point, just on target, then we can get through this fiscal year. If we, in the Veto Session override vetoes, if we in the Veto Session adopt Amendments to supplemental appropriation Bills which go into the General Revenue Fund and appropriate amounts of General Revenue, then there is no way we're going to get through this year. Now, you've all heard complaints that the nursing home people have about lack of nursing home reimbursement. You've all heard the complaints that AFSCME has about staffing at state institutions. You all know that your local school districts do not have any great surpluses of money. You all know what the problem is in northern Illinois with regard to mass transportation. You all know what the prison overcrowding problem is, and what are we doing? We're looking at an Amendment here to add more money for another function of government. Now, it would be nice to



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do this. I would love to do this. As a matter of fact, I suspect one of these particular projects happens to be in my... my own district, but I don't think that it's appropriate for us to be doing something like this when, if you're going to be honest, what you've got to do is come in with a tax increase to do all of these nice things. And for those reasons, I would urge the Membership to reject this, and I request a Roll Call vote on the Amendment and a verification should it get the... should it appear to get the requisite number of votes, Mr. Speaker."

Speaker Matijevich: "Representative Bea."

Bea: "Thank you, Mr. Speaker, Members of the House. As Sponsor of the Bill, I rise in support of this Amendment, and even in the previous discussions, Representative Vinson did mention the value of a project of this nature. And it is certainly one that we need to follow through on, and we are not talking about any great amount of money. So, I would ask an 'aye' vote on this important Amendment."

Speaker Matijevich: "Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker. I would rise in support of the Amendment. Clearly, the state's participation is a 25%... 25% from local and 50% from the federal. And we try as many times as possible to capture federal money, and with this Amendment, we will be allowed to do that. I'd solicit your 'aye' vote."

Speaker Matijevich: "Representative Gordon Ropp. Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. I just want for your clarification - even though I pretty much concur with what every speaker's said at this point - the last Session, we passed a farmland assessment Bill which its very foundation is based on soil productivity, and in many counties throughout the state we have very old, old soil surveys that make it most difficult in fully

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implementing that law. The fact of the matter is that we have a lot of school districts now, because of this Bill that has passed, feel that they are somewhat sort changed in terms of dollars for educational purposes. This is a situation if you think you ought to vote against it, it may be penny saving and pound foolish. I think in the long run in order to bring these soil surveys up to date throughout the State of Illinois, we're going to, in fact, be in a position to provide a more equitable, fair tax base on which farmland assessments are based. And I, actually, think this small amount of money ought to be added to this Bill so that the farmland assessment Bill and the whole taxing structure that we have for school funding is actually more equitable, and fair and just."

Speaker Matijevich: "Representative Richmond to close."

Richmond: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. There's probably... probably been enough said on the this issue, and I would just certainly endorse what Representative Ropp has said in the fact that this is a very important thing in so many ways that it has an affect on those of you who may think that soil surveys are not of importance to you. But as he pointed out, it affects school districts and many other things in our local units of government, and I would ask that you allow the state to come forth with their 25% of the cost of this very important project. Thank you."

Speaker Matijevich: "Representative Richmond has moved for the adoption of Amendment #1 on House Bill 2311. Those in favor signify by voting 'aye', those opposed by voting 'no'. There's going to be a verification, maybe, so be careful of who you're voting. Vote your own switch. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 62 'ayes' and 36

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'nays', and 1... Representative Van Duyn 'aye'. 63 'ayes', 36 'nays', and I think the Gentleman doesn't want a verification. And the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading. We'll revert back to House Bill 2306, Representative... Leave of the House, and Representative Leverenz will handle that Bill. Read the Bill."

Clerk Leone: "House Bill 2306, a Bill for an Act to amend an Act making appropriations for certain officers and agencies. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "None."

Speaker Matijevich: "Third Reading. House Bill 2312. Is Representative Currie on the floor? 2312. Read the Bill."

Clerk Leone: "House Bill 2312, a Bill for an Act relating to state taxes. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "None."

Speaker Matijevich: "Third Reading. House Bill 2313, the Clerk will read the Bill."

Clerk Leone: "House Bill 2313, a Bill for an Act to amend the Chicago World's Fair - 1992 Authority Act. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "None."

Speaker Matijevich: "Third Reading. House Bill 2314, Breslin. Clerk will read the Bill."

Clerk Leone: "House Bill 2314, a Bill for an Act making appropriations of state funds. Second Reading of the Bill. Amendment #1 was adopted in Committee."

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Speaker Matijevich: "Motions filed?"

Clerk Leone: "No Motions filed?"

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "No floor Amendments."

Speaker Matijevich: "Third Reading. House Bill 2315, Leverenz.  
Clerk will read the Bill."

Clerk Leone: "House Bill 2315, a Bill for an Act making  
appropriations. Second Reading of the Bill. Amendments #1  
and 2 were adopted in Committee."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "No Motions filed, and no floor Amendments."

Speaker Matijevich: "Third Reading. 2316, out of the record.  
2317, the Clerk will read the Bill."

Clerk Leone: "House Bill 2317, a Bill for an Act to amend an Act  
in relationship to probation and probation officers.  
Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "None."

Speaker Matijevich: "Third Reading. House Bill 2316, O'Connell.  
The Clerk will read the Bill."

Clerk Leone: "House Bill 2316, a Bill for an Act to recreate the  
Agent Orange Study Commission. Second Reading of the Bill.  
Amendment #1 was adopted in Committee."

Speaker Matijevich: "Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, O'Connell, amends House Bill  
2316 as amended."

Speaker Matijevich: "The Gentleman from Cook, Representative  
O'Connell, on Amendment #2."

O'Connell: "Yes, Mr. Speaker, I'd make... I move to adopt  
Amendment #2 which is a technical Amendment. The  
heading... The title has been deleted and inserted in lieu

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thereof, we inserted, 'an Act relating to former and present military personnel'. The reason for the change was that the original heading read, 'an Act pertaining to the National Guard and other veterans' organization'. We felt that that was rather broad heading, and in order to be germane, we feel that this provides the necessary specificity to be germane."

Speaker Matijevich: "Representative O'Connell has moved for the adoption of Amendment #2 to House Bill 2318. There being no discussion, all in favor say 'aye', opposed 'nay', and the Amendment is adopted. House Bill 2319, Representative..."

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Oh, Third Reading on... Third Reading on House Bill 2318. Is Representative Earnes ready? 2319, the Clerk will read the Bill."

Clerk Leone: "House Bill 2319, a Bill for an Act making appropriations to the Capital Development Board. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Matijevich: "Are there any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "Floor Amendment #3, Johnson - Vinson - Fierce, amends House Bill 2319 on page two and so forth."

Speaker Matijevich: "Is Representative Johnson ready on that? Where is he? Alright. Representative Tim Johnson on Amendment #..."

Johnson: "Mr. Speaker, I wonder if I could get... ask Jane, she didn't have time to answer me, if we could just take this out of the record till a little later on, because I think the problem that this directs itself to could well be taken care of in the course of the early part of the afternoon."

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Speaker Matijevich: "Out of the record? Alright. Out of the record. House Bill 2320. Read the Bill."

Clerk Leone: "House Bill 2320, a Bill for an Act to make appropriations of state funds. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "None."

Speaker Matijevich: "Third Reading. At ease. Are.. Are there any Bills on Second Reading that the Sponsors are ready to move to Third? Representative Sam Wolf, for what purpose do you seek attention?"

Wolf: "Mr. Speaker, you are still on House Bills?"

Speaker Matijevich: "We're on House Bills Second Reading, yes."

Wolf: "A little earlier, Senate Bill 44, with leave of the House was placed on Second Reading, Second Legislative Day, and if it's in order, I would like to move that Bill."

Speaker Matijevich: "What... What Bill was that?"

Wolf: "Senate Bill 44."

Speaker Matijevich: "Alright. Page three of the Calendar, Senate Bills Second Reading. Does the Gentleman have leave to move the Bill to... Leave. Second Reading... Ch, you already did. All right. All right. We'll now... Representative Brummer, are you seeking attention?"

Brummer: "Yes, I wonder if the Sponsor might indicate the... the substance of the Bill that he's purposing to move."

Speaker Matijevich: "I believe all the Sponsor wants to do is have the Bill read on Second Reading Second Day. Is that correct, Representative Wolf?"

Wolf: "No, that's not correct, Mr. Speaker. I think the Bill is ready to be moved to Third Reading, and in response to the request of Representative Brummer, this is a Bill, an emergency Bill, that is being used as a vehicle to correct certain deficiencies in House Bill 1305 - the gas tax -

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which has been fully reviewed and approved by the Governor's Office, all agencies involved. And it's an approved Bill."

Speaker Matijevich: "Representative..."

Brummer: "And what are the deficiencies, generally?"

Speaker Matijevich: "We'll get to that when we get to the Bill."

Brummer: "Well, Mr. Speaker, it may be relevant with regard to the issue of whether I object to moving it."

Speaker Matijevich: "It's already been moved, I understand. Is that correct, representative Vinson? I mean Representative Wolf. I'm ready to call Representative Vinson. I'm sorry."

Wolf: "It's been moved to the Order of Second Reading Second Legislative Day, Mr. Speaker. If Representative Brummer persists in a full detail of what the Bill does, I think I'll have to take it out of the record temporarily until my file comes over from the Motor Vehicle Laws Commission. Would you hold just one second?"

Speaker Matijevich: "We'll take it out of the record for the moment."

Wolf: "No, hold it, Mr. Speaker."

Speaker Matijevich: "Representative Wolf. Alright, to put us in proper Motion on the Bill, Senate... We'll go to the Order of Senate Bills Second Reading Senate Bill 44. Read the Bill."

Clerk Leone: "Senate Bill 44, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Matijevich: "Have any Motions been filed?"

Clerk Leone: "No Motions filed."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Matijevich: "Third Reading. See how easy it was? Senate

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Bill 546, Representative Davis. The Clerk will read the Bill."

Clerk Leone: "Senate Bill 546, a Bill for an Act to amend an Act in relationship to criminal identification and investigation."

Speaker Matijevich: "That remains on Second because that one was not moved I understand to 2nd Legislative Day. Alright. The House will stand at ease for a moment. Senate Bills Second Reading. Senate Bill 189, the Clerk will read the Bill."

Clerk Leone: "Senate Bill 189, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Matijevich: "Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Matijevich: "Third Reading. The House will have the attention of the Chair. Pursuant to Rule 39(a)2, the Chair is going to move to the Order of Subject Matter Special Business on Special Subject Matters Subject Matter - Calls. We have the cooperation of the Republican and Democratic Leadership that we will start an hour early because we do have a lull in business. We are going to go to the Subject Matter - Regulated Industries - House Bill 441, House Bill 1500, House Bill 1814 and House Bill 1825 to consider acceptance or overriding a veto... a vetoes Motions. The first Bill, House Bill 441, Representative Gordon Ropp."

Ropp: "Mr. Speaker, I want to ask a question relative to... What is the posture of this when...because I didn't put in a Motion to accept it, and whoever was opposing what I wanted to do yesterday has apparently put this Motion in to accept



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it. Do they handle the Bill, or do I go through the posture of attempting to sustain the Governor's veto?"

Speaker Matijevich: "Whoever handled the Motion handles the Motion. It's their Motion, whoever filed it. Mr. Clerk, who was the..."

Ropp: "What attorney on the other side of the aisle handled that Motion? Is this..."

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

Cullerton: "Yes, thank you, Mr. Speaker. I filed a Motion to override the Governor's veto."

Speaker Matijevich: "Alright."

Cullerton: "You may recall this was a Bill that we passed and the Senate passed, and the Governor amendatorily vetoed it by taking out the word 'knowingly'. And Representative Ropp attempted to accept the amendatory veto. That was soundly defeated, as it should have been, and now we want to pass the Bill the same way we passed it when Representative Ropp was the Sponsor in the House. And we want to do the same thing Representative Ropp did when he was back here in the... in the spring and the summer. It was a good Bill then, and it's a good Bill now. And we want to pass it. That's what my... why I filed a Motion."

Speaker Matijevich: "Representative Cullerton moves that House Bill 441... Yes, Representative Vinson, for what purpose do you seek recognition? Representative Vinson."

Vinson: "Mr. Speaker, are you now establishing the precedent that you're going to let some other Member take over another Member's Bill just because they want to go file a Motion?"

Speaker Matijevich: "That's... That's... Representative Cullerton."

Cullerton: "Mr. Speaker, the last thing we did on July 2nd, when we were in Session, was to hear a Motion filed by

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Representative Vinson to accept a Conference Committee Report when the Sponsor of the Bill wasn't even in the chambers. Do you remember that, Representative Vinson? You took over..."

Vinson: "I certainly do, and the..."

Cullerton: "You took over that Gentleman's Bill, that Conference Committee."

Vinson: "... And the Sponsor asked me to do it."

Cullerton: "Now, I'm not taking over his Bill. I'm simply filing a Motion to override the Governor's veto. Anybody can file a Motion. We already went and tried... And what I'm doing is consistent with passing the Bill the way the Sponsor passed it out of the House the first time."

Vinson: "Well, Mr. Speaker, we're talking about..."

Speaker Matijevich: "Proceed."

Vinson: "... two totally different situations. Never before in this chamber have we permitted a Sponsor to lose control of his Bill to someone who is acting in a fashion totally hostile to it. Of course we've permitted people to handle Bills. Of course, we've permitted people to handle Bills. Of course, we've permitted people to handle Conference Committee Reports and so forth, when they're acting in a fashion consistent with what the Sponsor wants, and that's the clearly established precedent of this chamber. Now, what you're trying to do here is that Mr. Ropp doesn't want to go forward with that Bill in any fashion. You're going to create a precedent where you completely transfer control of his Bill to Mr. Cullerton without him filing a slip in the well or anything else. Now, that's wrong. You don't have your real Parliamentarian up there. Your real Parliamentarian would tell you that. If Judge Getty were here, he'd tell you that. That's just unfair, John. Now, I think as a man who normally rules and thinks from the

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heart, you know that's wrong, and you shouldn't really let this happen."

Speaker Matijeovich: "The Motion is in order. And, Representative Vinson, my memory goes back a little farther than yours, and this has happened before. Evidentially, it's before you came here, but it has happened before. The Gentleman from Cook, Representative Cullerton, has moved that House Bill 441 do pass the veto of the Governor notwithstanding. On that, Representative Ropp--"

Bopp: "Yeah, thank you, Mr. Speaker and Members of the House. As you may well know, my original intent in this whole business was to provide safeguards in the administration of the Warehouse Section of the statute of the State of Illinois, and we attempted to put the proper safeguards in it so that it would provide the safety and the security for those people who, in fact, let their property in the hands of someone else for storage. Much of this storage is in the area of northeastern Illinois, and it is the feeling of the people who I am talking with that if this Bill passes with the word 'knowingly' in it, that those people who have properties stored in good faith are opening themselves up for tremendous amounts of loss. And I am not sure that the people in this State of Illinois want to place on the books a Bill that has the word 'knowingly' in it which would make it nearly impossible to ever get a conviction of wrong doings if you're in the business of storing personal property. I attempt, in this manner, to just be practical, and I think practicality, in this situation, should be given strong consideration for the safety, the safeguards of the people who are attempting to store property not only in Chicago, but downstate. And I'm saying that if you want to open up the safety precautions that we're attempting to put into this Bill, then you'll want to vote 'yes' and say,

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'Put property in warehouses at your own risk. There's no way we're ever going to prosecute anyone if your property is lost, stolen, burnt, destroyed or taken care of in any manner.' So, I urge you not to vote at all or to vote 'no', because the current law that we are administering now does not have the word 'knowingly' in it."

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

Vinson: "Mr. Speaker, Ladies and Gentlemen of the House, I certainly rise in support of what Representative Bopp has said and done in this matter. I believe that any Member in this chamber who might, in fact, have some sympathy for the merits of Representative Cullerton's point of view ought to vote 'present' on this particular motion just in order to deliver a message that democracy means that people who come in and file Bills and work on Bills all session can't have their Bills taken over, usurped and completely taken away from them. That's not right. Mr. Speaker, there is a fundamental point on the merits on this matter that ought to be made. What you're really doing in this particular case when you vote on the substance of this, if you vote 'yes' on the substance of this, it's a vote against farmers. It's a vote to let unscrupulous people use a technical provision of the law to violate the rights of farmers. That's what this boils down to in the real world out there, and I'm sure that's why Mr. Bopp's concerned about it. Now, if those unscrupulous people happen to have enough resources to hire a trial lawyer to represent them, then, by voting 'yes' on this Bill, you're letting them do that to violate the rights of farmers. And that's not right. And beyond that, it's just not right what the Gentleman from Cook is doing in this case to a man who's worked hard on a Bill, who knows the field a lot better,

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who understands relationships between farmers and elevators and so forth much better than the Gentleman from Cook ever will. It's not right. It's unfair; and, at the very least, everyone ought to vote 'present' and most people ought to vote 'no' on this Motion."

Speaker Matijevich: "Representative Cullerton to close."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. First of all, I think it's appropriate so that people know what the rules are that House Rule 47, dealing with House action on vetoes, says, 'a Member desiring to take action with respect to a veto shall file a written Motion with the Clerk in accord with the provisions of the joint rules'. It doesn't say a Sponsor. It says a Member. So, it's very clear that this Motion is in order and that I have a right to file it. Number two, you have to understand what I'm saying here. We're voting on this Bill just as we voted on the Bill on May 5th, 1983. We're voting on this Bill and the... and the Bill is in the same posture as it was on May 5th, 1983, when Representative Ropp and Representative Vinson voted 'yes'. So, I don't know what happened between May 5th, 1983, and today's date that makes this Bill all of a sudden hurt farmers and whatever the arguments that Representative Vinson was giving against the Bill. The Governor simply misunderstood the Amendment that we had adopted inserting the word 'knowingly', requiring a mental state before someone can be convicted of a Class B misdemeanor. The Governor said in his amendatory veto that it would make it virtually impossible to obtain a prosecution for a violation of the Act. The Governor was mistaken. We rejected his amendatory veto yesterday, and now we're voting on the Bill just as we did when it passed on May 5th. So, as long as everyone understands the posture we're in, I don't see why

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there's any problem, why we can't just pass this Bill the way we passed it back then, and I would ask for an 'aye' vote."

Speaker Matijevich: "Representative Cullerton has moved that Senate... House Bill 441 pass, the veto of the Governor notwithstanding. Those in favor signify by voting 'aye', those opposed by voting 'no'. This is final action. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 59 'ayes', 44 'nays', 11 answering 'present', and the Motion fails. House Bill 1500. Oh, is there... There's another Motion. I'm sorry. We are still on House Bill 441. Representative Bopp has a Motion filed. Representative Gordon Bopp."

Bopp: "Mr. Speaker, it's still the same Motion that I had yesterday to accept the Governor's veto. Just to clear up what the maker of the previous Motion, by original intent was not to have the word 'knowingly' in it. In order to get it in a posture where we could effectively deal with it, we did support it when it went to the Senate, and that Amendment was added to the Bill which took that word out. It did come back, and I attempted to support what the Senate did, as was my original intent. And that's where we ran into some problems again. I still, for the previous reasons, think that if people want to be protected, and I think that people in this House ought to be supportive of protecting the property and the rights of people, that this Bill ought to be passed as the Governor has now amended it. And I move to support the Governor's amendatory veto."

Speaker Matijevich: "The Gentleman has moved to accept the Governor's specific recommendations with regard to House Bill 441. On that, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, Mr. Speaker and Ladies and Gentlemen of the

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House, we had this Motion put to us yesterday. The Motion was defeated. It had 60 'no' votes. The Governor misunderstands the requirement of the word 'knowingly' in the criminal Section. It's simply a mental state that we're putting in the law. The absence of having the mental state would... might allow for people to be prosecuted for a Class B misdemeanor and be put in jail for up to 30 days for total inadvertence, having a plaque fall off the wall. It would... could result in someone going to jail for 30 days. It's a mistake. The man's made a mistake. He must have been, as Representative Pierce said earlier, his back must have been in pain that day when he amended this Bill. We rejected it yesterday. I just suggest that we should reject it again today with at least 60 'no' votes."

Speaker Matijevich: "Representative Ropp to close."

Ropp: "Thank you, Mr. Speaker and Members of the House. I think for the protection of the people of the State of Illinois who have property invested in warehousing - I'm not talking necessarily about a plaque or... I'm talking about a lifetime investment of their furniture, TV sets, radios and whatever. This is more important than... And this Bill ought to be passed, and I urge a 'yes' vote."

Speaker Matijevich: "Representative Ropp... On Representative Ropp's Motion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 441 by the adoption of the Amendment?'. All those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 62 'ayes', 51 'nays', and the Motion, having received the Constitutional Majority, prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 441 by the adoption of the Amendment."

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Now that we've over with that, Representative Ropp, the Chair would apologize to you. I didn't know that you had a Motion filed. I would have gone to your Motion as Sponsor first. I didn't realize... and then gone to the other Motion, if you were unsuccessful, but..."

Ropp: "Because... Because of the cutscene, Mr. Speaker, I thank you for your inadvertence."

Speaker Matijevich: "I didn't find out until his Motion failed that you had yours filed. So, I apologize for that. House Bill 1500, LeFlore. Gentleman from Cook, Representative LeFlore, on House Bill 1500. Representative LeFlore."

LeFlore: "Mr. Speaker, I move to override the veto of House Bill 1500. This Bill merely requires the Director to ask each person who applied to take the license insurance exam to provide the Department with a certain demographic, and merely this Bill is a record-keeping Bill. So, I would like to ask for a favorable vote on this Bill."

Speaker Matijevich: "Representative LeFlore... This is on the Order of Total Veto Motions. Representative LeFlore has moved that House Bill 1500 do pass, the veto of the Governor notwithstanding. On that, Representative Taylor."

Taylor: "Mr. Speaker, I read the veto message, and I found that I think that the Governor was in error when he said that 1500 was the same as House Bill 1134. Therefore, I support Representative LeFlore in his Motion to override the total veto of the Governor."

Speaker Matijevich: "Representative Gene Hoffman. The Gentleman from DuPage, Representative... Oh, I'm sorry. Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I think some clarification is needed in this regard. This General Assembly has passed and the Governor has signed House Bill 1134 which set up the new provisions for continuing education, as well as the



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brokerage provisions for licensure. It was in total agreement with the industry... the insurance industry itself as well as the agents and the Department involved which was the Department of Insurance. We have set up rather strict and progressive standards; and, if I may correct my good friend, Jim Taylor, it is not identical to 1134. 1134 is the model legislation which mandates continuing education and licensure requirements under the provisions that are adopted almost statewide now. I think that if we do adopt 1500, though, we're going to have two Bills which go in opposite directions; one that addresses the reliability and quality and one that addresses the continuing education, as well as the professionalism of the licensure process. So, I reluctantly stand, I guess I would have to say, in opposition to the override Motion on the Governor's veto, and I would recommend that we sustain his position on this issue so we do not have two conflicting rules and regulations on the same issue. Therefore, I cannot support the Gentleman's Motion."

Speaker Matijevich: "Representative Leflore to close."

LeFlore: "Mr. Speaker..."

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

Taylor: "Mr. Speaker, my name was used in debate. I differ with the... I did not say it was the same as House Bill 1134. They are totally different Bills, and this is simply a record-keeping Bill, one that I think is much needed in this state and in the insurance industry. Therefore, I renew my request for an 'aye' vote on the override of the Governor's veto on House Bill 1500."

Speaker Matijevich: "Representative Leflore to close."

LeFlore: "Mr. Speaker, since the statements has been made on the Bill, I am requesting a favorable vote on House Bill 1500."

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Speaker Matijevich: "Representative LeFlore moves that House Bill 1500 do pass, the veto of the Governor notwithstanding. All those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 65 'ayes', 43 'nays', and the Motion fails. On page 18 of the Calendar appears House Bill 1814, an amendatory veto Motion. The Gentleman from Cook, Representative Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move that House Bill 1814 do pass, notwithstanding the Governor's amendatory veto. Within the last four weeks, almost two billion dollars in rate increases have been proposed by utilities in the state to be approved by the Illinois Commerce Commission. Commonwealth Edison, two weeks ago, filed for a one billion dollar rate increase, the largest local rate increase in the history of the United States. Illinois Bell has asked for 310 million last Friday. Peoples' Gas filed for 105 million. And this past Monday it was announced that Illinois Power, while they're scrapping the second Clinton plant, is asking the Illinois Commerce Commission to require the rate payers to pay the 300 million dollar cost of a construction up to this point of that plant. This is on top of the millions of dollars of rate increases that have already been approved by the Commission which will first hit the utility customer this winter with their heating bills. Our constituents are angry. We have the opportunity to affect these rate increases that have been filed with the Illinois Commerce Commission by overriding the Governor's amendatory veto today on House Bill 1814. We have the opportunity to say to our constituents that the time of dialogue is over, that we need and we are acting on the modest reforms contained in 1814. 1814 deals with two

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modest changes to ICC procedures which, in other states, have kept the rates down. First, it would prohibit secret meetings between the Commission and utility executives on pending rate cases. If you go to court, you know that it's not proper to be talking to the Judge about a pending case. Unfortunately, this has not been the practice before the Illinois Commerce Commission. For the last three years, the Commission has been promising to promulgate rules and regs to do something about these secret meetings, the ex parte communications. For three years, nothing has happened, except, of course, the millions and millions of dollars of rate increases have been passed. Last year, when we were considering this legislation, I sat down with the Chairman of the Illinois Commerce Commission. He indicated what his problems were, and together we worked out what he then said was a mutually acceptable agreement on the issue of secret meetings which prohibited such meetings between commissioners, hearing officers and the utilities or any other parties, and mandated, as far as staff, that the Commerce Commission come up with ex parte regulations. The Governor's action and in terms of his amendatory veto is inconsistent and guts this particular reform. It simply would mandate the Commission to start holding hearings next April on coming up with some sort of rules and regs without stating what those rules and regs are. It seems to me that our constituents are tired of dialogue and would like to see some modest reforms passed that are going to affect these rate cases that are pending right now. The second part of House Bill 1814 would end the practice whereby ICC staff do not act independently of the utilities, because they expect to get a job when they leave the employment of the Commission with the utilities. These proposals are the law in many other states; thirty

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other states on the ex parte, nineteen other states on the post-employment, and what they have meant is they have meant lower rates. So, I would urge that we take the small step today on behalf of our constituents to affect the rate cases that are coming down right now that are going to be... hearings are going to be starting, rather than waiting and waiting and waiting for reforms. People are mad, and we have the opportunity to go back to our constituents and say, 'We've taken some action today that will benefit them and keep the rates down to at least a certain degree'. I ask..."

Speaker Matijevich: "Representative Levin has moved that House Bill 1814 pass, the veto of the Governor notwithstanding. On that, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Gentleman's Motion. The overwhelming issue in regard to the amendatory veto is the question of ex parte communications at the Commerce Commission in regard to rate making. The rest of this issue doesn't amount to a hill of beans. Now, what the Governor did with his amendatory veto was to most effectively deal with ex parte communications. The Governor said two things in his amendatory veto. The Governor said the Commerce Commission has to publish rules pursuant to the Joint Commission on Administrative Rules, which we established and which provides a very good policing mechanism for commissions and executive agencies. And secondly, the Governor said that ex parte communications are prohibited with regard to rate making pursuant to the Administrative Procedures Act. Now, I would point out that generally speaking, in rate-making issues under the Administrative Procedures Act, ex parte communications are not prohibited. This would be an even

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more stringent standard than in most cases and in most agencies where rate making is an issue. And this would prohibit ex parte communications. His amendatory veto would prohibit ex parte communications for parties to the rate-making case. Now, what's the difference between the Governor's provisions on ex parte communications and what Representative Levin wants to do? The primary difference is that under Representative Levin's proposal, a citizen who is not an employee of an electrical utility, a citizen who is just out there in Litchfield or Farmersville or on the southwest side of the City of Chicago who is concerned and aggrieved and aggravated about rate making, if he cares to evince his concerns about a particular rate-making case in progress and writes a letter to the Commerce Commission, that's an ex parte communication. And Representative Levin's Bill would prohibit that. Technically, a citizen would be in violation just writing a letter complaining about somebody's proposal for a rate increase. Now, that's not right. So, what the Governor has sought to do is to correct that and say that we're going to prohibit ex parte communications between parties to the case and the Commission. Now, I think the Governor is absolutely right on that. I don't think we ought to have ex parte communications in those cases, and I think the Governor's action clearly does that. But I don't think that we ought to be adopting a Bill at any point which tells citizens of the State of Illinois that they can't write a letter to a governmental agency. That's wrong, and we ought to reject that procedure. And for that reason, I would urge a 'no' vote on the Gentleman's Motion to override the Governor's amendatory veto on House Bill 1814. I would urge a 'no' vote on...

Speaker Matijevich: "Gentleman from Effingham, Representative

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Brummer."

Brummer: "Yes, thank you, Mr. Speaker, Members of the House. I guess I have mixed emotions about the... the proposals in here, but I feel on balance, we definitely need to address the serious problems that exist at the Illinois Commerce Commission, and this is certainly one approach. I guess I have some question about whether some lower echelon individual should be prohibited from working for a public utility for one year after leaving employment of the Illinois Commerce Commission, but I think that is a relatively insignificant portion of this Bill. I would draw attention to the Members of the House to today's issue of the State Journal Register. The main... the main headline article on the city and state news is 'ICC Coal and No Public Study of the Clinton Plant'. And I think Commissioner Daniel Rosenblum, who is a member of the Illinois Commerce Commission, in some of his comments that are quoted in today's State Journal Register, indicate the reasons... some of the reasons for the necessity or the advisability of some of the provisions in 1814. And I would like to quote some of his comments. He says, and I quote, 'Despite rapidly escalating costs and repeated delays, the Commission, over my objection, refused to initiate a public investigation of the Clinton plant at the conclusion of Illinois Power's last rate case. Then, to my surprise, the staff opened its own investigation. The staff has communicated with the company about the study but has kept the study from the public.' Now, I don't really think it's right that a major issue such as Clinton power plant should be determined by the staff and communications between the staff and the company made incidental to a study and that study and those communications kept from the public. I would remind the Members, as is pointed out in

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that article, that an analysis conducted earlier this year by the Governor's Office of Consumer Services found it would be cheaper to halt construction and find other ways of meeting Illinois Power's future electrical demand than to continue to spend money on the plant, referring to Clinton I. Now, I don't know if that analysis was accurate or not. The Governor's own office said the... the issue ought to be seriously examined. And we're talking about in excess of two billion dollars having already been spent on Clinton. Now, the Illinois Commerce Commission staff, apparently, through ex parte communications, conducted a study, the results of which study is not open to the public. I don't think that's right. I don't think that's fair. I don't think that's good government. I don't think that gives credibility to the actions of the Illinois Commerce Commission. It certainly does not instill in the public confidence in the actions of the Illinois Commerce Commission with an issue that involves over two billion dollars with Illinois Power alone. For those reasons, I think 1814 has merit, and I would suggest overriding the Governor's veto; and, if there are further problems that need to be addressed as a result of some technical problems in 1814, we can clear those up later. Commissioner Daniel Rosenblum has clearly indicated the need for at least a portion of 1814. For that reason, I would suggest supporting Representative Levin in his veto override Motion."

Speaker Matijevich: "Representative Klemm."

Klemm: "Thank you, Mr. Speaker. I stand opposed to Representative Levin's attempt to override the Governor's amendatory veto. And I do it for a number of reasons, because I really supported the concept of what Representative Levin has tried to do and is really

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accomplished, in a different way perhaps, by the Governor's amendatory veto. You know, we're all concerned about the utility increases and, certainly, as being a Member of that Committee, I am vitally concerned and... but Representative Levin's approach to this, in proposing to prohibit communications which are vital to the Commission in reaching a decision on these rate cases, is certainly not the way to go. And the ex parte prohibition in the Bill that the Representative has introduced includes no communication between employees, no communications between commissioners. It includes even no communication between the CUE's, which we have all supported and would become law, I think, if we sustain the Governor's position on the CUE's Bill. You know, it seems to me that we have to have the dialogue both for and against and the open conversations that I think we necessarily and certainly demand. We didn't have that before House Bill 1814. So, I think in this case it is a good effect, because what the Governor has done, and I think properly so, is requiring the ICC to initiate rules under the Administrative Procedures Act. And this is to be taken place and in effect by April 1st. I think this is a first, and I think this is commendable. I don't know whether the ICC likes it or not, and I don't care because they need to and should have it done. I think that because JCAB will be able to investigate and monitor the compliance of this requirement is another safeguard that we have that we didn't have before. So, in effect, I think we have a good Bill. I think if we were to override the Governor's veto, we would really curtail and tie the hands of both consumer groups and for the utilities and the ICC to try to present a fair case. So, I stand in opposition and ask your 'no' vote on this Motion."



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Speaker Matijevich: "Representative Levin to close."

Levin: "Thank you... Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Very briefly, the Illinois Commerce Commission has more impact in a dollar manner on the average resident of this state, I would dare say, than even this Body. You know, last year we passed the one billion dollar income tax increase. Within the last couple of years, the Illinois Commerce Commission has increased rates by about three and a half billion dollars. So, this is a very important vote and a procedure is very important.

I would suggest that if you read the Governor's amendatory veto, what it says is that by April 1st, 1984, the Commission must initiate rule-making procedures. That doesn't mean they have to promulgate rules and regs at that point. They have to start holding hearings. And I had a similar Bill back in 1977 with similar language, and the hearings lasted three years, the mandated hearings by this General Assembly. So, I would daresay that if we want something now, we're going to have to override; otherwise, it may be three or four years before we see anything out of this Commission. As far as the point that was raised by the Gentleman from DeWitt, I have practiced for the last ten, twelve years before the Commission. I am familiar with their procedures, and this legislation in no way affects the ability of the consumers to send letters expressing their views. What you simply do is those letters become a part of the record, and they're available to all the parties. And there's no breach of any kind of an ex parte communication ban. The consumer groups want this legislation. They feel that it's important. They... They believe, rightfully or wrongfully, that there are deals being cut between the Commission and the utilities behind closed doors. And there, in fact, have been

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articles in the Sun-Times and other newspapers that have described such meetings. This gives us an opportunity to do something tangible for our constituents. As far as the language of what the Governor has done, it is very... it would really limit it very greatly, the effect of the ex parte, and I suggest that we, on this very important issue, override the Governor's amendatory veto. This legislation last spring passed by an overwhelming majority. Thank you."

Speaker Matijevid: "Representative Levin has moved that House Bill 1814 pass, the Governor's veto notwithstanding. Those in favor shall signify by voting 'aye', those opposed by voting 'no'. This is final action and takes a Three-Fifths Constitutional Majority. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 61 'ayes', 50 'nays', 1 answering 'present', and the Motion fails. On page 18 of the Calendar under Amendatory Veto Motions appears House Bill 1825. The Majority Leader, Representative Jim McPike."

McPike: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 1825 authorized bank holding companies to operate trusts at the various banks owned by the... by the holding company. The commissioner felt that there was some confusion, and he felt that the Bill may have authorized the trust to be operated at facilities. So, the Governor.. the amendatory veto made it clear that this Bill would apply only to main banking houses and would not apply to facilities. So, I would move to accept the Governor's amendatory veto."

Speaker Matijevid: "Representative McPike has moved that the House accept the Governor's specific recommendations for change with respect to House Bill 1825 by the adoption of

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the Amendment. Is there any discussion? There's no discussion, and the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 1825 by the adoption of the Amendment?'. All 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 112 'ayes', no... no 'nays', 2 answering 'present', and this Motion, having received the Constitutional Majority, prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 1825 by the adoption of the Amendment. The House will be at ease. Leave for Representative Vinson to be recorded 'present' on that Bill... last Bill. He was mistakenly moved off of 'present' to 'aye'. Leave. Leave is granted. Leave of the House, we are going to page 12 of the Calendar. Under the Order of Item Veto Motions appears House Bill 542, item veto Motion #1 by Representative Ronan. The Gentleman from Cook, Representative Ronan."

Ronan: "Thank you, Mr. Speaker and Members of the House. I move to override the item veto of the Governor to House Bill 542. What this does is it creates a ...a slight fund in the Department of Registration and Education to finally do a nurse survey in this state. Everyone's aware that in the last five years I've worked extensively on nurse scholarship Bills because of the tremendous nurse shortage here in the State of Illinois. This... This fund that will be created will, for the first time, allow a survey statewide to determine the salary levels, employment settings, educational qualifications and where, if any, shortages exist in the state. I've worked with both sides of the aisle on this survey. I think the Governor made a

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mistake in knocking out this item out of the budget, and I move for its override."

Speaker Matijevich: "Representative Bonap has moved that the... the item of appropriations on page 18, line 11 of House Bill 542 be restored to its original amount, notwithstanding the reduction of the Governor. Are there... Is there any dis... On that, the Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Mr... Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Gentleman's Motion. The Gentleman has already pointed out why we need to do this, and I think no one on the floor would dispute the usefulness of a survey of nurse... of nursing availability in this state. I would point out, in addition, that this survey would be funded out of the fees collected from the nurses themselves. So, the nurses themselves are actually paying for the survey, and their fees were just recently increased. So, we have the additional resources necessary to do the job. It will not be a burden on the State Treasury, and I urge its...support of the House."

Speaker Matijevich: "Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker. I rise in support, also. It is interesting that the nurses agreed to raise their fees for their licenses, and the money was provided for the survey, I understand, by the nurses' payments themselves. It would be totally wrong to swipe that money, so to speak, and use it for something else. I would encourage everyone to vote 'aye'."

Speaker Matijevich: "Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, too, rise in support of this good Motion. As we have all heard, from time to time, knowledge and facts and

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figures can be converted into legislative action when and if that is deemed necessary. Without those facts and figures, without knowing if, indeed, shortages exist, where those shortages are and how those shortages may be corrected, the Legislature's hands are somewhat tied in being able to address what has been in the past a very serious problem of nursing shortages in various places throughout this state. So, I think this is an outstanding Motion, and we have to restore those funds. And, as was pointed out, the nurses pay for much of it themselves."

Speaker Matijevich: "Representative Ronan to close."

Preston: "Thank you."

Speaker Matijevich: "Representative Ronan to close."

Ronan: "Thank you, Mr. Speaker. I appreciate the support coming not only from our side of the aisle, but the other side. This is a very important program. It's about time we get accurate information on the nursing situation here in the State of Illinois. The Governor made a small mistake, but we're willing to forgive him. So, I urge everyone to vote green."

Speaker Matijevich: "On Representative Ronan's Motion, the question is, 'Shall the reduced item of appropriation on page 18, line 11 of House Bill 542 be restored to its original amount, notwithstanding the reduction of the Governor?'. Those in favor signify by voting 'aye, those opposed by voting 'nay'. This is final action and takes three-fifths majority. Have all... Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 115 'ayes', 1 'nay', and this Motion, having received the Constitutional Majority, prevails. And the House overrides the Governor's item reduction on page 18, line 11 of House Bill 542, and the Bill... and the Motion... Klemm 'aye'. I've already said the Motion

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prevails. The House will be at ease. Leave for Representative Tim Johnson on 1156. He was recorded improperly. Leave that he be recorded 'aye'. That, too, was a mistake that was made. Representative Currie, for what purpose do you seek recognition?"

Currie: "Thank you, Mr... Thank you, Mr. Speaker. I hope the House will recognize the many senior citizens who are with us in the Speaker's Gallery today. They're here... They're here from across the state to encourage the Members of this House to support House Bill 1644 and the override efforts... the amendatory veto on House Bill 1121 and the override on House Bill 22. Thank you very much for being with us."

Speaker Matijevich: "Shame on you. You violated the rules and... As long as this is a Veto Session, I guess we'll let that one slip by. It's too late anyway. On page 12 of the Calendar under Reduction and Item Veto Motions appears House Bill 543. Out of the record. I'm sorry. Representative Dwight Friedrich, I understand you are seeking recognition. For what purpose are you seeking recognition?"

Friedrich: "We would appreciate a recess for a Republican Caucus in room 18 (sic - 118) immediately."

Speaker Matijevich: "How long do you need, or how long do you want?"

Friedrich: "Thirty minutes."

Speaker Matijevich: "That's better than three days."

Friedrich: "That's right."

Speaker Matijevich: "One hour?"

Friedrich: "Forty-five minutes. Compromise."

Speaker Matijevich: "Forty-five minutes. Representative Yourell, for what purpose do you seek recognition?"

Yourell: "Thank you, Mr. Speaker. The Democrats will caucus in

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room 114."

Speaker Matijevich: "Alright. The House will be in recess while the Democrats caucus in room 114, the Republicans in room 118, and the House will return to business at 2:45... 2:35. 2:35. Thank you."

Speaker McPike: "House will come to order. The Chair will continue the veto Motions, Subject Matter - Calls, page four of the Calendar, #10 Workers' Rights. On page 17 of the Calendar appears House Bill 768, Representative Matijevich."

Matijevich: "Yes, Mr. Speaker and Members of the House, House Bill 768 was the Bill creating the Uniform Peace Officers' Disciplinary Act. The Governor, through his amendatory veto authority, made some exemptions with regards to state law enforcement officers. We, who worked on the Bill, have gone along with those exemptions, and I move now, Mr. Speaker and Members of the House, that... that we approve the specific language of the Governor's amendatory veto and ask for your support."

Speaker McPike: "Is there any discussion? There being none, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 768 by the adoption of the Amendment?'. This is final action. All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Motion there are 110 'ayes', 3 'nays', none voting 'present'. This Motion, having received the Constitutional Majority, prevails, and the House accepts the Governor's specific recommendations for change regarding House Bill 768 by the adoption of this Amendment. On page ten of the Calendar appears House Bill 801, Representative Matijevich."

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Matijevich: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, House Bill 1801 (sic - 801) was a Bill which would have permitted the state..."

Speaker McPike: "801. 801."

Matijevich: "801, I'm sorry. 801, which would have permitted state police officers, just like any other law enforcement officer in the State of Illinois, to have the right to be engaged in politics in their off hours. The Governor felt that we should have a ban of such political activity. We... When we passed legislation saying local law enforcement officers could engage in politics, it in no way tainted the police profession. In my home town, I know of no police officer that I've ever gotten involved in politics and said that even that you contribute to my campaign. What I think the Governor may have been referring to is the old days when the state police had to have a sponsor to become a state police, a policeman. That no longer can be, nor could it be if we passed this Bill. I think it, frankly, it's ridiculous in this day and age to say that any American, any American in his off duty hours cannot be engaged in political activity. To me, it's absurd. The state police think they have that authority even without this Bill, and I think that we all ought to make it clear. We have a law enforcement officer on this... in this House. We have a ... Edgar McAuliffe, and we all know it. There's nothing... Are you telling me that he can't engage in... in political activity in his off duty hours? He does a hell of a job of it, and we all know it. And he ought to have that right. And... And we must extend that right to every state policeman. I would urge your support, and I move that House Bill 801 pass, notwithstanding the veto of the Governor. And I want your help, please. Give me a vote."



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Speaker McPike: "Representative Matijevich moves that House Bill 801 pass, notwithstanding the veto of the Governor. And on that, the Gentleman from Champaign, Representative Johnson."

Johnson: "Yes, Mr. Speaker and Members of the House, for a number of years now I think we've taken progressive steps in terms of eliminating some of the 19th Century notions on who ought to be able to be involved in politics and government, whether by way of contributions or by way of direct involvement. And I think the bottom line of that process of... of that evolution has been that in a free society, people, whatever their occupations and whatever their backgrounds, with certain limited exceptions, ought to have a right to exercise their constitutional rights to free speech, to freedom of involvement and, most particularly, to involvement in the political process in a democracy which is really at the basis of our democratic system. And certainly law enforcement officials and their families, except as it's directly related to their employment - and this Bill clearly speaks to that - are in a category, species of people who ought to be able to involve themselves in the process. Maybe they, more particularly than others, have insight into particular areas where candidacies and political parties and philosophies become important to their future and their family's future and their community's future. This is a modest step, a good Bill, something that continues a trend that, in the course of the last several years, we've accelerated in something that's a logical, bottom line to opening up our democracy to everybody. I think it's a good Bill, a good step, a modest step, and I urge a 'yes' vote."

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

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Stuffle: "Mr. Speaker, Members of the House, I think Representative Johnson and Representative Matijeich hit the nail on the head. If we are to continue to argue about the rights of workers on this floor, and we have from different perspectives this year, we ought to be talking about their right, fundamentally under the First Amendment, to express their opinion. And the basic bottom line and expression is the right to participate in elections and political activities, and it ought not to be denied to anyone regardless of where they work or for whom they work or who pays them, public or private. And for those reasons, we should accept and support Representative Matijeich's Motion on this Bill."

Speaker McPike: "Further discussion? There being none, Representative Matijeich to close."

Matijeich: "Thank you... Thank you for your overwhelming vote. I know it's coming."

Speaker McPike: "The question is, 'Shall House Bill 801 pass, the veto of the Governor notwithstanding?'. This is final action. All in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Motion there are 105 'ayes', 10 'nocs', none voting 'present', and the Motion to override prevails. On page 16 of the Calendar appears House Bill 1530. Representative Stuffle on the Motion."

Stuffle: "Mr. Speaker, Members of the House..."

Speaker McPike: "Excuse me, Representative Stuffle. Representative Yourell in the Chair. Proceed."

Stuffle: "Thank you. Mr. Speaker, Members of the House, House Bill 1530, as you know, is the comprehensive collective bargaining legislation passed by this House with regard to educational employees in the public sector in this state and covers kindergarten through the university structure."

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The Governor saw fit to make basic changes in this Bill and in the comprehensive Bill for other public employees in such a manner as to put the educational employees all in this Bill and the other employees in Senate Bill 536. I could go through the many changes that he addressed, but suffice it to say, while being willing to answer questions, I think that that would delay the activities of the House and would merely point out to you the major points and the changes, since this is a ... a dramatic piece of legislation in terms of his some 38 page long amendatory veto. The basic points are the exclusion, as agreed to in this House, but never put into the Amendment stage, of the part-time employees of the public community college system, as Representative McPike and I agreed to with Representative McGann early on. That has been accomplished by the amendatory veto. The Governor has seen fit to define in a better fashion, I think, managerial, supervisory and confidential employees of the various units of government and expand the definition of supervisors. He has also provided for additional language tightening up the provisions regarding appointments to the Labor Relations Board and the salaries of the Chairman and the members thereof, and he has established language with regard to the ability to continue to negotiate and have prevailing wage rates in place. He has tightened up language on fair share and provided that the parties would pay for their own costs equally in fact-finding and mediation if they're invoked. Those are the major changes in the Bill. I think the Bill now has broad support. I think its time has come. I think the Governor's amendatory veto is done in a fashion that makes the Bill even better than it was when it left here, and I urge you, despite the differences of opinion about collective bargaining, to take a close look at the Bill, to

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support the Motion to accept the amendatory veto of the Governor and move this state into the 20th Century and out of the chaos that confronts our school districts, our universities and our community colleges so much now where there is no standard and no system. Therefore, I urge and ask and move that we accept the Governor's amendatory recommendations with regard to House Bill 1530."

Speaker Yourell: "Is there discussion? The Lady from Cook, Representative Nelson."

Nelson: "Mr. Speaker, I have a parliamentary inquiry."

Speaker Yourell: "State your inquiry."

Nelson: "I would like to know how many votes this takes for passage since it has an effective date before next July 1st."

Speaker Yourell: "The Parliamentarian advises me it takes 60 votes to pass."

Nelson: "It's my understanding that according to the Illinois Constitution, a Bill passed after July 30th shall not become effective prior to July 1st of the next calendar year, unless there is a vote by three-fifths of this General Assembly. There is also... There are also court cases relating to that provision of the Constitution, and I'd like to know why the Parliamentarian is ruling as he is."

Speaker Yourell: "Well, we're going to get to you the second part of your question relative to the date. For what reason does Representative Stuffle rise?"

Stuffle: "To speak to the point of the Lady. The Bill passed both Houses June 27th, 1983."

Speaker Yourell: "Does that satisfy your inquiry, Representative Nelson?"

Nelson: "No. It's my understanding that in the court case which was People versus Howlett, and I can cite the court

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numbers, the court held that a Bill is considered passed when the last House of the General Assembly accepts the final amended form of the Bill submitted to them by the Governor. It's a 1972 case."

Speaker Yourell: "Representative Nelson, in Chapter I of the statutes, under General Provisions, it states 'passed construed'. This is the definition. 'For purpose of determining the effective dates of laws, a Bill is passed at the time of its final legislative action prior to presentation to the Governor pursuant to paragraph (A) of Section 9 of Article IV of the Constitution.' The date that we're referring to is, I believe, June 27th. Representative Nelson."

Nelson: "Mr. Speaker, I understand your citation, but I think that, you know, I do not wish to continue a dialogue with you. I certainly do wish to make the point, however, that there is a legitimate difference of opinion on whether or not passage before submission to the Governor means passage back in June or passage for resubmission to the Governor at this time, because the Governor, again, now has to certify that his... that our action here meets the standards of his amendatory veto message. I submit that there is a legitimate difference of opinion."

Speaker Yourell: "Thank you, Representative Nelson. Representative Greiman, for what reason do you rise?"

Greiman: "I wonder if the... Would the Gentleman yield for a question or two?"

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

Greiman: "Representative Stuffle, am I correct that the lobbying expenses for Representatives who operate in the legislative arena are subject to reimbursement under the fair share agreement?"

Stuffle: "The answer to your question is that under fair share,

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you cannot take from an employee a political contribution for a political purpose unless it's voluntary."

Freiman: "But... But the lobbying expenses would be okay. Is that right? That would be reimbursable. Is that right?"

Stuffle: "Yes. It's possible. It's possible if that's part of the cost of the contract. The whole provision of the fair share is that it cannot outstrip dues. If you're asking me if it directly can be reimbursed as a part of the fair share, it cannot. The only thing that can be reimbursed is the basic cost of negotiating the contract. It would have to be a voluntary contribution."

Freiman: "No further questions."

Speaker Yourell: "Is there further discussion? Representative Nelson."

Nelson: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, this is a very, very important Bill. And I do not wish to debate it at length, because I think most of us already have our minds made up. But I do wish to point out to you that over the summer I've spoken with many educational groups and would differ from the Sponsor's opinion that the Bill has broad support. I do not believe that this particular Bill, House Bill 1530, has broad support, certainly not from the parents of our students in this state. I believe that there are certain fundamental mistakes that we are making today. I believe that foremost among those is the mistake taking power away from local elected officials to make decisions. It seems to me perfectly clear that local boards of education should have the right and should have the power to negotiate with their employees, as they do in most school districts in this state today. By passage of House Bill 1530, we will remove the leverage that's needed to have equality between management and labor when it comes to those kinds of

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negotiations. In the private sector, if employees choose to go on strike, they are penalized by a loss of wages. But in Illinois, because of our laws under the School Code, those days, in order to receive school aid, must be made up, and teachers will not be penalized. This means that there's no good reason for teachers to bargain in good faith with management, and that brings up my second point which is that I think by passage of House Bill 1530, we are moving further and further toward an adversarial role between school boards and parents and teachers who are beginning to see themselves in that bind which pits one against another, labor against management. I think that that is most unfortunate. Finally, I think that it is ludicrous for the General Assembly to go on passing laws that are exemptions from the State Mandates Act. When we pass a law that says we, the General Assembly, find that this Bill does not fall under the State Mandates Act, because it will not cost 50,000 dollars and, in the same Bill, have salaries to pay the Chairman 50,000 dollars annually of the Labor Relations Board and members 45,000 dollars annually, we are making little sense and I think only add to the general public's perception of us as unable to manage our own affairs. I would urge a 'no' vote on this Bill and thank you."

Speaker Yourell: "Is there further discussion? There being no further discussion, the Gentleman from Winnebago, Mr. Stuffle, to close... or Vermilion. I'm sorry, Sir. Who do you want to be recognized over there? Representative McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To clarify an earlier question, it is clear under the Bill that lobbying expenses can be part of the fair share when the people lobby to improve benefits, be they

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wages, hours, working conditions. Those are legitimate expenses that are... that are undertaken on behalf of employees and; therefore, those legitimate expenses that increase the benefits for employees can be part of a fair share agreement. To the Bill itself, I think that we saw labor unrest and labor turmoil in this country in the early 1900's. That is what happens when you don't have anything in law giving rights and responsibilities to both parties involved. Those that would vote against the Bill really are ignoring the real world that we live in. The real world that we live in has a strike currently going on in the City of Chicago that has been going on for probably two weeks, but someone has now suggested mediation. Had this Bill been law, there would have been mediation two months ago. There would have been fact-finding two months ago. The parties would have been brought together two months ago. The strike, in all probability, would not... would never have happened. Our Bill, 1530, that sets forth these step-by-step procedures will, in the future, lead to far fewer strikes, far less labor unrest than what we have today. We are indeed coming out of the dark ages by giving rights and responsibilities to both the employee and to the employer. I would move to accept the Governor's recommended changes to the Bill and make this the law in the State of Illinois."

Speaker Yourell: "The question is, 'Shall House Bill 1530 pass, the veto of the Governor notwithstanding...?' No. The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 1530 by adoption of the Amendment?'. All those in favor will signify by voting 'aye', those opposed will vote 'no'. Have all voted who wish? Yes. Have all voted who wish? For what reason does Representative Hoffman rise?"



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Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen. Just to explain my vote and just to repeat what I said in the spring, this is another example of the Legislature eroding the governing power of other elected officials and giving a portion of that power or sovereignty, if you will, to a special interest group, in this case, the employees. And for that reason, I vote 'no'."

Speaker Yourell: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question... On this Motion there are 86 voting 'aye', 26 voting 'no', 3 voting 'present', and this Motion, having received the Constitutional Majority, prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 1530 by adoption of the Amendment. Appearing on page 18 is House Bill 1549, amendatory veto Motion, Representative Steczko."

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 1549, as introduced, would have done two things or does two things. One was to put more participants in the Merit Code... Merit Employment Code under the Cook County Sheriff. The second provision was similar to House Bill 801, which Representative Matijevich had introduced, which allowed Cook County deputy sheriffs on their off time hours to engage in political activities. The Governor chose to amend out that Section that dealt with political activities, and it was at the request of Sheriff 'Elrod' from Cook County, although we feel that that Section is important for the very reasons that Representative Matijevich indicated, we felt that... and also that that provision may, in fact, be unconstitutional - we decided, however, that it's of primary importance to allow these other officials into the merit system. So, Mr. Speaker, at this time, I would ask that the House accept the

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Governor's amendatory veto of House Bill 1549."

Speaker Yourell: "Is there discussion? There being no discussion, the Gentleman wish to close cr...? Okay. The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to...' Representative Shaw, for what reason do you rise?"

Shaw: "Yes, a question of the Sponsor. Representative, you said the Governor vetoed out the Section prohibiting deputy sheriffs from engaging in politics?"

Steczo: "Representative Shaw, the change the Governor made was to exclude the provision that we included that allowed deputy sheriffs in Cook County to participate in political activities in their off time hours."

Shaw: "It would allow them."

Steczo: "It would allow them. The Governor took that provision out. The Sheriff feels that it's important right now to go with the merit system and come back another time for the other item."

Shaw: "Okay. Thank you."

Speaker Yourell: "Further discussion? Question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 1549 by the adoption of the Amendment?'. This is final action. All those in favor will signify by voting 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 107 voting 'aye', 4 voting 'no', 2 voting 'present'. This Motion, having received the Constitutional Majority, prevails, and the House accepts the Governor's specific recommendations for change regarding House Bill 1549 by adoption of the Amendment. Appearing on...on page 19 is House Bill 2035. Representative Slape."

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Slape: "Thank you... Thank you, Mr. Speaker. I would move that the House would accept the specific recommendations of the Governor in his... in his amendatory veto of House Bill 2035. The Governor removed the reference in here to 'medical history', and also he removed some of the provisions whereby a person could review his own personnel record, limiting that to two times per year, and the Governor has also said that this inspection should be done during regular working hours. Most of the recommendations that the Governor implemented in the Bill came from the Retail Merchants of the State of Illinois. I think that this Bill now probably now meets compliance with most of the retail groups in the State of Illinois, and I would ask that the House does accept the government's... Governor's specific recommendations."

Speaker Yourell: "Is there discussion? Representative Vinson."

Vinson: "Mr. Speaker, Ladies and Gentlemen of the Assembly, I would rise in strong opposition to the Gentleman's Motion. Under no circumstances, with no changes, whatever might be wrought by an amendatory veto, should this concept become law. What we do on the one hand is impose extraordinary duty... duties on employers. As a matter of fact, sometime here later this afternoon, you are going to have to deal with legislation on nursing homes which imposes extraordinary duties on nursing home operators. And yet, with this Bill, you are considering removing any possibility for a nursing home operator or for any other employer in the State of Illinois to examine the background, to have any knowledge of the responsibility and the reliability of an employee. If you tie employers hands this way, you cannot continue to impose duties on employers because they can't fulfill those duties. Oh, you can vote for the legislation that does it, but it's so totally

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inconsistent that there is no way in which it bears any relationship to the real world out there. You can respond to interest groups, all the special interest you want to in voting for this kind of legislation. But ultimately, all of those small businessmen back in your district, all of those employers out there, and perhaps, yes, ultimately the employees who get laid off because of what you're doing to gut the business climate in the State of Illinois, those very same employees are going to realize that what you have done is to just shatter the business climate. This is a bad Bill. You know, courts frequently hold employers liable because they haven't determined that an employee is likely to commit crimes, is likely to be negligent and so forth. And yet, you make it impossible with this kind of Bill for the employer to find that out. And for those reasons, I would urge a 'no' vote on the Motion in regard to 2035. This Bill ought to be left in limbo forever."

Speaker Yourell: "Is there further discussion? Being no further discussion, the Gentleman from Bond, Representative Slape, to close."

Slape: "Thank you, Mr. Speaker. I welcome my friend from Clinton's statement. House Bill 2035 originally started as a Slape - Satterthwaite - Hicks and LeFlore Bill, but actually I think Thompson's name should be added because he completely rewrote the Bill, and that's the first time I ever heard a Republican Governor criticized in such a manner by his own party over there on that side of the floor. The Governor has made specific changes in this Bill that answers all the questions and alludes to almost anything that anyone could find objection to. I would move that the House would accept the Governor's specific recommendations."

Speaker Yourell: "Question is, 'Shall the House accept the

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Governor's specific recommendations for change with respect to House Bill 2035 by the adoption of the Amendment?". This is final action. All those in favor will signify by voting 'aye'. Those opposed will voted 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Mulcahey. Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 73 'aye's, 38 'nos', none voting 'present'. This Motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendations for change regarding House Bill 2035 by the adoption of the Amendment. We are now going to stay on page 4 and go to the subject matter of Human Services. The first Bill on that call will be House Bill 537, and that appears on page 16, I believe, on your regular Calendar. Representative Bastert."

Bastert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. 537 was the Child Abuse Prevention Act, sponsored by Representative Jaffe and myself. What this Bill did was set up a check off on income tax return... on income tax refunds. The amendatory veto raised the check off that we designated as two dollars to ten dollars to go along with other check off provisions provided that were passed this year. That was the only change. It also set... a few technicalities on how that money would be distributed from the Department of Revenue to DCFS. Ask for your favorable vote on accepting the Governor's amendatory veto."

Speaker Yourell: "Is there further discussion? There being no discussion, is... the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 537 by the adoption of the Amendment?'. This is final action. All those in favor will vote 'aye', those opposed will voted 'no'. The voting

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is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 114 voting 'yes', none voting 'no', 1 voting 'present'. And this Motion having received the Constitutional Majority prevails and the House accepts the Governor's specific recommendations for change regarding House Bill 537 by the adoption of the Amendment. Appearing on the Order of Human Services on page 10 Total Veto, House Bill 620, Representative Pangle."

Pangle: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 620 over the last couple of weeks is a Bill that has become a political football. It's a Bill that's becoming an issue that's gotten away from the original intent and become one that is the Governor's Office against the House of Representatives, Democrat or Republicans. The intent of the Bill is to protect the people within a mental institution, Children and Family Services, that are unable to protect themselves. The intent of the Bill is to protect the resident or the patients who have been placed in nursing homes where they are receiving improper care, being dumped into the streets of Chicago and so on and so forth. This Bill was debated quite lengthily in our regular Session. I hereby move that we override the Governor's veto of House Bill 620."

Speaker Yourell: "Is there discussion? The Lady from Cook, Representative Nelson."

Nelson: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I do not believe that this is a partisan issue. If it is a question of some group of Illinois citizens against another group of Illinois citizens, it may very well be a question of jobs for those people who work in our state institutions versus those people who are clients or residents of those institutions, and for that,

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I'm very sorry. But I do believe also that a 'no' vote on the Motion to override the Governor is the correct vote on this. I believe that it is true that House Bill 620 violates our Illinois Constitution because it does blur the distinction between the administration and the Legislature. What would happen, if House Bill 620 were to pass, is that agencies of state government would lose discretionary powers that they need in order to best serve the clients of those institutions in our state. If House Bill 620 had been in effect, it would have been very difficult to implement certain closures of state institutions in this state over the past few years. And it would also have been very difficult to take care of transfers and cutbacks when this state faced a very, very difficult budget crunch. I would urge you to vote 'no', to realize that because the Bill stipulates that departments must notify the General Assembly of such action, and because it allows us to disapprove of shifts in personnel and proposed closures of facilities, that this might be delayed for a long time if the General Assembly were not in Session, and I feel that this is inappropriate and simply a bad idea. I would ask for a 'no' vote."

Speaker Yourell: "Gentleman from Rock Island, Representative DeJaegher.

DeJaegher: "I think you have to look at the Bill. 620 does not take all of those powers away from the Governor. The Governor still has that right. All we're asking the Governor to do is before implementation of closure of any facility takes place, he brings this back to the General Assembly. At the present time, there is controversy surrounding a particular facility that possibly the government will close. That's the Galesburg Mental Health Facility. Yes, there are tremendous jobs that could be

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lost if that facility was closed. I'm not concerned that much over those jobs. That's not the important issue. The important issue is the patients that are housed in that facility. There are 172 patients housed in that facility that reside in my legislative district. These are the people that we are going to make suffer. These are the people that we have to address ourselves to. This particular facility is one of the most outstanding facilities. It needs very little cost for rejuvenation. It can be an ideal setting. It can be the place that we need, the place that we work, the place that we can address ourselves to. And with that in mind, hopefully, that you will override the Governor. Thank you."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Gentleman's Motion, and I rise in opposition to it because it's a terrible piece of legislation, and it's a bad Motion, and the Governor is absolutely right to have vetoed it. You're not going to protect any facilities by doing this. What you are going to do is slow down the process. You may marginally increase taxes. You may marginally increase the cost of doing business, but you are not going to save any facilities for this. There are facilities that probably ought to be closed in this state. Save the taxpayers money, get the job done in a hurry. Why... why refuse to deal with that through the appropriations process. You know, we've got two appropriations committees in this House. We've got an appropriations process in the Senate. There's plenty of room for input in the appropriations process. As a matter of fact, I can remember specific instances where the Governor had proposed to close



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facilities, and because he was reversed in the appropriations process, and given a resounding defeat on that in the appropriations process, why, he backed off of that position and those facilities stayed open. As a matter of fact, I voted against the Governor on occasion in that regard. But we don't need to create some unconstitutional process here for doing that. We've got an appropriations committee, we've got an appropriations process, and we ought to do it with that. This... this Bill is a farce. It... It's a press release. It's the best reelection program for one or two people, and the other people who are not involved in that particular reelection effort ought not get hoodwinked into the deal. You ought to vote 'no' on this."

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

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, I represent the uptown area of Chicago, and that's a very well-known area. And it's an area that doesn't have a good reputation. And one of the reasons it doesn't have a good reputation in that is that it has been glutted with mental patients who have come out of state facilities. Now, there are other communities that are concerned about becoming uptowns as well, and this Bill gives the Members of this General Assembly the opportunity to represent their constituents, to assure that the mental patients continue to receive the services they need, and also to assure that your community doesn't begin to have the kind of reputation that my community has had. I think this is a good Bill, and I think we... ought to override."

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

Marzuki: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I believe that overriding this Bill will put into perspective the legislative intent in the care of patients

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who are in these facilities. If we allow this veto to stand, it means that the bureaucracy is going to run the program despite what the Legislature desires. The programs that have been supposedly in place for years change with the weather. We don't know where we are. I don't think we know where we are in reference to these closures. We're told that the patients are declining. Yes, as Representative Levin says, they are ending up in his district, not institutionalized, creating problems for themselves and problems for the community. We need humane care. I think we need to look at this. It does not prohibit closure, but certainly the Department of Mental Health has not been run in an efficient manner in the last few years. I think we need to take a good look at this, and this gives us that opportunity. I urge that we vote to override."

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

McGann: "Would the... Thank you, Mr. Speaker and Members of the Assembly. Would the Sponsor yield to a question?"

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

McGann: "Representative, when we transfer these patients from one facility to another, what would be the size, the number, that would have to be required... approval of the State Legislature before it could be taking place?"

Angle: "It's anything over ten percent into the Bill."

McGann: "Pardon me?"

Angle: "Anything over ten percent."

McGann: "Ten percent of the complement at that institution?"

Angle: "Yeah."

McGann: "I see. Well, to the Bill, Mr. Speaker."

Yourell: "Proceed."

McGann: "I believe that this Bill, if it's overridden, will bring nothing but tremendous cost to the taxpayers of the State

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of Illinois because I believe that you will find us in Special Session numerous times a year to give an okay of ten percent if an institution has six hundred, we'd be in here to give an okay for sixty patients to be transferred. We're also hamstringing the administration in their job that they have to do. I am not for closing mental facilities in this state. I am for providing more and more care for them. But when we come up with a Bill like this, I think we are truly interfering with the mental department's administration and their right. Please do not hamstring them, and I'd ask us to vote 'no' on this override. Thank you."

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

Satterthwaite: "Mr. Speaker and Members of the House, I think it's particularly difficult to make a vote on this Bill at this time when we find ourselves under the leadership of a new director of the Department of Mental Health and Developmental Disabilities, and while that's only one agency involved with this legislation, it is certainly the major one. I find that the leadership of the new director is extremely good, and many of the things that he is proposing are in line with what I would like to see accomplished. I am concerned, however, that we seem to be responding more to crisis situations in other fields that dictate when and if we should be closing mental health institutions. I am concerned that the planning is done not for the primary purpose of patient care, but rather for some other purpose, and by an indirect act, we find then that reasonable proposals are being made by the Department. I was prepared not to vote to override the Governor's veto on this Bill until I heard comments from one of the Members of the Leadership on the opposite side of the aisle

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indicating how difficult it is for the executive to override action of the Legislature, and I would like to remind the Members of the Legislature that exactly the opposite is equally true if not more so. Because there have also been times when we, as a Legislative Body, have definitely given direction for keeping an institution open, and having that action nullified immediately afterward by executive action to go ahead with the closure. Closures need to be done from time to time, but they need to be done in a planned fashion, and I have decided that I will support the override of this Bill because it really calls for planned action. It calls for submission of a plan during a particular time of the year, and allowing us to have time as a Legislative Body to react in a reasonable fashion to that plan. If the Executive Branch cannot make it's plans with that kind of lead time, then I think perhaps they cannot adequately plan for the phase out of employees, for the change in location of clients and for the other things that this Bill impacts upon. And I would urge the Members to vote to override the Governor's veto."

Speaker Yourell: "Gentleman from DeKalb, Representative Ethesen."

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

Speaker Yourell: "Gentleman has moved the previous question. All those in favor will say 'aye', opposed 'no'. The previous question has been moved. Representative Pangle to close."

Pangle: "Thank you, Mr. Speaker. I don't think the question here is to take any power away from the Executive Branch. In fact, I think the question here is do we have a balance of power between the General Assembly and the Executive Branch. What is the intent? I think our intent as Representatives of different districts is to serve the people of our district and the State of Illinois. I don't think that the Governor should have or should have the

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complete power to make a decision to close a large facility due to the impact of not only the residents, the patients of that facility, but the people within that area. We, as the Members of the General Assembly owe it to the people that live within our districts, to the residents, to the patients of our different districts to override the Governor's veto, and I hereby ask for a 'yes' vote. Thank you."

Speaker Yourell: "Question is, 'Shall House Bill 620 pass, the veto of the Governor notwithstanding?'. This is final action. All those in favor will signify by voting 'aye', those opposed will be voting 'no'. The voting is open... from Marion, Representative Friedrich to explain his vote."

Friedrich: "Mr. Speaker and Members of the House, I think it will be interesting to watch this Roll Call because I think there's some people be... going to be voting for this who were not willing last... in June to vote for even a tax increase to take care of existing facilities and keep the Governor's programs going. Now, they want to come back and say the Governor can't do this and do that even when they weren't willing to supply money to carry on the necessary services that we need. So I hope that those who didn't feel we needed any money last spring will be willing to curtail services now."

Speaker Yourell: "Representative Rea to explain his vote."

Rea: "Thank you, Mr. Speaker, Members of the House. In explaining my vote, I find that this legislation is extremely important. I realize what has been said in terms of a new director, and what has been said in terms of new directions of the department. But I am very much concerned when I see what has happened in the past, and I have some personal experience in terms of the A. I. Bowen Center in Harrisburg, and the problem was that whenever they did

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decide to close the center, which they had said they were not going to, there was not a well-developed plan. There was not a program that was well-developed considering each one of the persons that was being served by that institution. And I feel that it's extremely important that we do have a voice in it, and that we are not caught by surprises, and that it is not done in a haphazard way. As a result, this legislation is extremely important. And I would urge those who have not voted, or those who have not voted in support of this to place a green vote there and to think of those that are being served and those families. I think that too often we do not consider them and as a result much progress that has been made, many times will go the other way. So I would ask for an 'aye' vote."

Speaker Yourell: "Representative Christensen, one minute to explain his vote."

Christensen: "Thank you, Mr. Speaker. It's very seldom I disagree with my seatmate, but he was... he was informing you wrong when he said that this would cost the taxpayers more money. What this would do would cause considerable consideration before closings were made and I think it's only fair that the General Assembly should have a voice when these unnecessary closings are made, and I'd... I would certainly urge more green votes."

Speaker Yourell: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk." On this Motion there are 62 voting 'yes', 44 voting 'no', 2 voting 'present', and the Motion to override fails. Appearing on page 11 under Total Vetoes is House Bill... Representative Fangle."

Fangle: "To poll the absentees, please."

Speaker Yourell: "I think, Representative Fangle, that's a little late. I've already announced the Roll Call. I wanted to give you an opportunity. Appearing on page 11 is... under

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Total Vetoes is House Bill 1079. Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would be rising to file a Motion to override the Governor's Total Veto of House Bill 1079. House Bill 1079 was a Bill to create added features to the Board of Pharmacy which would assure the essence of professionalism in the regulation of the pharmacy profession in the State of Illinois. The Bill did several things. First of all, it created a position of two additional hearing officers for the hearings of the Board of Pharmacy, and permitted that the Board, through the Director's Office, could employ attorneys as hearing officers. One of the major problems with the various hearings has been the esoteric nature of the rules of evidence, and that by providing that attorneys may serve as hearing officers would assure the efficiencies of these hearings. The Bill also addressed the question of the pharmacy coordinator as to investigations. The problem has been that the pharmacy coordinator has not had complete control over the various investigations that take place to police the field of pharmacy. By providing that the pharmacy coordinator would have exclusive control over the Department's investigations of pharmacies and pharmacists, we would assure a professional approach to this area. I might add that the pharmacy coordinator would be subject only to the approval of the Director and the Board of Pharmacy. We do not bypass the Director of the Department of Registration and Education in this regard. We simply give control to a professional in the area to focus in on the various violations of pharmacy. In addition, the Bill provides that recommendations of the Board of Pharmacy to the Department would be expanded. There are currently certain areas in the Board of Pharmacy that do require a

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Board of Pharmacy recommendation to the Department. This simply expands that into other areas that we feel are necessary. I would ask for your favorable vote to override the Governor's complete veto."

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

Leverenz: "A question for the Sponsor."

Speaker Yourell: "Indicates he'll yield."

Leverenz: "If we override the veto of the Governor, the problems within the Department of Registration and Education are numerous, but one is that the Director's hands are tied unless there is a report in writing that comes from the Board to the Director, and if we override this, will we still hamper the Board from acting if the Board decides to take its time in putting something together in writing?"

O'Connell: "I'm... In response to your question, the best way I can answer it, Representative, is that the Bill is designed to create more efficiencies in the ... in the Department, as it relates to the Board of Pharmacy. So, I think that the overriding of this veto will contribute to the efficiencies, and you will get your early response."

Leverenz: "Oh, is that with the Board doing its thing in writing, report in writing, before the Director acts? Must the Board..."

O'Connell: "The Board doesn't address... the Bill doesn't address whether the Board will get into the specific procedures."

Leverenz: "Earlier you said that the... the Bill would limit, or how would it limit the number of hearing officers that are named or appointed?"

O'Connell: "I didn't say that it would limit the hearing officers that would be named or appointed. I simply said that the hearing officers could serve... who would serve would be attorneys."



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Leverenz: "Why do they have to be attorneys?"

O'Connell: "As I indicated in my remarks, many of the issues that are... appear before the Board on pharmacy matters, the defendants in these matters are represented by attorneys who will often invoke, and rightly so, administrative rules of evidence. To provide for an efficient hearing process, it's incumbent upon us to have competent attorneys who can address those rules of evidence."

Leverenz: "If we then override the veto of the Governor, nothing will happen unless the Board approves it and directs the Director to enforce a particular thing, is that correct?"

O'Connell: "No, no, the Board makes a recommendation to the Director. The Director has the veto power over everything that goes on. What we are doing is providing that the Board of Pharmacy will have more input into the Director's decisions. We're... we have to go under the basis that the Director is a competent individual. However, the Director is not a pharmacist, and is not familiar with the esoteric nature of the pharmacy profession. We are simply relying upon the pool of expertise upon... in the Board of Pharmacy."

Leverenz: "Then one last question. As your Bill is written, and if we override it, is it true that we would have the Director of the Department of F & E be advisory to the Board, rather than the Board be advisory to the Director of the Department?"

O'Connell: "No, that's not true."

Leverenz: "Thank you."

Speaker Yourell: "Gentleman from Madison, Representative McPike."

McPike: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in opposition of the Motion to support the action of the Governor. It appears in the Governor's explanation that there are two problems with the Bill.

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Number one , the Bill provides that none of the functions, the powers or the duties enumerated in the Act, that is none of the powers that we give to the Director, can be acted upon or can be exercised by the Department. The Director can do absolutely nothing unless the Director receives a written approval from the Board. It doesn't make a lot of sense to have the Director of the Department being an advisory person to the Board. I would think that the Director should have some authority to enforce the statutes and to run the Department. What this Bill says is that all of those powers are taken away from the Director, and before the Director can do anything, he must get permission in writing from the Board. The second problem that the Governor points out is that the Board of Pharmacy may hire hearing officers without the approval of the Director, but the Director must pay the salaries of these hearing officers. So here we have a Director that... that really has had his powers stripped away, and yet he must pay for the employees that the Board hires. I don't see how we can ask the Director to fulfill his obligations under law when we tie his hands this way. So for that reason, I would oppose this action."

Speaker Yourell: "Lady from Sangamon, Representative Colinger."

Colinger: "Will the Sponsor answer a question?"

Speaker Yourell: "Indicates he'll yield."

Colinger: "Mr. O'Connell, when are you coming in with a Board that runs the well diggers, the horseshoers, the ferrriers and all the rest of them? Are they all going to be given this kind of authority?"

O'Connell: "I'm sorry. I couldn't hear the question."

Colinger: "I would like to know when you are coming in with the additional Bills to give the boards for the ferrriers, the horseshoers, the well diggers and all the rest of them this

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kind of authority?"

O'Connell: "Oh, I... I wasn't aware that we had horseshoers and... I'm simply addressing pharmacy."

Ublinger: "Yes, but this is a dangerous precedent. Speaking to the Bill, I object to the override too. I don't know how many of you have worked in that Department, but I was the Assistant Director of Registration and Education. And I'll tell you one thing, I wouldn't want to be given this kind of responsibility with no authority. And I agree with Representative McPike. You cannot delegate that kind of authority."

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

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I just want to remind everybody that this is a Veto Session. We've already voted on this Bill, and it got 101 'yes' votes. There was only 10 people that voted 'no'. If you want to know if you were one of those ten, come on over here to my desk. I've got it right here. I would be happy to make the Roll Call available. I would expect that we get 101 votes again. Nothing has happened between the time this Bill was passed on May 25 and today's date to make any change in the outcome of the...the fact that this is good legislation, and it should become law. I don't think anyone should get confused, although it's possible they may be confused, it's a very simple prospect. Just vote your conscience. Vote the way you did back on May 25. If you don't vote the way you did on May 25, your constituents might be confused. They might wonder what's going on. Why do you keep on changing your mind? So to be consistent, please vote 'aye', as you did back on May 25."

Speaker Yourell: "Gentleman from Macon, Representative Tate."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, it seems to be there has been a little confusion on this

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legislation. House Bill 1079, in some of the questioning... the basic problem with this Bill is that it has affected some of the day to day operation of the Director and the Department of Registration and Education to regulate this occupation. Now, if you don't feel that... that... and as some people have indicated, it does not affect, or it does not place any constraints on the Director, just let me give you a list of some of the problems that we will incur in this. Certificates of registrations will be affected. Qualifications, the application process, apprenticeship, qualifications for pharmacies, the operation of pharmacies, rebates, standards, restoration, report of findings. These are all the different areas in the report of writing that will be affected in this Bill. I would just encourage you to give this a lot of serious consideration. If you want to establish a free standing board that can do whatever they want to do with virtually no limitations, then you should vote for it. If you want to give the Department the responsibility that the Department was created for, you should vote against it. Thank you."

Speaker Yourell: "Is there further discussion? Being no further discussion, the Gentleman from Cook, Representative O'Connell to close."

O'Connell: "Mr. Speaker, Ladies and Gentlemen of the House, I'm really surprised at all this discussion about delegation of authority away from the Director of the Department of Registration and Education to a Board of professionals. The issue of delegation of authority really lies right here in this chamber and in the chamber across the aisle. It's our responsibility to make certain that we don't delegate too much authority. And everything that has been said by those opponents of this Motion are precisely doing just

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that. We are delegating too much authority, in my opinion, to the Director of the Department of Registration of Education without... without a semblance of expertise that we can provide in this Bill. As Representative Cullerton has already pointed out, one hundred of you have already voted for this concept. It was only until the amendatory... the total veto and the pressure on you to vote against it has arisen that you have changed your minds. You can't argue with more information. You can't argue with more expertise, and that's precisely what we have in this measure. I would ask for your favorable vote to override the veto."

Speaker Yourell: "Question is, 'Shall House Bill 1079 pass, the veto of the Governor notwithstanding?'. This is final action. All those in favor signify by voting 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative O'Connell to explain his vote. No. Take the record, Mr. Clerk. On this Motion there are 77 voting 'aye', 24 voting 'no', 7 voting 'present', and the Motion to override prevails. Appearing on... Appearing on page 10, under Total Veto Motions, is House Bill 482, Representative Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I move to override the Governor's veto on House Bill 482, which was the hemophilia Bill which raised the corridor for participation. The Bill did not necessarily change the participation fee, but only the corridor. When the Bill was originally put into effect in 1978, the appropriation was \$550,000. Since that time, the appropriation has never exceeded that. As a matter of fact, at the current time, the 1983 appropriation is \$531,000. The people that are participating in this have an extremely high amount of

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money that's paid into the hemophilia program which amounts to approximately ten percent of their salaries. The Bill simply provides an additional reduction of participation fees of approximately \$400. At the last notification, there were approximately 100 patients, and if everyone even used the full participation fee, it would be \$40,000. The cost has gone up. The income tax deductions have gone up, and certainly the cost of medical care has gone. And this is simply an minor adjustment which is urgently needed by these people, and I would urge your support of House Bill 482."

Speaker Yourell: "Is there discussion? There being no discussion is... the question is, 'Shall House Bill 482 pass, the veto of the Governor notwithstanding?'. This is final action. All those in favor will signify by voting 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this Motion there are 114 voting 'aye', none voting 'no', 1 voting 'present', and the Motion to override prevails. Are now going to proceed to the Order of Small Business and Economic Development. The first Bill in that Order is House Bill 349 on page 9 under Total Veto Motions. Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 349 was totally vetoed by the Governor. House Bill 349, if you will recall, was a Bill that would authorize or permit the authorization of corporations to represent itself in small claims court. Currently, only individuals are permitted to represent themselves in small claims court. The criteria for being in a small claims court is that you have an action either under tort or contract under... with damages under \$2500. We have found the requirement that corporations be represented by

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attorneys to be an extremely burdensome and costly element on Illinois businesses. We do not think that in many instances it is worth the cost for an individual company, no matter how well-intentioned, how well-served its claim, to go through the process of hiring an attorney for a relatively small claim. In many instances the claims are... the costs of the attorneys are more than the claims. Accordingly, they do not pursue their just and rightful claims. The Bill has been refined through the legislative process to define what officers may, indeed, represent the corporation. It also makes it clear that a corporation's assignees or subrogees may not represent that corporation while without an attorney. It received a hugely... a huge plurality when it was in this House, and a similar large vote plurality in the Senate. I would simply ask for your favorable vote to override the veto."

Speaker Yourell: "Is there discussion? Gentleman from Champaign, Representative Johnson."

Johnson: "Mr. Speaker and Members of the House, I guess I have been here long enough to know when not to rise in opposition to a Bill because this one has been lobbied heavily, and I suppose that a lawyer... standing up on an issue that involves lawyers loses credibility. So I won't really stand in opposition to the Bill. I'm going to vote against it, and just for my own speaking out loud, I'll tell you why I'm going to vote against it. The first thing is that the Supreme Court has already promulgated a rule on small claims and small claims representation, and we can... we can flap our wings all day, and whatever we do on this Bill doesn't make any difference anyway because the Illinois Supreme Court is going to say that that's in their exclusive rule making authority, and that they have a right not only to regulate in that area, but also to regulate the

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practice and unauthorized practice of law. And so, we can pass this Bill and go home to everybody and tell them we've done something, and the first time it's tested, it's going to be either upheld or not by the Illinois Supreme Court anyway. The second thing is that, notwithstanding the effort of some individuals and groups to make this out as a little persons Bill, the fact of the matter is, this Bill is not limited, as some Bills have been in the past, to small corporations. General Motors or Ford or AT&T or anyone else can take advantage of, and in my judgment often misuse the provisions of this Bill to the detriment of little people. And I guess the final point that I have to make is this; that when we have corporations and we're just passing a whole restructuring of the corporation Act in Illinois, each state in this union has corporations, and when you become a corporation, you get certain advantages. One of them is limited liability, and the reason you have limited liability is because a corporation is a separate legal entity, just like a person, but it's a separate legal entity. And the incorporators in that corporation get a lot of advantages, including limited liability when they... when a corporation incorporates. And when you establish the principle that for certain dollar figures, or even establish a principle at all that a separate legal entity can represent itself without being... licensed to practice law, then I think we open up a real Pandora's box with respect to breaking down what a corporation exists for and breaking down the basic rules of professional responsibility. Doctors, pharmacists, lawyers and a number of others go through fairly extensive training, an ethical review and an educational review before they can practice law, and we are now going to open up fifty percent or seventy-five percent of the civil cases in this country or



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in this state, potentially, to somebody going in who doesn't have any training at all to botch it up, and then to say we all did it in the name of business. I know this is a Bill that will undoubtedly pass because the various relevant groups, many of whom I have a lot of respect for, have lobbied on the issue. But it's not a pro-business issue, and what you are doing by voting to up... or to override the Governor's veto on this is you are basically saying that licensure of lawyers doesn't make any difference, that corporate structure doesn't make any difference, that we are going to give you the whole pie rather than the appropriate part of it, and that the Supreme Court's exclusive rule making authority has absolutely no relevance. It's an irresponsible vote. It's probably a good political vote, and it will probably pass, but for these reasons, and for a number of others, I'm going to vote 'no'."

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

Ronan: "Thank you, Mr... Thank you, Mr. Speaker and Members of the House. I rise in support of Representative O'Connell's Motion. I was saddened to see the Governor veto this fine Bill. I think it was a typical attempt by the Governor to... to protect his special interest. I think that we, as Members of the General Assembly, are aware of the vested interest in this Bill on the part of the legal profession. I don't happen to be a constant critic of the legal profession. I think they do some fine work occasionally. However, this Bill is a blatant attempt to force lawyers into a situation where they don't have to be involved. This will be an attempt for the consumers and the people of this state to get involved, and for the small businessman to protect himself, to cut legal costs, which, indeed, will cut business costs. I commend Representative O'Connell for

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bringing this Motion up, and I urge every Member of the House to support this fine idea and to cut costs in business which are not needed. Thank you."

Speaker Yourell: "Gentleman from Lee, Representative Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Representative O'Connell's Motion. As a former court administrator, I can tell you that in the Small Claims Court very many corporate representations are not made. The claims there maybe filed to a maximum of \$2500. It's only reasonable that they be permitted to be representative of themselves, and if we are worried about the type of representation they have in the pro se area of this court system, I've sat through many cases when they needed all the help they could get from the courts to offer their case. So I would rise in support of this Motion."

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

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'm among the special interest that has been referred to in this... in this piece of legislation, and I'm rising in opposition to the Gentleman's Motion. The people who are going to be poorly served should this become law is not the... not the attorneys, but it's the consumers, indeed, those small corporations who are going to be going into court and seeking to represent themselves. I don't know of a single attorney who makes a living or wants to try to make a living out of going into Small Claims Court on behalf of a corporation. However, to send a corporation officer or director into court to represent themselves can only get that individual and the entity that that individual represents in serious, serious trouble, making it impossible, perhaps, to appeal a judgement or to properly appeal a judgement that is rendered against that

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corporation, not knowing how to properly defend or prosecute the claim of that corporation. This makes as much sense as saying that if you only have a small injury to your body, you need not go to a doctor. You can go get first aid from the high school coach, and that's fine. That person can render first aid to you. That's insanity unless it's an emergency situation. It is insane for a corporation on their own behalf to go into court representing themselves. It's not a playground there. The... the people that will be against them are attorneys. Those attorneys know the legal technicalities to pursue, and a corporation through an officer or director can't conceivably protect themselves. This is a very bad Bill. The Governor was absolutely correct in vetoing this measure and I urge people to vote 'no' on this override motion."

Speaker Yourell: "Gentleman from Will, Representative Davis."

Davis: "Thank you, Mr. Sponsor. I rise to commend Representative O'Connell's Cosponsor, Representative Davis in this Bill, and, of course, in support of what I consider a good Bill. I have gone through this procedure without benefit of this particular change in the statute, and I can tell you it that it does work. And I have been opposed by those very counsels of which Representative Ereston spoke, and without the benefit of a J.D., I managed to prevail in front of friendly judges who thought that the wisdom of this was totally accurate. Unfortunately, I got found out once, and I was told I couldn't do it any more. Despite that fact, I think that anybody with any substantial claim over the Small Claims Court will seek counsel and advice. But as you well know, if you appear without benefit of counsel, most of these are settled out of court anyway, in front of judges who are sympathetic to small claims. It's a very good Bill. I think even the Governor has realized he made

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a mistake in vetoing it, and I think you are going to see an overwhelming vote on 349."

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

Pierce: "Yes, Mr. Speaker, I think this is a good concept that Representative O'Connell has here. The Small Claims Court serves a purpose. It serves the purpose of allowing people to appear on their own behalf in courts where lawyers usually won't even take the case. We allow individuals to appear in Small Claims Court. Partnerships, partners can appear in Small Claims Court. Why can't a corporation when it's either suing or being sued? Many corporations are one-man small businesses that might have been a partnership at one time, but were incorporated for one reason or another. The Small Claims Court should be open and available to them. We no longer have the old J. F. court that handled some small claims back when I started to practice law without the benefit of attorneys, mostly because attorneys didn't want to practice before them. It's... the Bill makes sense. If a corporation wants to send an attorney in, it can. If it thinks it can handle the matter on an individual basis, it can under this Bill. And I believe the Governor was wrong in vetoing the Bill, and as a lawyer, I would recommend that we override the veto."

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

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

Speaker Yourell: "Gentleman moves the previous question. All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The previous question has been moved. The Gentleman from Cook, Representative O'Connell to close."

O'Connell: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I want to emphasize a very important aspect of this Bill. There are a number of statutory prohibitions of

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a corporation being allowed to practice law in the courts. What this Bill addresses are those particular Sections of the Revised Statutes that do prohibit. For example, Chapter 13, the Attorneys' and Counselors' Act; Chapter 32, relating to corporations and professional corporations. And that... that's an important aspect of this issue is that we are eliminating the statutory prohibitions of allowing a corporation to practice law. I think the arguments are well set forth, and I would ask for your favorable vote."

Speaker Yourell: "The question is, 'Shall House Bill 349 pass, the veto of the Governor notwithstanding?'. This is final action. All those in favor will signify by voting 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 111 voting 'aye', 2 voting 'no', 1 voting 'present', and the Motion to override prevails. Appearing on page 9 under the Order of Total Veto Motions is House Bill 439, Representative Marzuki."

Marzuki: "Thank you, Mr. Speaker. House Bill 439 represents the first step in creating product research and development in Illinois. It is modeled after successful efforts in Massachusetts and Connecticut. It's a modest attempt to help small businessmen who do not have the resources to keep pace with the development of new products when those products which they are manufacturing no longer are marketable. I ask for an override of the Governor's veto since I cannot understand the rationale, which I assume was provided by DCCA, which contends that private industry can do this more efficiently. I guess if they could, we would not be in so many difficulties in Illinois with small businesses going under or going out of business. Secondly,

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that the stipend is too small. I'm assured that it represents enough money to start, and that it's vague. Unfortunately, if I knew or anyone in this House knew what products ought to be developed, we'd be in a hell of a good shape in the State of Illinois. That has got to be one of the most mysterious reasons that I have ever encountered. If I knew the products, I certainly would have suggested them in the Bill. The research capabilities of our university ought to turn up something that can be done with Illinois products provided we give them the opportunity. This Bill represents economic recovery for the future. It is not something that can be done and get immediate results. I did not ask for an appropriation on this Bill after I reviewed the two hundred and sixty some million dollars that goes through DCCA. I'm not impressed with what they have done, and the pretty picture reports don't really convince me. DCCA has a lot of tools. This gives them one more. I suggest that eventually they can put these tools together to help economic development in Illinois, and bring prosperity back again. I ask for your support in this matter. I ask that it be strong support from both sides of the aisle. Thank you."

Speaker Yourell: "Is there discussion? Gentleman from DeWitt, Representative Vinson."

Vinson: "Mr. Speaker, Ladies and Gentleman of the Assembly, I rise in opposition to the Gentleman's Motion. There is a free enterprise system out there, functioning and functioning well, and functioning better every month, that's developing these things, producing these products. The worst thing that can happen is for us to spend so much money to tie their hands to the point that they begin to be inhibited, that they cannot generate the profits, that they cannot generate the investment to do these things.

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Government is not the right agency to do these things. Business is the right place where these things ought to be done. We ought to defeat this Bill. We ought to restrict government to the provision of essential governmental services. Those are the most that we can afford in this year of fiscal stringency, and this is a particularly bad Bill. I would urge a 'no' vote on the Gentleman's Motion."

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

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

Speaker Yourell: "Indicates he'll yield."

Woodyard: "Representative, I think my questions are very similar to those that we asked last spring on this Bill. Do you have any specific universities or colleges that are willing to enter into this type of royalty agreements with the State of Illinois at this time? Last spring there weren't any, or there were none that testified."

Marzuki: "Mr... or Representative Woodyard, last spring when you asked the question, I know I told you that Southern Illinois University at the time told me that they were interested in this kind of a process. So, at least, there is one. I did not say at that time that there were none."

Woodyard: "In other... they have expressed interest, but they haven't really indicated that they would participate in this kind of program?"

Marzuki: "That's true."

Woodyard: "Well, then, Mr. Speaker, to the Bill."

Speaker Yourell: "Proceed."

Woodyard: "I... I rise in opposition to the Motion to override. I think all of us that heard testimony on many of these small business Bills last spring certainly realize that areas of venture capital are probably the highest risk area, and the most rarefied atmosphere of investment that you can possibly be in. The testimony that we accepted

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through the small business committees all over the state indicated that they did not want the State of Illinois in this type of capital venture. And thus, I certainly would rise in opposition to the Motion to override."

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

Ropp: "Thank you, Mr. Speaker. I'd just like to ask a question or two of the Sponsor, if I might."

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

Ropp: "Mr. Sponsor, have you, by chance, ever visited the Northern Research Lab at Peoria, Illinois?"

Marzuki: "No, I have not, Representative Ropp. I have heard of some of the things that they have done."

Ropp: "Have you ever been to the University of Illinois and gone through the research laboratories there dealing with new food products?"

Marzuki: "Yes, and the expansion that I'm seeking is based, Representative Ropp, on that experience. I think that we need to enhance that effort and to improve it. It has... while it has produced some results, it has not produced the results that I think we need."

Ropp: "Have you ever been to ADM in Chicago... in Decatur and gone through their research laboratories?"

Marzuki: "No."

Ropp: "The point I'm attempting to make is that there are many, many people who are in the process of coming up with new products, new ideas, new innovations, and the question is whether or not we, as a state, ought to get involved in it. I'm totally in support of coming up with all kinds of new ideas. The fact is, that's one of the things that's made our country great, the ability that we have as a free enterprise system to do that. One of the problems that we've had oftentimes, is that government gets too much



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involved in the bureaucracy and the red tape that is involved with it. But the point is, at this particular point in time, I don't think we can afford this amount of money, and I think that plenty of agencies... free enterprise agencies are out there doing the kind of job, and if they need money, then maybe they ought to come to us and we'll just give it an outright grant in order to do that. But to set up a separate agency at this time is certainly unfounded and unnecessary."

Speaker Yourell: "Any further discussion? There being no further discussion, Representative Marzuki to close."

Marzuki: "I believe that the best arguments for the override of this veto have been presented certainly by the Representatives who spoke against it. The opportunities are evidently cut there, but the risk in this kind of venture is high, as Representative Woodyard has pointed out. I think that Representative Eddy has given us some kind of ideas of what is already being done. He neglected to mention the research that's being done in high tech. We have funded many of these things that we know exists. There are many others that remain to be done. Small business is incapable of providing these monies. I think that we have some successful models upon which to base this legislation. If we look at what ECCA has done, they can go a lot further, and this is just one more tool in their hands. I think that we need to give it a try. We need to put it in operation. I think that there is no way that we can stand pat at this time. I kind of get a little bit tired of hearing that we can't afford to attempt to bring Illinois back into the economic race. I realize that a lot of the opposition is directed at the freshman legislator on the Democratic side. His district looks nice for picking. I think that you need to consider the State of Illinois and

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the people of Illinois, that you need to consider the economic development. This deserves an override. Thank you."

Speaker Yourell: "Question is, 'Shall House Bill 439 pass, the veto of the Governor notwithstanding?'. This is final action. Those in favor will signify by voting 'aye', those opposed will vote 'no', and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Marzuki to explain his vote."

Marzuki: "Pose the... I'd like to pose the... excuse me. A poll of the absentees, please."

Speaker Yourell: "Mr. Clerk, the Gentleman would like a Poll of the Absentees. Representative Younge, for what reason do you rise? Pardon me? Explain your vote? Poll of the Absentees, Mr. Clerk."

Clerk O'Brien: "Poll of the Absentees. Jaffe and McAuliffe. No further."

Speaker Yourell: "On this question there are 69 voting 'aye', 47 voting 'no', none voting 'present' on this Motion, and the Motion to override fails. Representative Vinson, for what reason do you rise."

Vinson: "Request a verification if that got the requisite number of votes."

Speaker Yourell: "But it didn't, Sir."

Vinson: "Okay."

Speaker Yourell: "Appearing on page... We're going to take 1259 and House Bill 1260 out of the record. We'll get back to them, and now go to House Bill 1847 on page 18 on the Order of Amendatory Veto Motions. Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise for purposes of moving to accept the Governor's amendatory veto on House Bill 1847. The

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amendatory veto is basically technical in nature. It is perhaps the most appropriate amendatory veto the Governor has issued this year. It deals only with technical errors and corrective measures. Probably the single most significant thing which the Governor did with the amendatory veto was that at the time the Bill passed the House, we had a state-wide sales tax at the rate of four cents per dollar, and in the amendatory... subsequent to that, the Legislature raised that state-wide sales tax, and the Governor, in his amendatory veto, made the sales tax that applies to this particular activity consistent with that increased state-wide rate. The other actions of the Governor on the amendatory veto are actions which essentially make the provisions whereby local governmental units would exercise this particular tax in the event that they chose to totally consistent in starting date and so forth with the state's levy of the tax. I think the amendatory veto is simple, speaks for itself. It... the Legislature has overwhelmingly endorsed the policy behind the Bill in the past. Heavy votes in Committee in the House, heavy votes on Third Reading in the House, heavy votes in Committee in the Senate, heavy votes for the Bill on Third Reading in the Senate, and again a very heavy vote on Concurrence with the Senate action, and certainly the amendatory veto does no damage whatsoever to the public policy behind the Bill. The amendatory veto is, indeed, technical and corrective in nature. And I would urge everyone... I don't see why anybody would be voting in any other fashion than 'yes' on the action to accept the Governor's amendatory veto."

Speaker Yourell: "Gentleman from Macou, Representative John Dunn."

Dunn: "Sponsor yield for a question?"

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

Dunn: "I'm a little confused, Representative. The information I have is that most of your natural constituency is opposed to this legislation. Is the Illinois Construction Industry Council opposed to this legislation?"

Vinson: "Representative, that's not part of my natural constituency. My natural constituency is from just north of your district, and I haven't had a single person from my district contact me on the legislation."

Dunn: "I see. Well, what about... I thought maybe your natural constituency was the second floor. Is the Illinois Construction Industry Council opposed to this?"

Vinson: "I beg your pardon."

Dunn: "Are they opposed to this?"

Vinson: "I... I don't know. They have not contacted me."

Dunn: "What about the Manufacturers' Association?"

Vinson: "They have contacted me, and they have indicated that they are opposed to acceptance of the amendatory veto."

Dunn: "What about the Retail Merchants?"

Vinson: "They have not contacted me."

Dunn: "What about the State Chamber of Commerce?"

Vinson: "I saw their newsletter after the Session, and they had some questions about it, and I believe that they remain... as a matter of fact, yes, they have contacted me, and they are opposed on the amendatory veto."

Dunn: "What about the National Federation of Independent Businesses?"

Vinson: "I think they are opposed, but I don't believe they have contacted me."

Dunn: "Gosh, they must be mistaking you for a Democrat. Apparently, these groups aren't contacting you any more often than they contact us over here. It does... according to the information I have, though, all these groups are

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opposed to this Bill, and I'm just surprised that you are up in support of it."

Vinson: "That's why you ought to be voting for it."

Dunn: "Oh, no, not me. I think these are a wonderful group of people, and I'm certainly going to give their position a lot of consideration. I'm just stunned that you are not marching to the tune of the drummer you usually listen to."

Vinson: "Well, from time to time, Representative, you've got to exercise independent judgement."

Speaker Yourell: "Gentleman from Vermilion, Representative Stuffle."

Stuffle: "Sponsor yield to a question?"

Speaker Yourell: "Indicates he will."

Stuffle: "Representative, I don't know if I caught the answers, if there were any answers to those questions, but would you repeat, if that was the question, what the position of the Manufacturers' Association is with regard to the Bill?"

Vinson: "Yes, that was one of the questions."

Stuffle: "I didn't hear the answer."

Vinson: "Oh, the answer. I thought... I thought you wanted to know whether that was one of the questions."

Stuffle: "I do, and I want to know the answer."

Vinson: "The answer... the answer is that that was one of the questions."

Stuffle: "What's the position of the Manufacturers' Association?"

Vinson: "Oh, they are... they are against the Bill."

Stuffle: "Oh. Is that because of their belief that the new leasing tax that you provide in the Bill would shift the burden from lessor to lessee, and increase over the period of the term of the agreement the tax burden on the businesses involved?"

Vinson: "No, I don't believe that's really why they are against the Bill."

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Stuffle: "Is that... then you don't think that's... they mean what they say, right?"

Vinson: "Nah, they say... They say that they believe that, and I would give them credit that they probably do believe that mistakenly."

Stuffle: "Mr. Speaker and Members of the House, to the Bill."

Speaker Yourell: "Proceed."

Stuffle: "It is unique to find Representative Vinson in the posture he's in, and maybe it's unique to find Representative Dunn and I in the posture we're in, but this particular Bill clearly does a number of things adverse to business. We don't always agree on the business climate issues, but I think we could here. We can agree that clearly there's a shift in tax burden from lessor to lessee. Clearly there's an increase in tax burden because of the manner in which the leasing tax is applied, now being applied over the duration of the term of a lease, which will increase it dramatically. If you looked at the Manufacturers' Association's example, graphic analysis of cost to consumer with regard to potential leases of 4836, and actual sixty month leases from IBM, you can see the clear burden and the shift of burden with regard to this Bill. The Bill helps the biggest of the big lessors, if you will. It does little... in fact, it does much rather to hurt business in Illinois. As I said, we can disagree sometimes on issues about business and labor, but this is an issue about business and business. Decide which business you want to help because this Bill will hurt the businesses in this state that we all tend to talk about, and it should be defeated."

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

Marzuki: "Thank you, Mr. Speaker. I have had some contacts on this Bill with former advisors to the Department of

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Commerce and Community Affairs. They tell me that it was a bad Bill in the first place, pointed out some of the deficiencies, and while I am not noted for my votes with the organizations that oppose it, I certainly am going along with those organizations this time. This Bill will be detrimental to, again, the people that I am trying to help in Illinois, the small businessmen. I think that this Bill ought to die here on the House floor today."

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

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. It's not often that I get to agree with Representative Stuffle. Perhaps we're starting a new axis here, the Birkinbine - Stuffle axis. But, I, too, agree with exactly what he said. Perhaps you saw Crane Chicago Business of last week. This was one of the dominant articles in the magazine because it said this was a Bill that pretty much slipped through the legislature, and got by most everybody. They didn't realize what had happened. Mr. Cullerton taking credit? Oh, it didn't slip by him, okay. It's become a major issue and I... you should have it clear in your head that this constitutes basically a new tax, and a very major one. This Session started off with the idea, and the idea emanated from the Speaker's Chair itself, that ours would not be a Session that would be detrimental to the business climate here in the State of Illinois. The passage of a Bill like this, going along with the proposal to accept the Governor's amendment would be a major mistake. What we need on this Bill is a lot of... what we need on this Motion is a lot of red votes, and to let this baby die and not go anywhere farther than we have today. I recommend 'no' votes from everybody here on the floor of the House. Thank you."

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Speaker Yourell: "Gentleman from Madison, Representative Wolf."

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

Speaker Yourell: "Gentleman has moved the previous question. All in favor say 'aye', opposed 'no'. The 'ayes' have it. Representative Vinson to close."

Vinson: "Thank you, Mr. Speaker. Thank you, ladies and gentlemen of the House. I suppose in regard to this Bill it's not enough to address the technical merits of the motion to accept the amendatory veto. And I suppose it's not enough to address what particular technical corrective actions the Governor took in his amendatory veto. I suppose that's true; although, the Bill did pass overwhelmingly in the Senate, and the Bill did pass overwhelmingly in the House. I suppose it's not enough not because of the inadequacy of our judgment at that time or the inadequacy of the Senate's judgment at that time. I suppose it's not enough because of the incredible fall of misinformation that has been spread and cast over this particular Bill. So, as a result, Mr. Speaker, I will choose now to address the substance of every criticism that's been raised about this Bill, to discuss the economic philosophy and the economic reality that surrounds this Bill, the matter of tax policy reflected in this Bill and particularly, Mr. Speaker, I would choose to discuss the legislative process which has been so maligned in the discussions on this Bill. In all the years that I've been in the Legislature, in all the years I've been in government, in all the years that I have listened to discussions by businessmen and business economists and, yes, business lobbyists about tax policy, one of the things that I've heard most often is that business does not pay taxes. Business collects taxes. How many times have you heard a business lobbyist tell you that? 'We don't pay it. We collect it. Taxes are just a



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cost of doing business for us." Business just passes taxes through. How many times have Members on this floor said that? How many times have lobbyists said that? And we know that's true. Those three statements really are the kernel of any reliable understanding of economics, I think; and, when the General Assembly ignores those realities, the fact that business just collects taxes - it doesn't really pay them - when the General Assembly ignores that, business fights back, and business is right to fight back. Business always does pass through taxes, or business goes out of business. And that happens today in the tax that is applied to this economic activity. Today, when you apply a sales tax on a lessor who then turns around and leases a piece of equipment to a manufacturer, or a retailer or anybody else in business, you can be darned sure that that lessor passes the cost of that sales tax through to that lessor. He passes... to that lessee. He passes the cost of that sales tax through to the manufacturer. And anybody who's told you differently is lying to you, and you know it yourself. Now, what is the difference between the system proposed by this Bill and the system that we currently have in Illinois? Well, first of all, this Bill does not abolish the present sales tax system on leased equipment in Illinois. That sales tax system will continue to exist. It's not sunsetted. It's not abolished. It's not changed in one iota. It stands there as one option that a lessor can use in paying sales tax liability to the Department of Revenue. But what this Bill does is to create a second option that that lessor can also use, a second option which is currently available in between 40 and 45 other states around this country. And, as a matter of fact, if you go through the Sun Belt states that have been growing economically, if you go through the California's, and the

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Arizona's, and the Colorado's, and the Florida's and the Texas' and the Georgia's, every one of those Sun Belt states, every one of those high tech states has this system as an option for paying the sales tax on leased equipment. Now, why... what's the purpose for the option? What the option permits you to do is to defer the sales tax liability. It doesn't permit you to lower it. It permits you to defer it. And at the expense of deferring that liability, what you have to pay for in exchange for deferring that liability is a higher ultimate sales tax liability. But, Mr. Speaker, nobody who doesn't want to do that has to do that. Everybody who chooses the old system has the old system and has the option of the old system. This system is simply an optional system. Mr. Speaker, this is a good tax policy, because it reflects economic reality. What you do when you lease a piece of equipment as a businessman, you expect a stream of income to come in in the future. And shouldn't the tax imposed on you, shouldn't that be related? Shouldn't that be gradual? Shouldn't that come in at the same time as that stream of income? Why should that all hit you over the head at one time to discourage you from leasing or acquiring that piece of equipment? Of course it should. That's the policy of creating this particular option. You know, the leasing sector is undoubtedly the most competitive sector of business in the State of Illinois economy. Caterpillar Tractor Company, who opposes this Bill, says that 95% of the equipment leased under this particular provision in the Sales Tax Act would be computer and word processing equipment. That's their figure. Now, I want you to stop and think about computer and word processing equipment. NCR, Apple, IBM, CPT, Radio Shack, Burrows, Sperry, Micro, Wang, Texas Instruments, AT & T, Xerox, Sharp, Sony -

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they're all out there in that business. They're all competing. They're all creating different kinds of products, and they're all offering you different kinds of deals and different kinds of legal structures to... to lease that equipment. You know, you can... They'll come in, give you a ... a lease purchase agreement. They'll come in and give you a sale agreement, a conditional sales agreement, a lease agreement, a five year wrap-around agreement, a buy-back agreement. They'll give you any kind of deal you want to sell this stuff, because it is a tremendously competitive sector of the economy. Now, I want to talk about the mighty Caterpillar Tractor Company for a minute here. Caterpillar says that they have to buy their computer from IBM on a take-it or leave-it basis. That's what Caterpillar Tractor Company says to you. Now, stop and think about that. What did Caterpillar Tractor Company do with the UAW? Do they buy anything from the... Did they buy anything from the UAW on a take-it or leave-it basis? Of course not. And if there's a monopoly, it's the UAW, not IBM, or Apple or Sperry. What they did with the UAW is exactly what they'll do with IBM. They bargained with them. They locked them out. They negotiated, and they made them grant concessions. Now, can't mighty Caterpillar Tractor Company do that with the IBM Company or with Apple Computer Company? Now, just tell me. What would Apple do to get in that door and take that business away from IBM? Don't you think that Apple would write any kind of contract possible to make that deal? You know they would. Absolutely they would."

Speaker Yourell: "Will the Gentleman bring his remarks to a close?"

Vinson: "Mr. Speaker, last year Mr. Stevenson and Mr. Thompson talked about high tech throughout the campaign. You never

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saw a campaign appearance where Stevenson and Thompson didn't talk about high tech. Indeed, Mr. Speaker, at times in high tech they talked about it more like a religion..."

Speaker Yourell: "Excuse me, Sir. Excuse me. For what reasons does the Gentleman rise, Mr. Van Duyn?"

Van Duyn: "Mr. Speaker, could you tell me what that red light means up there besides the camera light? Doesn't that mean his time is up?"

Speaker Yourell: "No, I think his time is up, and he realizes that. And he's going to bring his remarks to a close."

Vinson: "Everybody knows that what high tech is all about is selling and leasing computer equipment, producing computer equipment. Now, Bell Labs in Naperville, GTE in Bloomington, the Oakbrook, the O'Hare, your Motorola Quarters, all of that, Western Electric, Tandem, 'Info-link', high tech in Illinois will be benefited by this... by this particular provision. If you create this option, which no one has to choose to use if they don't want to, that everybody has an option to use and can reject if they don't want it, you're going to generate more high tech jobs in this state than you possibly could. Now, Mr. Speaker, there's one last point I want to make..."

Speaker Yourell: "Representative Vinson, the Chair has been very lenient with the time. Please bring your remarks to a close."

Vinson: "I will, Mr. Speaker. There is one point I would like to make in regard to this Bill. This Bill was discussed in Committee. It was discussed on the floor. The Bill was debated in the Senate and came back here on concurrence and was debated. At the time that it came back here on concurrence, just to show you how thoroughly discuss... this Bill was discussed, we discussed what the probable increase in revenue was, and nobody argues that."

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Representative Bullock asked the question, 'Isn't the burden of this tax going to be on the renters?'. And I said, 'Yes'. Everybody knew where the burden was. And now what some people who oppose this Bill do is to attack the process by which it was passed, and it's a process where - and I've got the transcripts right here, and anybody who wants to come over here and read them I'll show them to you. What... What you'll find... No..."

Speaker Yourell: "For what reason does Representative Brummer rise?"

Brummer: "I would like to know how I get a transcript of this speech."

Speaker Yourell: "Representative Vinson, would you kindly bring your remarks to a close, Sir?"

Vinson: "Yes, I will, Sir. What you'll find is this Bill was a thoroughly discussed Bill. If you oppose the Bill, and no one did at the time, not a single opponent registered or lobbied you against it. They should have done it then. They didn't do it then, because it was good policy then. And it's good policy now. It's pro high tech. It's an option that you can reject if you choose to reject it, and I would urgently solicit your 'aye' vote for accepting the Governor's amendatory veto on House Bill 1847."

Speaker Yourell: "The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 1847 by adoption of the Amendment?'. This is final action. All those in favor signify by voting 'aye', those opposed voting 'no'. To explain his vote, Representative Leverenz. Have all voted who wish? Have all voted who wish? You freshman... freshman Members have just been afforded the opportunity to see the best way to kill a Bill. Did you want to explain your vote, Representative Vinson? On this question there are 7 voting

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'aye'... Pardon? Take the record, Mr. Clerk. On this question there are 7 voting 'aye', 104 voting 'no', 3 voting 'present' and there are 4 absent, and this Bill, having failed .... This Motion, having failed to accept the Governor's specific recommendation for change, fails. Like a recount, Sam? Appearing on the Order of Amendatory Veto Motions is House Bill 2244, page 19. Representative Van Duynes."

Van Duynes: "Thank you... Thank you, Mr. Speaker. In deference to the other 114 Members of this House, I'm just going to take about 30 seconds. I move to accept the Governor's recommendation for specific veto and adopt the Amendment. Thank you."

Speaker Yourell: "Is there discussion? There being no discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 2244 by adoption of the Amendment?'. This is final action. All those in favor signify by voting 'aye', those opposed will vote 'no'. Have all voted who wish? Have all voted who wish? On this question there are 112 voting... 113 voting 'yes', none voting 'no', and this Motion, having received the Constitutional Majority, prevails. And the House accepts the Governor's specific recommendation for change regarding House Bill 2244 by adoption of the Amendment. Appearing on the Order of Total Veto Motions on page 11 appears House Bill 1259, Representative Stuffle."

Stuffle: "I would yield to Representative Mautino on this Bill and the next one to open. I'd like to close."

Speaker Yourell: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1259 and 60 were the byproduct of many hearings throughout the State of Illinois whereby the

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private sector, the exporters, the importers, the financial interests and the business community, as well as the insurance industry, had input. Specifically to House Bill 1259, the Governor has amendatorily vetced this legislation which, in its original concept, established the Illinois Export Council within the Department of Commerce and Community Affairs composed of 19 members all appointed by the Governor for the advancement, evaluation and the overall counsel to the Authority which is based in 1260. The Chairman of that Council was recommended and accepted by the Chairman of both the Small Business Committee, myself, and the Chairman of Economic Recovery, Representative Stuffle, to be the Lieutenant Governor of the state. After evaluating most of the model legislation that has been recommended, we drafted what we considered to be the model for the state as it pertains to the Council as well as the Authority. In 1259, the Governor has amendatorily vetced that legislation to basically eliminate what we proposed and to reactivate a committee establishing, within the Department of Commerce and Community Affairs, the Illinois Export Council. Our Motion is to override the Governor's amendatory veto and keep 1259, which is a model for the rest of the nation which I have the opportunity to discuss at length at the Fifth National Council of the State's Small Business Conference last week in Bloomington, Minnesota. Many requests were made for both 15...1259 and '60. We recommend most highly that this legislative Body do not accept the Governor's amendatory veto, and we do override totally 1259. And I will be happy to present the case on 1260 later and be happy to answer any questions.'

Speaker Yourell: "Is there discussion? Gentleman from Edgar, Representative Woodyard."

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Woodyard: "Thank you, Mr. Speaker. I also rise in support of the Motion to override the Governor's veto of 1259. It and its companion Bills were posed by the administration in Washington, and I think it's rather interesting, the gyrations that have gone on on these two Bills in the last couple of days. As a matter of fact, I fully expected to get a call from the President this afternoon. But irregardless, these two Bills... Yes. Irregardless, these two Bills comprise a very important package of legislation for small business, those small businesses that require help and financing and advice for export. I think it was also rather interesting, at that same Conference that Representative Mautino discussed, how many states did come up to us and requested copies of these two Bills. Another interesting fact is that Louisiana just passed and signed into law an identical copy of these two Bills. They also forgot to do one thing. They left Illinois in their legislation. So, they actually passed not only a similar Bill, but an identical Bill. North Carolina, New Hampshire, Arkansas, Pennsylvania, New York have all passed legislation or are in the process of passing legislation very similar to this. It's highly important legislation to small business in this state, and I urge your vote on the override on 1259."

Speaker Yourell: "Further discussion? Being no further discussion, Representative Stoffle to close."

Stoffle: "Yes, to save the time of the House, I think we've spoken to both Bills. The Motions are separate. Representative Woodyard is absolutely right. I think he'd probably check his phone messages, he may have a call from the President on this Bill. The point is that the President's own Department of Commerce put the Bill together, both Bills together. The Bills have been signed



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into law in other states. They're model legislation. I'll tell you on the record that we weren't even approached until yesterday about doing something with these Bills and possible changes. There wasn't any opposition to these Bills when we put the Lieutenant Governor in. That request was satisfied on this side of the aisle at the request of the Members of the Minority Party. I know of no logical reason or substantive reason that this Bill or these Bills should fail. They ought to pass, because they are model Bills that will work... work in the private sector without the infusion of massive tax dollars. They ought to be passed. I renew the Motion of Representative Mautino to override the veto of the Governor on House Bill 1259."

Speaker Yourell: "The question is, 'Shall House Bill 1259 pass, the veto of the Governor notwithstanding?'. This is final action. All those in favor will be voting 'aye', those opposed will vote 'no'. The voting is open. Take the record, Mr. Clerk... NC... votes... Have all voted who wish? Have all voted who wish? Have all voted who wish? On this Motion there are 111... 111 voting 'aye', none... 4 voting 'no', 1 voting 'present', and the Motion to override prevails. Appearing on... Appearing on page 11 under the Order of Total Veto Motions is House Bill 1260, Representative Mautino."

Mautino: "I'd be happy to leave for the last Roll Call, Mr. Speaker. 1260, House Bill 1260, as passed both Houses, and we mentioned earlier, is creating the Illinois Export Development Act of '83. This is the legislation that authorizes funding that does not impede in any way, shape or form state finances. It's bonding funds authorized and backed up by reinsurance. There's no state money involved in it. What it is possible to use it for is expansion and development of existing products, buildings,

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etcetera, for exporters within this state. Currently, we employ approximately 400,000 people in the export manufacturing in this state. We're rated number two agriculturally and number one in the manufactured goods basically because of the input of Caterpillar's and others in this state. What we do guarantee is a little bit of isolation which is 25% of the value of the manufactured product has to be through employment in the State of Illinois. This Authority is most beneficial, model legislation already adopted by Louisiana as well as other states pending before the Governors at this time. It is considered by the U.S. Department of Commerce as model legislation. I believe that without a doubt this funding mechanism... this Authority which has control, by virtue of its own board as well as the Council that was in 1259, would put Illinois again at the top of the ladder as it pertains to import manufacturing in the United States. I would request the same considerations for Representative Stuffle and Woodyard to address 1260. And I move to override the Governor's veto on this legislation."

Speaker Yourell: "Is there discussion? The Gentleman from Edgar, Representative Woodyard."

Woodyard: "Thank you, Mr. Speaker. I simply concur in the remarks of Representative Mautino. This does create the Bonding Authority. I might be a little surprised if we don't see some changes over in the Senate. But, by the same token, I certainly would urge a 'yes' vote on the override of... on this Motion."

Speaker Yourell: "Representative Stuffle to close."

Stuffle: "I simply would request an affirmative vote on the Motion to override the Governor's veto."

Speaker Yourell: "Question is, 'Shall House Bill 1260 pass, the veto of the Governor notwithstanding?'. This is final

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action. All those in favor signify by voting 'aye', all those opposed signify by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? On this Motion there are 102 voting 'aye', 10 voting 'no', none voting 'present', and the Motion to override prevails. We are now going to go to page 12 of the Calendar under the Order of Business of Reduction and Item Veto Motions. Appearing on that Order of Business is House Bill 543. Motion #1, Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'd move to override the veto of the Governor. He found reason, for which I don't know of any good ones, to eliminate a 9.8 million dollar appropriation for Water Resources projects that we had put in the Bill. I bring your attention to the fact that there were four water resources projects that were put in the Bill. Now, this was the first and is the first on the priority list of the Division head of Water Resources within the Department of Transportation. Now, the second, third and fourth programs were put into the budget and, interestingly enough, three that were sponsored by this side of the aisle were eliminated by the veto pen. And the one project of the four that received the Governor's blessing was sponsored by an individual on the other side of the aisle. I don't think it was a political move, perhaps just trying to protect his bonding authority, but these are the top projects in the state in Water Resources, in flooding. It has the highest cost benefit ratio of all projects that are listed to be done in the state, and I would ask for your 'aye' vote to override the veto of the Governor now."

Speaker Yourell: "Is there discussion? There being no discussion, the question is, 'Shall the reduced item appropriation on page 96, lines 26 through 31, be restored

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to its original amount, notwithstanding the reduction of the Governor?'. This is final action. All those in favor will signify by voting 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? On this question there are 57... 101... 103 voting 'aye', 10 voting 'no'. This Motion, having received the Constitutional Majority, prevails, and the House overrides the Governor's item reduction on page 96, line 26 through 31. Appearing on the Order of Item Vetos, Motion #2, is House Bill 543, Representative Doyle."

Doyle: "Mr. Speaker, Ladies and Gentlemen of the House, this is a flood control Bill that is in dire need of passage. This is not a water... no discrepancies. They flood Republicans and Democrats alike, and this Bill has a great bearing on the western suburbs in Cook County as well as areas in DuPage County. I would ask to override the Governor's veto."

Speaker Yourell: "Is there discussion? There being no discussion, the question is, 'Shall the reduced item of appropriation on page 96 and 97, lines 32 through 35, and one and two, be restored to the original amount, notwithstanding the reduction of the Governor?'. This is final action. All those in favor will signify by voting 'aye', all those opposed signify by voting 'nay'. The Motion... The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 90 voting 'aye', 21 voting 'no', and this Motion, having received the Constitutional Majority, prevails. And the House overrides the Governor's item reduction on page 96, 97, lines 32 through 35, one and two. Appearing on the Order of Reduction Veto, Motion #3, House Bill 543, Representative Leverenz."

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

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House. I would move to override the veto of the Governor. It is a reduction veto. The line item within the Department of Revenue's budget for bonus compensation for local assessors was reduced by 145,000 dollars. The program was established to provide additional compensation of 500 dollars per year for county assessors who receive certification. The Governor's reduction will limit the number of local officials who, by law, are entitled to the state incentive. The program encourages advanced training for these officials and should continue to receive the adequate amount of funding. And I remind you that this was in the original budget, and I would ask for your green vote to restore the correct amount that we had passed earlier."

Speaker Yourell: "Is there discussion? The lady from Marshall, Representative Koehler."

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

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

Koehler: "Representative Leverenz, is this the 500 dollar stipend that they receive if they successfully complete a course in... in assessor training?"

Leverenz: "I believe it is 120 hours for which they receive the certification. That is correct."

Koehler: "That is the 500 dollar stipend. This is not to be confused with the 3000 dollar allotment for them previously discussed?"

Leverenz: "That is the... Your explanation is entirely correct. It is the 500 dollar amount."

Koehler: "Thank you."

Speaker Yourell: "Further discussion? Representative Leverenz to close."

Leverenz: "I would simply ask for your green vote to restore the amount. It amounts to a hundred dollars per certified

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assessor each. Green votes, and every one will be appreciated."

Speaker Yourell: "The question is, 'Shall the reduced item of appropriation on page 15, line 20 be restored to its original amount, notwithstanding the reduction of the Governor?'. This is final action. All those in favor signify by voting 'aye', all those opposed will vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 114 voting 'aye', 2 voting 'no', and this Motion, having received the Constitutional Majority, prevails. And the House overrides the Governor's item reduction on page five (sic - 15), line 20 of House Bill 543. Appearing on page 12 under the Order of Reduction Item Vetos appears House Bill 543. Motion #4, Representative Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, this appropriation was passed the Legislature in the spring. It dealt with an overpass at 'Clavey' Road over Eden's Expressway. This was the site of numerous fatal and damaging accidents caused by the fact that there's a stop light right on the expressway, a very rare thing to have an interstate expressway with a stop light on it. It's the first stop light that a trucker from Chic or the east coast hits driving to Milwaukee, for instance. It's the first stop light that you hit driving out of Chicago northbound. It's right on the expressway. And I think an overpass - and most people believe an overpass at this intersection would eliminate the deaths and fatalities that have been occurring there. And, therefore, I ask that we restore the money contained in House Bill 543 for the 'Clavey' Road overpass, and I move to override the item veto of page 85, lines three to seven of House Bill 543."

Speaker Yourell: "Is there discussion? Gentleman from Cook,

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Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have not read the Governor's reason for vetoing this Bill. Representative... excuse me. Representative Pierce is correct that there have been a number of accidents at this intersection; but, if we spend seven million dollars on an overpass to eliminate the light at the 'Clavey' Road intersection, there is still another intersection a half mile to a mile farther up the road that is probably going to experience the same problem. And if we simply want to prohibit or prevent the accidents that take place at 'Clavey' Road, 'Clavey' Road can be closed off as an access point to Eden's Expressway, because there is a full cloverleaf only a quarter of a mile to the south at Lake Cook Road, a far safer intersection that is being rebuilt by the Department of Transportation just as we speak now and has been under construction for some months. I think this is simply seven million dollars thrown at an intersection that admittedly has gotten a lot of attention, but the problem is only going to be moved up the road a half to a full mile by taking out that light. I think it's far cheaper not to spend the money in the first place and simply close off that access to a busy route. Thank you."

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

Leverenz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the appropriation. This is probably... There isn't a probably about it. It's the highest incident of death on an Illinois road in the state. I'll get the Roll Call on the state income tax and admit for you. I ask for your 'aye' vote for this. It was totally discussed. The point has been made. The project must be funded. Vote green."

Speaker Yourell: "Is there further discussion? There being no

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further discussion, Representative Fierce to close."

Pierce: "Yes, Mr. Speaker. There's no plans to shut off 'Clavey' Road intersection by the state. It's an important intersection. The only question is will it be a red light or an overpass. The next intersection north, which is about a mile north, Deerfield Road, does have an overpass. It has a full overpass. So, I... I move to override the Governor's item veto of the appropriation for the 'Clavey' Road overpass. We don't know that it will cost as much as seven million dollars. That's the amount that we asked for here. It could cost considerably less."

Speaker Yourell: "The question is, 'Shall the reduced item of appropriation on page 85, lines three through seven be restored to its original amount, notwithstanding the veto ... or the reduction of the Governor?'. This is final action. All those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 74 voting 'aye', 41 voting 'no', and this Motion, having received the Constitutional Majority, prevails. And the House overrides the Governor's item reduction on page 85, lines three through seven. On page 13, House Bill 885, Motion #1. Representative Leverenz. 88... 888, Motion #1. Representative Leverenz. You want to withdraw that? Representative Leverenz. Representative Leverenz. Withdraw. Gentleman has withdrawn Motion #1 to House Bill 888. Appearing on the... Appearing on the Order of Reduction Item Vetos it House Bill 888, Motion #2. Representative Ropp."

Bopp: "Thank you, Mr. Speaker and Members of the House. This is an item which has been discussed for a number of years. The horseracing industry in the State of Illinois is a



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pretty important industry in terms of providing money to not only the Ag Premium Fund, but the Fair and Exposition Fund, which much of it then overflows into the General Revenue Fund. I have personally been out and visited the tour of this building which is used to shoe horses that race in the state of money... in the State of Illinois for these revenues. And I move to override the item veto of the Governor which includes 20,000 dollars for the restoration and rebuilding of a horseshoeing building on the Illinois State Fair grounds."

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

Vitek: "Thank you, Mr. Speaker, ladies and gentlemen of the House. Being a cosponsor with Representative Ropp, I heartily support his motion and hope that you'll all give us a good vote."

Speaker Yourell: "Representative Leverenz."

Leverenz: "Yes, Mr. Speaker, I rise in support of a 20,000 dollar appropriation for probably one of the best causes at the State Fair ground. Vote green."

Speaker Yourell: "Representative Ropp, do you wish to close?"

Ropp: "Thank you, Mr. Speaker. I just urge a favorable vote."

Speaker Yourell: "Question is, 'Shall the reduced item appropriation on page 15, lines two through five be restored to its original amount, notwithstanding the reduction of the Governor?'. This is final... Ch, item. Item. I'm sorry. '... item veto to its original amount, notwithstanding the action of the Governor?'. All those in favor will signify by voting 'aye', those opposed will vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Okay. We have to correct it. I read the wrong page and line numbers. So, the question is, 'Shall the reduced item... the item veto on page 14, lines 29

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through 32 be restored to its original amount, notwithstanding the reduction of the Governor?". This is final action. Take the record, Mr. Clerk. On this question there are 82 voting 'aye', 28 voting 'no', 1 voting 'present'. This Motion, having received the Constitutional Majority, prevails, and the House overrides the Governor's item reduction on page 14, lines 29 through 32. Appearing on the Order of Item Vetcs is House Bill 888, Motion #3. Representative Bopp. Identical? You want to withdraw that, Representative Bopp?"

Bopp: "Yes, please. We just took care of that."

Speaker Yourell: "Motion is withdrawn. Appearing on page ten is House Bill 884 on the Order of Total Vetc Motions. House Bill 884, Representative Curran."

Curran: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Governor vetoed House Bill 884, because there is no specific funding source at the present time to achieve the good purposes outlined in this legislation. Now, the Governor's point about the present absence of specific funding might be a valid point in more plentiful times. In more plentiful times, better economic times, we wouldn't be so concerned about putting people back to work. In more plentiful times, we wouldn't be so concerned about increasing economic activity. In better economic times, we wouldn't be so concerned about saving a natural resource like energy. Now, this waste of energy is a statewide crisis. According to the Department of Energy and Natural Resources, if we implemented the kinds of changes that this Bill seeks to implement in just two pilot programs throughout the state, if we did it statewide, we'd save 2.6 billion dollars a year. That's the Governor's own Department - 500 dollars per household. This Bill looks to a possible solution. I think it's important for us by our

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'yes' votes here to send a message to the Department of Energy and Natural Resources to look for the possible grant sources for money to achieve the purposes outlined in this Bill. I think it's very realistic, given the possibility of economic upswing, for us to get the money after the first of the year and appropriate it at that time. And, therefore, I move to pass House Bill 884, notwithstanding the Governor's veto."

Speaker Yourell: "Is there discussion? The Lady from Marshall, Representative Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. While Representative Curran's intentions with this legislation are certainly laudable, I think it is important to point out that even Representative Curran himself indicated that there is no... there is no accompanying provision for money to pay for this particular program, even though the program itself might be laudable. I think it is important to point out that the potential cost of this piece of legislation could reach as high as six million dollars, plus administrative costs of 150,000 dollars per year. And no funding is provided for this. It is also important to point out that there are... this program duplicates existing programs at the federal, state and local level. While many of us would like to see weatherization programs and energy saving programs, there are many such programs available in other areas. And while it could be a laudable intent, this is still a very expensive program, and I move to sustain the Governor's veto, or I would indicate my support of sustaining the Governor's veto."

Speaker Yourell: "Representative Marzuki."

Marzuki: "Thank you, Mr. Speaker. I would have to go on record as supporting Representative Curran's Bill. It designates two

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communities. It's unbelievable to me that anyone could put a price tag on it of millions and millions of dollars. The program might possibly cost that much if it were successful and we implemented it throughout the State of Illinois. I doubt if we could spend that much money if we chose Chicago. I think this is another attempt to save dollars when, actually, such a program can be of great benefit to the people of Illinois. The status quo, I guess, is where we're going to stand on most everything and hope that something comes out positive. I would urge support in this matter."

Speaker Yourell: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen. Will the Sponsor yield for a question?"

Speaker Yourell: "Indicates he will."

Vinson: "Representative, is this the appropriation from which the Bill would... which would make 'Kennelworth' eligible for these grants would be funded from?"

Curran: "I appreciate the Gentleman from Lewitt's memory. This is the third time this Bill has been before the House, and this is the third time he has dragged out the 'Kennelworth' story. As a matter of fact, I appreciate that, because it is exactly the 'Kennelworth' story that prompted the kinds of changes that we put into this Bill. It was the 'Kennelworth' story that prompted us to put in the sliding interest scale which I think solves the problem he's talking about. But in addition to that, in addition to the sliding interest scale, we put in language in the Bill which orders the Department of Energy and Natural Resources to give preference to those communities where this kind of a program could show a substantial impact on their economy. I think the key here is to achieve the benefits that can come from this kind of a program; that is, increased

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employment, increased economic activity and saving a valuable natural resource, our energy."

Vinson: "Well, Mr. Speaker, to the Bill. The Gentleman has confirmed the fact that this is the 'Kennelworth Energy Assistance Act'."

Speaker Yourell: "Proceed."

Vinson: "And I would urge a 'no' vote on it, because we don't need to be providing extra assistance for 'Kennelworth' at this point."

Speaker Yourell: "Is there further discussion? Representative Curran to close."

Curran: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Nothing could be further from the truth than to suggest that this Bill somehow favors the super-rich and ignores the less affluent. I think it's important to keep in mind that we have a sliding interest scale here that would basically not be of any significant advantage to the community of 'Kennelworth', and we have directives for the Department of Energy and Natural Resources which say that this... these pilot programs would have to have a substantial impact on the economy, on the local economy. Also, keep in mind that the Governor's Department of Energy and Natural Resource would be in charge of this program. I wouldn't be willing to categorize those people, either the Republican Governor or his appointees in that Department, as favoring the super-wealthy and ignoring the good intent of this Bill. I want to address just momentarily the comments by Representative Koehler suggesting that this Bill somehow is duplicative. It clearly is not. The kind of programs that exist now in Illinois and throughout the nation are based upon federal money funneled through the Department of Commerce and Community Affairs. They inadequately and underfund the energy problem for low

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income people, do absolutely nothing for middle income and don't do near enough for the lower income portion of our society. Therefore, with all these advantages in mind, I ask for favorable consideration and move to override... move to pass House Bill 884, in spite of the Governor's veto. Thank you."

Speaker Yourell: "Question is, 'Shall House Bill 884 pass, the veto of the Governor notwithstanding?'. This is final action. All those in favor signify by voting 'aye', all those opposed will signify by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question... On this Motion there are 62 'ayes', 47 'nays', none voting 'present', and the Motion to override fails. Appearing on the Order of Energy and Environment is House Bill 1054, amendatory veto Motion. Representative Brummer."

Brummer: "Yes, thank you, Mr. Speaker. I move to accept the Governor's amendatory changes with regard to this legislation. The Governor's amendatory veto did primarily three items. Number one, it deleted the Sections of the Bill requiring the Board to adopt regulations banning the landfilling of liquid solvents and solid hazardous wastes, and it restored language that was adopted in Senate Bill 171. The second thing, it retained the Section prohibiting landfilling of liquid hazardous wastes but deleted the mandated deadline that was originally in the Bill of July 1, 1984 and, instead, authorizes the Board to adopt regulations and make their... within their rule making authority, to determine a deadline within which the liquid hazardous wastes shall be prohibited. Third, it substituted the Department of Energy and Natural Resources as the agency that perform the siting study instead of the Water Survey and makes technical changes clarifying that

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wastes are to be banned from the disposal in any landfill instead of on land. The Governor's changes on balance appear to be reasonable, and I would move that the House do concur in the Governor's recommended changes."

Speaker Yourell: "Is there discussion? The Lady from Marshall, Representative Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would rise to concur with Representative Brummer's Motion. I, too, believe that the Governor made some excellent changes in the legislation. Thank you."

Speaker Yourell: "Further discussion? Do you wish to close, Representative?"

Brummer: "Just ask for a favorable vote."

Speaker Yourell: "Question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 1054 by the adoption of the Amendment?'. This is final action. All those in favor will signify by voting 'aye', those opposed will signify by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this Motion there are 113 voting 'aye', 1 voting 'no', and this Motion, having received the Constitutional Majority, prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 1054 by the adoption of the Amendment. Appearing on the Order of Energy and Environment is House Bill 1108, page 17. Representative Giglio."

Giglio: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, the Governor, in his wisdom, amendatorily vetoed House Bill 1108. I move to accept the Governor's amendatory veto. It doesn't... It doesn't... Excuse me, Mr. Speaker. I'm being distracted a little bit. I'm losing my train of thought here. The...deletions of the Bill mandating that

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the Pollution Control Board adopt a schedule of permanent inspection fees for hazardous wastes and imposed such a fees. Also what it does it restores the stricken language which gives the Environmental Protection Agency discretionary powers to institute permit an inspection fee. And also, it strikes the Hazardous Waste Advisory Council. With those, Mr. Speaker and Ladies and Gentlemen of the House, I would ask for your favorable support."

Speaker Yourell: "Is there further discussion? There being no further discussion is... The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 1108 by the adoption of the Amendment?'. This is final action. All those in favor will signify by voting 'aye', those opposed will signify by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this Motion there are 113 voting 'aye', 1 voting 'no', and this Motion, having received the Constitutional Majority, prevails. And the House accepts the Governor's specific recommendation for change regarding House Bill 1108 by the adoption of the Amendment. Appearing on the Order of Energy and Environment is House Bill 1257 on page 18. Representative Ereslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, this is the Bill that increased the hazardous waste disposal fees that we worked so hard on last Session. It is a Bill that raised money that will go into the hazardous waste funds so that we can have money to meet the federal match for Super Fund. The Governor has made substantial changes in this Bill. First of all, he has changed the fee structure. The fee for disposal facilities will still be at three cents. However, he has changed the fee for treatment facilities from two cents to one cent. He has completely eliminated



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the two cent fee for recycling. He has left the fee for deep well injection the same as that which was proposed by our original piece of legislation. There were other changes that he made in the procedure by which companies can be found in violation of the Act and thus required to provide clean up of certain situations. He has required the Board to adopt regulations identical to that promulgated by the EPA under the Super Fund Program regarding hazardous waste substances plans. In addition to that, he deletes the provision identifying the standard of liability to be used for assessing clean up costs as the definition of liability used under the Federal Clean Water Act. It is a ... a major rewrite of the Bill. I... I don't agree with everything the Governor has done. I believe that we should accept his amendatory veto, however, and take a closer look at it in future Sessions and determine whether or not it raises enough money. This Bill raises three hundred to four hundred thousand dollars less than our proposed legislation. I move to accept the Governor's amendatory veto of House Bill 1257."

Speaker Yourell: "Is there further discussion? The lady from Marshall, Representative Koehler."

Koehler: "Thank you, Mr. Speaker and ladies and gentlemen of the House. As Representative Breslin indicated, this particular piece of legislation received a lot of debate during our Legislative Session. I do join with her in asking your concurrence with the Governor's amendatory veto. He made some important changes in the legislation and perhaps the most important change was the fact that he removed the fee for recycling and alternative methods of disposal of hazardous waste. I think many of us would appreciate the encouraging of alternate methods of disposal. So, I would join in her motion."

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Speaker Yourell: "There being no further discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 1257 by adoption of the Amendment?'. This is final action. All those in favor will signify by voting 'aye', those opposed will signify by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this Motion there are 112 voting 'aye', none voting 'no', 1 voting 'present', and this Motion, having received the Constitutional Majority, prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 1257 by adoption of the Amendment. Appearing on the Order of Energy and Environment, page 19, is House Bill 2171, Representative Homer."

Homer: "Thank you, Mr. Speaker and Members. House Bill 2171 is a Bill that clarified and increased the criminal penalties for hazardous waste violations under the Environmental Protection Act. It's the so-called midnight dumpers' provision. The Governor in his amendatory veto, simply modified or amended the penalty provisions to provide that the fines, the maximum fines for each of the potential violations be per day. And he did so with the... with the thought that this was necessary in order to make certain that the State of Illinois would receive its delegation of authority under the Federal Resource Conservation and Recovery Act, RCRA, provisions. I would concur and ask that this House join in accepting the Governor's amendatory veto."

Speaker Yourell: "Is there discussion? Representative Vinson."

Vinson: "Mr. Speaker, I rise in opposition to the Gentleman's Motion to accept the amendatory veto in this case. The other amendatory vetoes on the hazardous waste program, I

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think, are amendatory vetoes that we can live with and that do no wreak substantial havoc on the rather delicate compromise that was worked out on this subject. I personally believe that this particular veto goes too far. What we did was to try to set a list of penalties, a set of penalties that were really appropriate to the particular offenses in question. Now, what the Governor really has done in this particular case is to make the penalties so potentially onerous that we've just gone way too far. I think that... that the penalties initially enacted, which had reasonable upper limits, were appropriate for the kinds of violations involved. When you get to the point of having a 500,000 dollar penalty for each day of a violation and if you look at the underlying criminal... underlying criminal provision which can be very easily violated and which has rather loose language, I think we're going too far in this case. And for those reasons, I would urge a 'no' vote on the Motion to accept the Governor's amendatory veto on House Bill 2171."

Speaker Yourell: "Is there further discussion? Being no further discussion, Representative Homer to close."

Homer: "Thank you, Mr. Speaker and Members of the House. I would take exception with Representative Vinson's analysis of what the Governor has done here. The Bill provided certain maximum penalty fines for violations of the Act, much in the same way that the Criminal Code does for burglary. If a person commits a burglary two days in a row, they commit two different burglaries and can be fined the maximum amount for each day. For that matter, if you commit two crimes in the same day, under ordinary circumstances, if they're two separate and distinct acts, you can be charged with two separate distinct crimes. All that the Governor did was serve, as a clarification, to say that if you

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commit an offense on one day and then commit the same offense on the next day, that you can be charged with and assessed the maximum fine on each day. That really does nothing more than clarify what the law already is. That is the status of the law. If you commit a crime... two separate crimes, then you can be penalized for the maximum on each. And so, it's simply a clarification in order to conform to ECBA, and I would urge your favorable acceptance of the Governor's amendatory veto."

Speaker Yourell: "Question is, 'Shall the House accept the Governor's specific recommendation for change with respect to House Bill 2171 by adoption of the Amendment?'. This is final action. All those in favor signify by voting 'aye', those opposed signify by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there's 79 voting 'aye', 30 voting 'no', 2 voting 'present', and this Motion, having received the Constitutional Majority, prevails. And the House accepts the Governor's specific recommendations for change regarding House Bill 2171 by adoption of the Amendment. On page two, House Bills Second Reading, appears House Bill 569, Representative Fraun."

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

Speaker Yourell: "Oh, I'm sorry. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 569, a Bill for an Act to amend an Act in relationship to state monies."

Speaker Yourell: "Representative Fraun."

Clerk Leone: "Second Reading of the Bill."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 to House Bill 569 is an attempt to tighten up the language of this Bill, which has to do with pension fund investments, so as to make clear our intent

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that we are not addressing private secondary financial transactions but just the investment of state dollars. I believe that it's a good Amendment which will strengthen or at least clarify concerns that have been raised to us by others over time, and I encourage a favorable vote."

Clerk Leone: "There are no Committee Amendments. Amendment #1 is sponsored by Representative Braun."

Speaker Yourell: "Representative Braun, Amendment #1? All those in favor will signify by saying 'aye'... Wait. Representative Vinson."

Vinson: "Are we on the Lady's Motion to adopt Amendment #1?"

Speaker Yourell: "Eight."

Vinson: "I'd like to ask her a few questions on the Amendment to make sure..."

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

Vinson: "Representative, on your Amendment, as it's currently drafted, would this prohibit also the placing in a bank pension funds of the State of Illinois which had a loan to a corporation doing business in South Africa?"

Braun: "No, Sir. That's the point. I mean, this Amendment... You should have a copy of it on your desk, Representative Vinson. But the original..."

Vinson: "Yes, I do, but I have not had a chance to read..."

Braun: "The original language of the Bill had doing business in or with. Alright? And that language was considered overbroad. We narrowed the language to make it very clear that the prohibited... the transactions which would trigger the prohibition on pension fund investments were simply transactions which one ... which had a direct effect, which were either directly to South Africa, a national corporation of South Africa, or for the purpose of investment in South Africa. So, we've narrowed it significantly by virtue of this Amendment."

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Vinson: "So... So, with this Amendment, a pension fund would be prohibited from ..."

Speaker Yourell: "Excuse me, Representative Vinson. For what reason does Representative Brummer rise?"

Brummer: "Yes, point of order. Has this Amendment been distributed; and, if so, when?"

Speaker Yourell: "Mr. Clerk."

Braun: "It's been distributed for hours now."

Speaker Yourell: "Yes, it has. Proceed, Representative Vinson..."

Brummer: "It was distributed today?"

Speaker Yourell: "Proceed, Representative Vinson."

Vinson: "May I... May I go ahead now, Mr. Speaker?"

Speaker Yourell: "Yes, it has."

Vinson: "Okay. Representative, would... with this Amendment, would an Illinois public pension fund be prohibited from purchasing, for instance, the common stock of a company which did business in South Africa?"

Braun: "Under this... Under this... No. Under the Bill, under the Bill, the pension fund could not be invested in a company which... in a South African chartered company in South Africa itself or in a company... or in operations which are specifically for the purpose of investment in South Africa, under the Bill. And this language narrows down - and I don't know if I'm being clear - but it narrows down the doing business in or with language that was in the original Bill. And I think if you'll take a look at the Amendment as Representative Brummer, who seems to have some concern, you will agree that this language does go a long way toward narrowing the doing business with language and makes our purpose very clear that what we are talking about is direct and primary transactions in or with the South African Government."

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Finson: "But if that company, for instance, has a plant in South Africa, would that alone make it... the Amendment in the Bill... With this Amendment adopted to the Bill, if that were the status of the law and if a company had a plant in South Africa..."

Braun: "Right."

Finson: "... then could a pension fund buy common stock?"

Braun: "No. No, it could not. Under the Bill or under the Amendment, no. And that, again, is the point of the legislation in the first instance."

Finson: "Okay. Now..."

Braun: "But the Amendment, again, narrows the circumstances on which that prohibition would attach."

Finson: "If the company sells its products to the Government of South Africa, then could you buy shares of its common stock?"

Braun: "Yes, and that was the point that was raised earlier. And, frankly, I don't have the... When we get later in the debate, I suppose I can get the language for you. The definition of investments, which we have by reference or which we by reference incorporated in this, is the definition used by the United States Congress which specifically excludes the circumstances that you mentioned which specifically excludes transactions or proceeds from sales of existing enterprises. I don't have that language with me at the moment, because I thought this was going to be a fairly simple matter putting this Bill (sic - Amendment) on, since it moves it more in the direction that the companies who were concerned had said that they were interested. So, I didn't bring the entire file up with me."

Finson: "My concern, Representative, I suspect that I am going to end up opposing both the Amendment and the Bill."

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Maun: "Okay."

Vinson: "I'm going to end up opposing the Amendment, because what you're doing is narrowing down admittedly the scope of the Bill."

Maun: "Yeah."

Vinson: "But when you get that narrowed down as much as you can conceivably narrow it down, which I think is probably to the case of a company having a plant in South Africa, I still think that's a bad public policy. I understand your concern about it. I understand why you're in the posture you're in, and I understand that it is a legitimate public policy debate. But I'm going to oppose that; and, for those reasons, I think we ought to oppose this Amendment which accomplishes that purpose."

Maun: "Representative Vinson, you know, I don't... It's late, and everybody's tired. And I don't want to drag out the public policy debate, but the essential point that this legislation makes is whether or not it is in the interest of our pensioners, of Illinois teachers and retirees and Members of the General Assembly, to gamble our pension funds on the future of Apartheid in South Africa. Now, I don't think it is, and I believe we have a responsibility, a social responsibility, if I do share a responsibility, to protect those pensioners' interests by seeing to it that investments are limited for investments for that purpose. Now, we can debate the conditions and the human rights and the humane interests that are involved for hours and, without getting to that, there are purely financial reasons, I think, that make this the right way to go. However, I suggest to you that in light of the fact that while there are some very critical, philosophical issues involved here, that this Amendment, just as a technical, legal matter, make the Bill, I think, more - how can I put



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it? This Bill, as a technical, legal matter, more clearly spells out what it is that we are talking about than the rather broad phrase 'doing business in or with' which the courts, as you know, have interpreted to mean everything from buying widgets to building a plant to having a phone connection. Alright? That was the purpose of this Amendment, to narrow down a rather... a very broad legal concept so that we were specific about the types of financial transactions being addressed in this legislation."

Linson: "Is it your intention, after this Amendment's adopted, to move the Bill to Third Reading?"

Braun: "Well, I think it automatically goes there. Doesn't it?"

Linson: "Well, my concern is there are Members on this side of the aisle who would like to offer further Amendments."

Braun: "I would like to have it... I would like to have an opportunity to talk with any Member that has any concerns about this Bill. I have been very open about that all along. I had some conversations earlier with Representative Zwick. I've had some conversations with members of... representatives of the business community about that. I am open to working with whomever to try to come up with the best Bill for Illinois that we can. There are several models across the nation. Other states, Massachusetts, Michigan have adopted legislation, in some instances, much more stringent than this Bill was even in its original form. Again, I think it's a technical matter of law. This Amendment improves... improves from a... is a point of view, but I think it narrows down a legal concept so that we are specific about what it is we mean."

Linson: "Will you give them... My specific inquiry in this case is, will you give Members on this side who want to offer Amendments a chance to offer their Amendments on Second

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Reading?"

Braun: "I would like to move the Bill to Third Reading. I am open to discussion with any Member, any Amendments that they may have. I have no intention, however, Representative, of gutting the Bill if that's what you mean."

Vinson: "Okay. I don't know what the Amendments are. I've just been asked for that kind of assurance. And absent that, at this particular point, I would urge opposition to the Amendment as a way of keeping the Bill on Second Reading."

Braun: "How is that going to keep... Even if the Amendment fails, it goes to Third Reading, Representative. I will work with anybody, and I will give time to work with anybody."

Vinson: "I think the specific Members are seeking recognition, and maybe they can address... specifically request whatever assurances they want on the subject."

Speaker Yourell: "Representative Johnson."

Johnson: "I don't want you to tell me that you'll work with me. I want to know whether, if you move this to Third Reading and we have a chance, several of us, to prepare Amendments, whether you'll be willing to return it to Second Reading for purposes of being able to vote on our Amendments up or down. You can oppose them if you will."

Braun: "No."

Johnson: "You will not do that."

Braun: "Well, I may well do that, but I don't want to make a commitment to you on this floor. I've never yet given my word to anybody yet, Tim... Representative Johnson, as you know, that I haven't stuck with it. And I don't like to make a commitment. If you come to me with an Amendment that says strike everything after the enacting clause, no, I'm not going to..."

Johnson: "Well, I can tell you right now what my Amendment's

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going to be, if you want me... Do you want me to tell you?"

Braun: "Strike everything after the enacting clause."

Johnson: "Do you want me to tell you? Do you want me to tell you what my Amendment's going to be so you can either make a commitment or not based on what my Amendment will be?"

Braun: "Well, we... we've got 159... 118 people in this place that are... that we're tying up in this debate. I can take a look at it. I'd be delighted to take a look at it."

Speaker Yourell: "Excuse me. Representative Braun, may I suggest that under the Order of Business, we're discussing Amendment #1 to this Bill, and I think we ought to confine our remarks to that and move along."

Braun: "Thank you, Mr. Speaker. Mr. Speaker, again, I make my representation. I'm not trying to foreclose anyone's opportunity to have input in this. I will talk with and work with any Member in this House on this legislation. I encourage an 'aye' vote on Amendment #1."

Speaker Yourell: "Is there further discussion? Representative Bowman."

Bowman: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I think it's important that we understand what this debate is about. The lady has introduced this Bill. Objections were raised to it, and she is trying to respond to those objections. Amendment #1 responds to those objections. She is limiting the scope of her Bill. I'm sure that she would like to keep her Bill in the original form. I would like to see it in its original form, but I'm supporting Amendment #1, because it is a responsible thing to do to respond to legitimate objections raised by all parties. Now, what the people who are objecting to this Amendment are saying is, 'Let's just keep the Bill in its original form, because it will be easier to vote against the Bill'."

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Well, Ladies and Gentlemen of the House, that is a specious and vicious argument, and we should not permit that kind of a strategy to prevail when a person is making a legitimate, straight-forward attempt to limit the scope of her Bill. And I think we should adopt this Amendment accordingly."

Speaker Yourell: "Representative Matijevich."

Matijevich: "Mr. Speaker, I respectfully move the previous question."

Speaker Yourell: "The Gentleman has moved the previous question. All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The previous question has been moved. Representative Braun, do you wish to add anything to the debate?"

Braun: "No, Sir."

Speaker Yourell: "The question is, 'Shall Amendment #1 to House Bill 569 be adopted?'. All those in favor will say 'aye', opposed 'no'. All those in favor will vote 'aye', all those opposed will vote 'no'. Have all voted who wish? Have all voted who wish? Representative Madigan."

Madigan: "Mr. Speaker, I ... in explaining my 'aye' vote, I wish declare that I may have a potential conflict of interest on this Bill. Thank you."

Speaker Yourell: "Have all voted who wish? Have all voted who wish? On this question there are 66 voting... 67 voting 'aye', 44 voting 'no', 3 voting 'present', and Amendment #1 to House Bill 569 is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Yourell: "Third Reading. Appearing on the Order of Second Reading is House Bill 1644, Representative Currie. Read the Bill, Mr. Clerk. Out of the record? Out of the record. Appearing on the Order of Second Reading is House Bill 2281. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2281, a Bill for an Act to create the

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Business Corporation Act. Second Reading of the Bill.  
Amendment #1 was adopted in Committee."

Speaker Yourell: "Are there any Amendments from the floor?"

Clerk Leone: "No Motions filed. Floor Amendment #2, McCracken -  
Cullerton, amends House Bill 2281 as amended."

Speaker Yourell: "Representative Cullerton, Amendment #2."

Cullerton: "Thank you, Mr. Speaker. I wish to withdraw Amendment  
#2."

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

Clerk Leone: "Floor Amendment #3, McCracken - Cullerton, amends  
House Bill 2261."

Speaker Yourell: "Representative Cullerton, Amendment #3."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of  
the House. Mr. Speaker, this Bill creates the Business  
Corporation Act of 1983. The Sponsors are Representatives  
Madigan, Daniels, Breslin and McCracken. We have... I was  
the Chairman of the Judiciary Committee when we considered  
this Bill this week. We have worked very hard today in  
developing Amendments to the Bill. Although there were, I  
believe, 25 Amendments filed, we're only going to proceed  
with seven of those Amendments. These Amendments have been  
cleared with the Sponsors of the Bill, with Representative  
McCracken, with the representatives of the Secretary of  
State's Office and the Committee that was appointed by the  
Secretary of State to approve of and develop this  
legislation. Amendment #3 requires prior notice for  
informal actions taken by a corporation when they can take  
that informal action with less than unanimous action. I  
would move for the adoption of Amendment #3."

Speaker Yourell: "Is there further discussion? Representative  
McCracken."

McCracken: "Thank you, Mr. Speaker. This ... This series of

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Amendments has been arrived at, as Representative Cullerton indicates, both with Spencers and the Secretary of State, as well as the Blue Ribbon Committee which proposes this model legislation. It is a comprehensive revision of the Business Corporation Act of 1933. As Representative Cullerton indicates, Amendment #3 requires prior notice for that action where the shareholders are entitled to vote with respect to that subject matter. I move the adoption."

Speaker Yourell: "Further discussion? Hearing none, the question is, 'Shall Amendment #3 to House Bill 2281 be adopted?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #4, McCracken - Cullerton, amends House Bill 2281 as amended."

Speaker Yourell: "Representative Cullerton on Amendment #4."

Cullerton: "Mr. Speaker, I would like to withdraw Amendment #4, 5, 6 and 7."

Speaker Yourell: "Amendments #4, 5, 6 and 7 are withdrawn. Are there further Amendments?"

Clerk Leone: "Floor Amendment #8, McCracken - Cullerton, amends House Bill 2281 as amended."

Speaker Yourell: "Amendment #8, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker. Mr. Speaker, Amendment #8 eliminates the requirement that a complaint be verified, and it clarifies 'reasonable time' to be 30 days. I move for the adoption of Amendment #8."

Speaker Yourell: "Is there discussion? Being no discussion is... the question is, 'Shall Amendment #8 to House Bill 2281 be adopted?'. All those in favor will say 'aye', opposed 'no'. The 'ayes' have it. Amendment #8 is adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #9, McCracken - Cullerton, amends

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House Bill 2281 as amended."

Speaker Yourell: "Amendment #9, Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Members of the House. This Amendment #9 would restore the quorum requirement of one-half of the Board of Directors rather than what the Bill says which is one-third. If you had a nine member Board of Directors, and you had only one-third necessary for a quorum and once you had three people to be a quorum and then two of those people could take an action - that would be a majority of those voting at the time of the meeting - two people out of nine could make major decisions. So, that really wouldn't be fair. So, what we're saying is that we're going to go back, I believe, the current law requiring a quorum of one-half of the Board of Directors. I move for the adoption of Amendment #9."

Speaker Yourell: "Is there discussion? Hearing none, the question is, 'Shall Amendment #9 to House Bill 2281 be adopted?'. All those in favor will signify by saying 'aye', those opposed 'no'. The 'ayes' have it. The Amendment #9 is adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #10, McCracken - Cullerton, amends House Bill 2281 as amended."

Speaker Yourell: "Representative Cullerton, Amendment #10."

Cullerton: "Thank you, Mr. Speaker and Members of the House. Amendment #10 deals with the issue of Committees. The law states that if the Articles of Incorporation so provide, a majority of the Directors may create Committees and appoint members of the Board to serve on the Committees. The current statute says that each Committee shall have one or more members. We are changing that to require that at least two Members be on a Committee. I move for the adoption of Amendment #10."

Speaker Yourell: "Is there further discussion? Hearing none, the

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question is, 'Shall Amendment #10 to House Bill 2281 be adopted?'. All those in favor will say 'aye', those opposed will say 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #11, McCracken - Cullerton, amends House Bill 2281.."

Speaker Yourell: "Representative Cullerton, Amendment #11."

Cullerton: "Mr. Speaker, I would ask to withdraw Amendments #11 through 21."

Speaker Yourell: "Amendments #11 through 21 are withdrawn. Are there further Amendments?"

Clerk Leone: "Floor Amendment #22, McCracken - Cullerton, amends House Bill 2281 on page..."

Speaker Yourell: "Amendment #22, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Members of the House. Amendment #22 is very simple. It says that only disinterested Directors can validate contracts. I would move for the adoption of Amendment #22."

Speaker Yourell: "Representative McCracken, Amendment #22."

McCracken: "Mr. Speaker, thank you. Amendment numbers 22 and 23 are identical. I move to withdraw 22 and accept Representative Cullerton's explanation in adoption of Amendment 23."

Speaker Yourell: "Withdraw Amendment 22?"

McCracken: "And move to adopt 23."

Speaker Yourell: "Amendment #23 move to adopt. The question is, 'Shall Amendment #23 be adopted to House Bill 2281?'. All those in favor will say 'aye', opposed 'no'. The 'ayes' have it. Amendment #23 is adopted. Are there further Amendments?"

Clerk Leone: "Amendment #24, McCracken - Cullerton, amends House Bill 2281 as amended."

Speaker Yourell: "Amendment #24, Representative Cullerton."



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Cullerton: "Thank you, Mr. Speaker and Members of the House. This Amendment #24 deals with... in the area of fees and derivative actions, and it restores the current law with regard to fees and derivative actions. I would move for the adoption of Amendment #24."

Speaker Yourell: "Is there discussion? Being no discussion, the question is, 'Shall Amendment #24 to House Bill 2281 be adopted?'. All those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. Amendment is adopted. Are there further Amendments?"

Clerk Leone: "Amendment #25, McCracken - Cullerton, amends House Bill 2281 as amended."

Speaker Yourell: "Amendment #25, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Members of the House. This is a technical Amendment which clarifies the dissolution and buy-out provisions of the statute. I would move for the adoption of Amendment #25."

Speaker Yourell: "Is there discussion? Hearing none, the question is, 'Shall Amendment #25 to House Bill 2281 be adopted?'. All those in favor say 'aye', those opposed 'no'. The Amendment's adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Yourell: "No further Amendments. Third Reading. For what reason does Representative Cullerton rise?"

Cullerton: "Thank you, Mr. Speaker and Members of the House. I would move to suspend Rule 29(c-3) and Rule 24 that would allow the Rules Committee to meet while we are in Session to consider House Bills 320, 695, 197E, 2072 and Senate Bills 589 and Senate Bills 1118."

Speaker Yourell: "Are there objections? Representative Friedrich."

Friedrich: "Well, Mr. Speaker, I think we've had a request for a

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Bill to be heard from our side of the aisle. I would like to have that included if we're going to open up the Rules Committee."

Speaker Yourell: "What is... What is the Bill?"

Friedrich: "What is that number?"

Speaker Yourell: "Representative Deuchler? 2322. Are there objections? Representative Cullerton, include that in the call. Fine. Yes, Representative Eiel, for what reason do you rise?"

Eiel: "Yes, I cleared this with both sides of the aisle. If Mr. Cullerton would amend his Motion to allow Urban Redevelopment to meet for about one minute in the back of the chamber at the exact same time, we'd appreciate it."

Speaker Yourell: "Are there objections? Hearing none, the Rules Committee will meet along with the other Committee... was Environment... What is it?"

Eiel: "Urban Redevelopment."

Speaker Yourell: "Urban Redevelopment. Representative Cullerton. Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker. I want to thank the Page for turning on the microphone. The Rules Committee would meet immediately in the Speaker's Conference Room."

Speaker Yourell: "It's right outside the corridor here in this little conference room for those... All Rules Committee Members meet there immediately and the Sponsors of the Bills. Appearing on the Order of Second Reading is House Bill 2309. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2309, a Bill for an Act relating to the Illinois Department of Finance... Developmental Finance Authority. Second Reading of the Bill. No Committee Amendments."

Speaker Yourell: "Any Motions filed?"

Clerk Leone: "No Motions filed."

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Speaker Yourell: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Madigan - Stuffle, amends House Bill 2309."

Speaker Yourell: "Representative Stuffle."

Stuffle: "Mr. Speaker, Members of the House, the Amendment #1 offered by the Speaker, Representative Madigan, and myself is an attempt to accommodate changes suggested in the economic development package Bill, House Bill 2209, that passed this House in the spring and was signed into law by the Governor. The changes in the Amendment are agreed to between Representative Madigan, myself and the administration. I won't go through all of them unless there are questions, but I would indicate to you for Representative Ewing's benefit that we have struck the provisions which used pension money in the Authority, a provision that Representative Ewing is clapping for that he voted for in Committee and against on the floor. But that's the major change, and I would ask for approval of the Amendment."

Speaker Yourell: "Is there discussion? Representative Vinson."

Vinson: "Mr. Speaker, will you tell me where we are on the Calendar?"

Speaker Yourell: "We're on page two, House Bill 2309, House Bills Second Reading."

Vinson: "Mr. Speaker, that Bill is shown as Madigan - Giorgi, Sponsorship."

Speaker Yourell: "That's correct."

Vinson: "When was... When did Mr. Giorgi become a Sponsor of that Bill?"

Speaker Yourell: "Mr. Clerk. I've been informed approximately Monday afternoon of this week."

Vinson: "I'm sorry?"

Speaker Yourell: "I have been informed approximately Monday

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afternoon of this week, which would have been the 17th."

Finson: "Do we have a slip that shows that?"

Speaker Yourell: "Mr. Clerk. We'll bring it down. It's here."

Finson: "Monday at noon. Mr. Speaker, I would, at this particular point, like to yield to Representative Karpziel who I believe has raised some timely questions in that regard, and I would appreciate it if you would recognize her."

Speaker Yourell: "Would you like to have the Speaker come out?"

Finson: "I'm sorry?"

Speaker Yourell: "Would you like to have Speaker Madigan come out and clarify that for you?"

Finson: "No, I think we can clarify it without him."

Speaker Yourell: "Fine. Okay. Representative Karpziel, for what reason do you arise?"

Karpziel: "Well, Mr. Speaker, I just wanted to say that in Committee I raised an objection to this Bill being handled by Representative Giorgi because he was not a hyphenated Cosponsor on the Bill, and at the time, we did call the Clerk's Office who said that he was not a hyphenated Cosponsor on the Bill at the time the Bill was being heard in Committee. And I'm just saying that I did object to it then, and now, I see Stuffle's name on there and Giorgi... on the Amendment. Okay."

Speaker Yourell: "Representative Giorgi, do you want to respond to that?"

Giorgi: "The Clerk that had the message making me a hyphenated Cosponsor was in a different part of the room from the Clerk that she called to talk to."

Karpziel: "Well, Mr. Speaker, I'm not going to pursue this. I don't know whether anyone else wants to, but I just think there are rules for our Committee and... for our Committee hearings, and if you want to laugh about it, okay, but I

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would think that the Speaker, of all people, would not want to be breaking the rules of our Committee system."

Speaker Yourell: "Heavens. I have in my possession a Motion, 'As principal Sponsor of House Bill #2309, I request to add the following principal Sponsors and second in that order would be Representative Giorgi.'. And it's signed by Michael J. Madigan, original principal Sponsor, and dated 10/17/83. Representative Vinson."

Vinson: "Was it time stamped?"

Speaker Yourell: "Didn't hear you, Sir."

Vinson: "Was it time stamped?"

Speaker Yourell: "It's not normal procedure to time stamp these Motions, Mr. Vinson. Representative Giorgi."

Giorgi: "Representative Vinson, there was plenty of time."

Speaker Yourell: "Representative Fiel, for what reason do you arise?"

Fiel: "Just a question of the Clerk, Mr. Speaker. I was just wondering, I noticed that this Amendment #1 to 2309 was just put on my desk, and a... don't the rules state that it has to be on the Member's desk for one hour before it can be heard?"

Speaker Yourell: "It's my understanding it's a Conference Committee Report, Representative Fiel."

Fiel: "No, 2309, Amendment #1."

Speaker Yourell: "One hour requirement is for a Conference Committee Report, I've been informed, not an Amendment."

Fiel: "In other words, the rules state that the Amendments don't have to be on the desk for one hour?"

Speaker Yourell: "All it says in the rule is, 'on the desk'. It doesn't specify a time."

Fiel: "Thank you very much."

Speaker Yourell: "You're welcome. Representative Ewing, did you wish to be heard on this issue?"

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ing: "Mr. Speaker, as the Sponsor, I'd like to have him explain the Amendment. I mean I'm very pleased that they have decided to not use pension funds for investments of risky investments, but the Amendment looks like it's pretty thick, and I'd like to think we are entitled to an explanation."

Speaker Yourell: "Representative Stuffle."

Stuffle: "How much detail do you want?"

ing: "Well, we'll give you all the time you want. We got all evening."

Stuffle: "Okay. The Amendment changes the size of the Authority by two members, request of the Governor. The Amendment provides a change in the... number of people for a quorum, and to take official action consistent with that change in the size of the membership. The Amendment provides a number of technical changes to tighten up the amortization schedules on the loan activities in the Bill. It segregates funds out of the Treasurer's Office so that each of the funds created - three of them - are not in the Treasurer's Office, again a request of the Governor. It tightens up the fiduciary requirements on page 12 with regard to trust agreements. On 12 and 13, it strikes the use of pension funds. It makes technical changes on page 14. On page 15, it changes the Authority's directive that they have to have a manager of their activities to say that they may. It provides a technical change regarding environmental facilities being covered on page 15. It further provides that there be consistency in language on page 16 in the collection of fees that the Authority can collect to help defray their costs. On page 19, there's another expansion of fiduciary responsibility in loan approval standards. On page 20, we lower the amortization situation in such a way as to tighten up loan amortization,

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shortening the period of the life of loans. On page 21, we clean up the language on the definitions of coventure investments, seed capital and direct investments. Do you want me to go on? We provide on page 24 for language so that one entity or a group of people cannot create several different affiliated pools of funds and, frankly, take over most of the capital in the system. Most of the rest of the changes are broadly technical, nothing else. They tighten up language with regard to the purposes. Which loans can be used for, on page 29. We provide a forms management system Section providing for the use of certain forms in applying for loans under the program. We provide, on page 33, language that says, 'branch offices don't have to be in Springfield. They can be anywhere in the State of Illinois.' Again, these are all requests of the Governor. Page 34, in one other Section, we provide for a successor and interest clause to take care of the situation of the two existing Development Authorities, so that they are covered by the tax laws, and we provide some language to satisfy the bond holders with regard to collections. And the rest of the changes in the Bill are technical."

Speaker Yourell: "Representative Ewing."

Ewing: "Thank you, Representative, for a very thorough explanation. One other question though that comes to mind, now, we're taking out the use of the pension funds. How do we plan to replace these funds in the program? Is that included in this Amendment?"

Stuffle: "We don't change that at all. The fact of the matter is that we broaden the ability of the Authority to collect fees, and we tighten up the language with regard to amortizing loans so they're collected faster to give the Authority more cash flow. And we tighten up the language with regard to insurance."

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Swing: "But if we don't have the borrowed funds from the pension fund, you're going to have to get your seed money from somewhere. Is it anticipated to be a direct appropriation, bonding, or what?"

Stuffle: "Well, there's bonding authority in the Bill, as you know, and that's the point you made when you posed this Amendment to start with to take the pension funds out. That's the exact point you made. It's still the case. We tightened up the three areas, I said, plus if we desired to appropriate money, we certainly could."

Swing: "But you're saying that there is no additional replacement funding for the program in this Amendment."

Stuffle: "I answered that. I said we made it possible to collect more fees, tighten..."

Swing: "No. No. I understand what you're saying..."

Stuffle: "That's... That's an area of revenue, certainly."

Swing: "That... Alright, and I accept that. But there isn't any..."

Stuffle: "No. Nothing beyond that. We don't mandate anything new in terms of new revenue sources."

Swing: "What... What could we possibly anticipate receiving from these... collecting these fees?"

Stuffle: "We can anticipate covering cost for setting the premiums and putting together the bond program. That's the way the Bill is written. And then you've got the bond authority, and as you know, in the Bill, and as I said, we could appropriate money if we desired to or deemed it necessary. That's the same point you made when you posed that portion of this Amendment, yourself, to strike the pension funds back in June."

Swing: "Well, Mr. Speaker, Ladies and Gentlemen, speaking to the Amendment, I can only say that I'm hard pressed, yes, hard pressed not to support this Amendment now because he has



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said three times how they've come around to what we tried to get them to do last June. It's too bad they didn't do it then. We'd of had this out of the way."

Speaker Yourell: "Representative Piel."

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

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

Piel: "Representative Stuffle, I notice that what you're basically doing, you're giving them authority to fix, determine, charge, collect any premiums, fees or charges. I notice it's quite broad in scope, because they're talking about any type of fees, charges, finance charges or publication fees. Are there any limitations to this to what fees they can collect or charge? You know, it would seem like you're... you're giving them a broad scope of areas that they can charge, or collect fees, or one thing or another."

Stuffle: "It... It is very broad, intentionally that way. It's my understanding that's the way that people who wanted to make investments or might want to be bond holders under this program wanted the thing. We tried to accommodate the Governor's wishes with regard to that language."

Piel: "In other words, you're basically giving a carte blanche as far as any fees they want to charge."

Stuffle: "Well, they'd have to establish fees as a governmental entity under JCAB. They'd have to make a regulatory action."

Piel: "I'm sorry, Larry, I can't hear you."

Stuffle: "They'd have to make a regulatory action under JCAB, post the rules with regard to the fees, subject to public scrutiny, and the 30 day rule and the appeals process."

Piel: "Thank you."

Speaker Yourell: "Is there further discussion? The Gentlemen wish to close on Amendment #1? The question is, 'Shall

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Amendment #1 to House Bill 2309 be adopted?'. all those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? On this question, there are 103 voting 'aye', 1 voting 'no', and Amendment #1 to House Bill 2309 is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Yourell: "Third Reading. Appearing on the Order of Second Reading is House Bill 2316. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2316, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Yourell: "Are there any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Yourell: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Currie, amends House Bill 2316 on page two..."

Speaker Yourell: "Representative Currie, Amendment #1 to House Bill 2316."

Currie: "Thank you, Mr. Speaker, Members of the House. Amendment 1 to House Bill 2316 validates working cash funds in school districts in the State of Illinois. I urge its adoption."

Speaker Yourell: "Is there discussion? Representative Brummer."

Brummer: "Yes, Representative Currie speaks so rapidly and the mic wasn't turned up very high, I did not hear anything she said other than something about school. Could..."

Currie: "I will repeat. Thank you, Representative Brummer. The purpose of Amendment 1, it's validating language with respect to working cash funds in downstate school districts."

Speaker Yourell: "Representative Brummer."

Brummer: "Does this mean that it... that school districts have

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been levying for our working cash fund illegally?"

Currie: "I don't believe so, Representative Brummer. The problem is only that there... there may be a technical difficulty. There's been some..."

Brummer: "Well, why do we need to validate them if they haven't been invalid before?"

Currie: "Well, it was not my understanding that they had been decreed permanently invalid, but only that some questions had been raised, and the point is to say that those working cash funds that have been used in ways that school boards across the state deemed appropriate really are."

Brummer: "Could you... Could you be specific with regard to that? I mean, what were the uses being made that may have been invalid or technically incorrect that would be corrected by this quote 'validating' act."

Currie: "Apparently the question is... Working cash funds are created by school districts, most of them at the beginning of every school year. Apparently, some school districts, rather than stopping the one year working cash fund and creating a new one, merely add to the one that's already available, and the language in Amendment 1 merely validates what everyone thought was appropriate and common practice. We can also debate the merits on Third Reading. This is an Amendment, an effort to put the Bill in... in shape that's appropriate for discussion of the merits. This would be the... the only affect of... of House Bill 2316, if the Amendment..."

Brummer: "Well, it's not totally a radical or novel idea to debate the... the merits of an Amendment on Second Reading."

Speaker Yourell: "Is there further discussion? Hearing none, the question is... Representative Piel, for what..."

Piel: "I question the Parliamentarian, Mr. Speaker."

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Speaker Yourell: "State your point."

Piel: "I would like to know if the Amendment is in proper order, because I notice there is nothing underlined, and we're not talking about a new Act."

Speaker Yourell: "Representative Currie."

Currie: "I think that the..."

Piel: "No, it was the Parliamentarian I asked the question to."

Currie: "Well, maybe I could advise the Parliamentarian. My understanding is that validating language is, in effect, footnote language and does not require underlining when... and adopted by the..."

Speaker Yourell: "Well, let the... Let the Parliamentarian make that decision, Representative."

Currie: "Of course."

Piel: "Was that validating language? That's a new one."

Speaker Yourell: "The Parliamentarian has indicated that validating... the language does not require underlining. It's a footnote and does not require that type of..."

Piel: "Yes, would the Chair please explain to the chamber, please, through the Parliamentarian what validating language is, please, besides making it valid?"

Speaker Yourell: "That's good."

Piel: "Good for starters anyway."

Speaker Yourell: "It's... I've been advised that it's a new Section to the Act, and is not amendatory language but validating language. No?"

Piel: "No. No. No."

Speaker Yourell: "... will stand at ease. Representative Piel, the Parliamentarian has ruled that what you have before you is Section 2 to the Act and not amendatory language, but validating language and is in order. Representative Vinson."

Vinson: "Yes, I wonder if the Parliamentarian would rule as to

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whether the Amendment violates the single subject limitation of the Constitution in so far as it deals with the separate subject from the rest of the Bill, and I would particularly ask the Parliamentarian in looking at that question to bear in mind that we're dealing with a very important public topic that will be litigated and that bond council is always very nervous about the... the single subject limitation issue on this thing."

Speaker Yourell: "Parliamentarian has advised me that, in his opinion, this does not violate the single subject rule. Mr. Vinson. Is there further discussion? The question is, 'Shall Amendment #1 to House Bill 2316 be adopted?'. All those in favor will say 'aye', those opposed will say 'no'. All those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. This is on the Amendment, Amendment #1. Have all voted who wish? Have all voted who wish? On this question, there are 65 voting 'aye', 44 voting 'no', 1 voting 'present', and the Motion prevails. Amendment #1 to House Bill 2316 is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Yourell: "Third Reading. Appearing on the Order of Second Reading is House Bill 2319. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2319, a Bill for an Act making appropriations to the Capital Development Board. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Yourell: "Are there any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Yourell: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #3, Johnson - Vinson - Pierce, amends House..."

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Speaker Yourell: "Representative Johnson, Amendment #3."

Johnson: "I move to table Amendment #3 or withdraw Amendment #3."

Speaker Yourell: "The Gentleman has withdrawn Amendment #3. Are there further Amendments?"

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

Speaker Yourell: "Amendment #4, Representative Johnson."

Johnson: "Thank you, Mr. Speaker, Members of the House. I'd just appreciate the indulgence of the House just for a minute to read into the record something. Everybody can ignore me, cause I just want to get this on the record. There was some concern for the last week in our community about the use of funds to be used for a solid waste incinerator at the 'Abbott' Power Plant at the University of Illinois. There have been several meetings, including one on October 18th, several days ago, between Mr. 'Yoho' and Mr. 'Windell', Vice-Chancellor for Administrative Affairs for the University of Illinois, at which certain concerns of air pollution and recycling and so forth were... were discussed. I have a letter in my possession, or the substance of a letter, which has been dictated and sent by Mr. 'Windell', Vice-Chancellor of Administrative Affairs, basically saying in that letter that it's the intention of the University of Illinois pursuant to that meeting and several other discussions to...with respect to the combustion chamber, with respect to particulate removal, with respect to acid removal and with respect to pollution dispersion and certain other matters raised by environmentalists at that meeting, to address these concerns in a manner Mr. 'Yoho' and others have suggested. And specifically that... that specific actions are being taken pursuant to that letter of Mr. 'Windell' today. My constituents and others who had initial concerns with respect to the air pollution question are satisfied. Both

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sides have... have agreed on a particular course of action, and in light of that agreement and in light of the constructive attitude, not only of the opponents or potential opponents to this appropriation, but also by the people at the University of Illinois, we have agreed to withdraw, also, Amendment #4 and allow the appropriations matter... the appropriations Bill to proceed through the process un... unhindered. Appreciate your indulgence. We wanted to get that on the record, and joined by Representative Fierce and Vinson, we would move to withdraw Amendment #4."

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

Clerk O'Brien: "No further Amendments."

Speaker Yourell: "Third Reading. We're going to move now to page three, on the Order of Business House Bills Third Reading Short Debate Calendar House Bill 1613. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1613, a Bill for an Act to amend Sections of the Illinois Housing Development Act. Third Reading of the Bill."

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

Capparelli: "Okay. Mr. Speaker... ask leave to bring this Bill back from Third to Second Reading for the purpose of an Amendment."

Speaker Yourell: "The Gentleman asks leave to bring House Bill 1613 back to Second Reading for the purpose of Amendment. Does he have leave? Leave is granted. Read the Amendment, Mr. Clerk."

Clerk O'Brien: "Amendment #1, Capparelli."

Speaker Yourell: "Representative Capparelli."

Capparelli: "Mr. Speaker, Amendment #1 removes the August 1st

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deadline date for the municipalities to volunteer... to... their single family mortgage... the Revenue Bond Authority to the Illinois Housing Development Authority. Additionally, it adds technical language to make clear that mortgage bankers may participate in the program, and I would ask to adopt the Amendment #1."

Speaker Yourell: "Is there discussion? Hearing none, the question is, 'Shall Amendment #1 to Recuse Bill 1613 be adopted?'. All those in favor will say 'aye', those opposed will say 'no'. The 'ayes' have it. The Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Yourell: "Third Reading. Appearing on the Order of... on page three on the Order of Senate Bills Second Reading... Leave to keep the Bill on Third Reading... Short Debate - Third Reading, Short Debate. Leave. Alright. Appearing on page three, Senate Bills Second Reading, that Bill was moved previously today to Third Reading, House Bill... or Senate Bill 169. Representative Piel, for what reason do you arise?"

Piel: "Sorry for the interruption, Mr. Speaker, but I think what we'll have to do is waive the rules to put it to Third Reading because he changed the... the title of the Act, and so it would go back to First Day. So what we're going to have to do is go to the... Never mind that, because we..."

Speaker Yourell: "Is that a point of order?"

Piel: "No. Never mind."

Speaker Yourell: "You withdraw that point of order?"

Piel: "I'm not asking... I'm not asking for a request..."

Speaker Yourell: "Pardon me?"

Piel: "Never mind."

Speaker Yourell: "Representative Greiman. Representative



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Cullerton."

Cullerton: "Yes, Mr. Speaker, I would ask leave to handle the Bill for Representative Greiman and to bring it back to Second Reading for the purposes of an Amendment."

Speaker Yourell: "Is there leave? Hearing no objections, leave is granted. Proceed."

Cullerton: "Amendment..."

Speaker Yourell: "Are there floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, Greiman, amends Senate Bill 189 as amended on page two and so forth."

Speaker Yourell: "Representative Cullerton on Amendment #2 to Senate Bill 189."

Cullerton: "Yes, thank you, Mr. Speaker and Members of the House. Amendment #1 was adopted in Committee. It, inadvertently, eliminated the immediate effective date of the Bill. Amendment #2, simply, puts back the immediate effective date into the Bill. I move for the adoption of Amendment #2."

Speaker Yourell: "Is there discussion? Hearing none, the question is, 'Shall Amendment #2 to Senate Bill 189 be adopted?'. All those in favor will say 'aye', opposed 'no'. The 'ayes' have it. The Amendment's... The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Yourell: "Third Reading. On page two of your Calendar, on the Order of Second Reading appears House Bill 2311. The Chair recog... Read the Bill, Mr. Clerk. It was on Third Reading. It was moved earlier today, and the Sponsor has asked leave to move the Bill back to 2nd for the purpose of an Amendment. Does he have leave? No? Representative Bea. Winchester. Representative Winchester."

Clerk O'Brien: "Amendment #2, amends House Bill 2311 as amended

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by inserting before Section 2 the following: Section 1(b)  
and so forth."

Speaker Yourell: "Representative Rea. Representative Didrickson.  
Representative Rea."

Rea: "Mr. Speaker. Mr. Speaker, no, I did not request that that  
Bill go back to Second Reading."

Speaker Yourell: "Excuse me. Representative Winchester, for what  
reason do you arise?"

Winchester: "Well, there's some confusing... confusion here, Mr.  
Speaker. It was brought to my attention that there was  
agreement between both sides of the aisle that the  
Representative here could offer her Amendment to this Bill,  
and that it was agreed that it would go back to Second  
Reading. Representative Rea wasn't on the floor at the  
time. Perhaps, we should take it out of the record and  
confer with him."

Speaker Yourell: "Representative Rea. Are you in agreement with  
this?"

Rea: "Would you temporarily take it out of the record, please?"

Speaker Yourell: "Out of the record. Appearing on the Order of  
Second Reading is House Bill 1644. Read the Bill, Mr.  
Clerk."

Clerk O'Brien: "House Bill 1644, a Bill for an Act to amend  
Section 3-318 of the Nursing Home Care Reform Act of 1979.  
Second Reading of the Bill."

Speaker Yourell: "The Bill will be held on Second Reading and  
been read a second time. Appearing on the Order of Second  
Reading is House Bill 2319. Representative Barnes in the  
chamber? Barnes, do you want to call that Bill? Read the  
Bill, Mr. Clerk. That's on Third Reading. We withdrew the  
Amendments 3 and 4? Thank you. Appearing on the Order of  
Second Reading, House Bills Second Reading, on page two is  
House Bill 2311. Read the Bill, Mr. Clerk."

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Clerk O'Brien: "Was that House Bill 2311? This Bill has been read a second time previously, and the Bill moved to Third Reading."

Speaker Yourell: "Representative Rea."

Clerk O'Brien: "The Bill was brought back to Second Reading for an Amendment #2."

Speaker Yourell: "Representative Rea."

Rea: "I have no objection to Amendment 2."

Speaker Yourell: "Mr. Clerk, are there any floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, amends House Bill 2311 as amended by inserting after Section 2 the following."

Speaker Yourell: "Who's the Sponsor?"

Clerk O'Brien: "Representative Didrickson, Steczko and Barnes."

Speaker Yourell: "Representative Didrickson, Amendment #2."

Didrickson: "Yes, thank you. Thank you, Mr. Speaker. I would ask leave of the House to amend this Amendment on its face. There's a technical correction that needs to be made. Instead of Andrews, it should be Andrew High School."

Speaker Yourell: "The Lady have leave?"

Didrickson: "Thank you."

Speaker Yourell: "Leave is granted. Proceed, Representative."

Didrickson: "Amend... Amendment #2 to House Bill 2311 is a 25 thousand dollar appropriation to the Victor Andrew High School Marching Band, who will be representing the Midwest, not only the State of Illinois, but the Midwest in the Gimbles Thanksgiving Day Parade. They are one of six bands countrywide who will be there who were selected through competition. I would ask for your favorable support of this for the students in the band at this school. Thank you."

Speaker Yourell: "Lady moves the adoption of Amendment #2 to House Bill 2311. Is there discussion? Yes, Representative Cullerton."

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Cullerton: "Will the Lady yield for a question?"

Speaker Yourell: "She indicates she will."

Cullerton: "Is this appropriation in the Governor's budget?"

Didrickson: "We hope it will be."

Cullerton: "So the answer is 'no'?"

Didrickson: "This is the Department of ECCA's Tourism Fund."

Cullerton: "Oh, I see, and where is this high school located?"

Didrickson: "Orland Park."

Cullerton: "I see. Where's that?"

Speaker Yourell: "What... What Representative District?"

Didrickson: "Represented by myself in conjunction with Jane Barnes, formally by, I believe, Representative Terry Steczo."

Cullerton: "I see. Thank you."

Speaker Yourell: "Any further discussion? Hearing none, the question is, 'Shall Amendment #2 to House Bill 2311 be adopted?'. All those in favor say 'aye', those opposed 'no'. All those in favor say 'aye', those opposed 'no'. The 'ayes' have it. The Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Yourell: "Third Reading. Appearing on the Order of the Subject Matter of Criminal Law appears House Bill 22 on page nine. Representative Alexander. Total Veto Motion."

Alexander: "Thank you, Mr. Speaker, and to my colleagues here in the House, I know it's getting late, and I promise you I won't be long, but I move that this Bill do pass notwithstanding the Governor's veto. Before I proceed with what the veto Motion says, I'd like to inform many of you here, and I'm going to do it in the way I sometimes have to do it with my choir members. House Bill 22 does not diminish the funding of any program that is presently receiving funds under the Surcharge Funding Act."

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Especially included under these surcharge Acts is funding for the police training and drivers education. House Bill 22 does not diminish or take away any funds from these very vital programs. It does, however, create a Violent Crime Victims Assistance Act. This funding, too, would come from surcharges. This Bill, as it stands now, would put back for the people, your people in your district a very vital services which has been diminished and in many areas of the state no longer exists where persons who have been victims of a crime or witness to a violent crime would be able to get counseling, a hotline and services so vital needed when they suffer these traumatic experiences. It would help them to put their lives back together. There are and there is presently in this state many persons with expertise long experienced in these advocate programs. And when they did exist in many of your communities, I'm sure you found that their services were viable, not only to you with making references to other community based organizations, but were more than welcome by your constituencies when they became victims of crime or were witnesses to crime. I'd like to say further that this Bill does not affect in any shape, form or fashion legislation now under the Victims Compensation Act. They are two separate and distinct entities, and I deserve your support in the override this Bill. I'll answer questions if there are any."

Speaker Yourell: "Is there discussion? Gentleman... Friedrich. Representative Friedrich. Dwight Friedrich."

Friedrich: "Mr. Speaker, Members of the House, the Governor's pointed out in his veto message that there are already programs that are being funded out of the surcharge such as benefits for police training and driver education. The chiefs of police in this state have told us, and I'm sure all of you have got the message, that they think this is a

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serious challenge or will be... cause a lot of interference in getting the money... money that they've been getting for training of police which I think is equally important. Up to a point, this is also a duplication of the Crime Victims Compensation Act, so I think that this is one program that might jeopardize other existing programs. We've gone on the record around here, of course, it was for helping crime victims, and I have had cases in my district where we are. But I think that we already have enough surcharges, and we can't have this additional program without jeopardizing the programs that exist. I urge you to vote 'no'."

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

Cullerton: "Yes, would the... will the lady yield for a question?"

Speaker Yourell: "She indicates she will."

Cullerton: "Yes. Representative Alexander, the Bill contains in Section 10 language imposing upon the court obligations to impose a fine on people who are convicted. Now, for the purposes of legislative intent, I want to ask you a question. There's another Section of the statute, Chapter 38 paragraph 180-3, that deals with court cost, and there was a Supreme Court decision, People vs. the Estate of Scott, at 66 Illinois 2nd 522, where the Supreme Court upheld the constitutionality of that Section. And they ruled in that case that even though there wasn't, in the statute, provisions for a hearing to be held by the Court to determine whether or not someone is too poor to pay the amount that the Court felt that it was implicit that the trial court can hold a hearing to determine whether or not the person can afford to pay the fine or the cost. And I'm simply asking you, is that also your intention with this

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Bill to, even though it doesn't specifically say in the Bill that there can be a hearing, it's your intention to incorporate, in effect, by reference, this decision of People vs. Scott, that a court can hold a hearing and... to determine whether or not a person is indigent in determining whether or not this fine should be imposed?"

Alexander: "Representative Cullerton, that is this legislative intent, and I think you know, as I know, that you cannot get blood from a turnip. If the court does, indeed, impose the fine, and the defendant, after having been found guilty, indicates to the court they're inability to pay the fine, then the court usually takes into consideration that this person be declared a pauper and, of course, nobody would get any portions of a fine, including driver ed or the Illinois Law Enforcement Division. That is the intent."

Cullerton: "Thank you very much."

Speaker Yourell: "Representative Virginia Frederick."

Frederick: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the override of House Bill 22. Also, I believe this Bill treats another aspect of victim assistance. It is not victim compensation, but another aspect of victim assistance, which I think is much needed in Illinois. The counseling services, which are provided for in this Bill, will most certainly be helpful to the elderly and the children of Illinois who have been victims of crime, and I urge your support."

Speaker Yourell: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I simply don't understand the opposition to this legislation. I would like to point out that this is legislation that benefits victims of violent crimes, not just any crimes but violent crimes. These are people who

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have been injured. They have been mutilated. They have been hurt grievously. And if we cannot establish a system of victim assistance centers to, as Representative Frederick just explained, to provide the necessary counseling and support services to help these people regain an active useful life, then it seems to me the state has its priorities all wrong. This is not to be funded by general tax monies. It is to be funded by additional fines. It seems to me this House is very quick to increase prison penalties. I see no reason why we should not add additional fines for this very worthy purpose of aiding victims of violent crimes."

Speaker Yourell: "The Lady from Cook, Representative Barnes."

Barnes: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this Bill. This is a product of the Rape Study Committee that many of us have spent many, many hours working on. This is not the first time that we have endeavored to get this passed. I don't know how many of you are aware, but the Illinois Sheriffs Association of the State of Illinois is backing this Bill, and they say there is no way it will diminish the current funding for police training or drivers education. They are very, very... really worried that the victims which really need this services are no longer going to be able to get them because of a lack of funds, and I would urge an 'aye' vote on House Bill 22."

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

Ronan: "Thank you, Mr. Speaker and Members of the House. I... I, too, rise in support of this veto override Motion. I'm... I'm amazed that the Governor vetoed this Bill. It's... It's unbelievable to me. Here we've got an opportunity where we can help the victims of violence crime. The amount of money that it's going to cost the state is



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negligible when you compare it to the millions of dollars that we spend for prisons, for probation systems. We go out of our way to have an excellent system for the people who terrorize the citizens of this state. It's... It's amazing to me that the Governor would... would turn his back on people who are victimized, people who have to suffer the abuses of criminals, and then... and then deserve an opportunity for the state to do a little something to make their life easier. I think that Representative Alexander's got an excellent concept here, and I hope that everyone realizes that this is one opportunity to do something for your constituents and to put the burden where it belongs. So I urge everyone to work on the override of this veto."

Speaker Yourell: "Clerk has announcement to make."

Clerk O'Brien: "Supplemental Calendar #1 is being distributed."

Speaker Yourell: "The Lady from Cook, Representative Nelson."

Nelson: "Thank you very much, Mr. Speaker, ladies and gentlemen of the House. I disagree with the previous speaker for this reason. We already have in Illinois a Crime Victims Assistance Act, and it seems to me that if we are going to do something for the victims of violent crime, we would be better off figuring out a funding mechanism that would allow them to choose the help that they need. What we are doing here is what we so often do, once again creating a Bill and a funding mechanism to give money to providers of services. Certainly, I have no quarrel with the services being offered to victims of violent crime, but there is no good reason to give this kind of power to the Attorney General's Office or to a brand new Commission to decide where these grants are to go. As many of you know, for a number of years, I have argued against the creation of more and more Commissions in this state, and you will note that

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once again House Bill 22 creates another one with 12 members with expenses to be reimbursed and with employees to be hired. They will administer the fund, and I think that this is a mistake. If we are to do something for the victims of crime, better that we... find a funding mechanism and use what is already on the books, the Crime Victims Assistance Act, to direct these funds to the victims."

Speaker Yourell: "Representative Levin."

Levin: "I would urge a... that this Motion to override pass. I would point out in response to the last speaker that this is not a legislative Commission. It's purely advisory responsibilities in that respect. There is tremendous support from, not only the Illinois Sheriffs Association, the Fraternal Order of Police, the Illinois Nurses Association, the Illinois Coalition against Domestic Violence, Judges, the Police Department of the City of Evanston, really very strong across the board support to help the victims of violent crime. I would urge support of the override of the Governor's veto."

Speaker Yourell: "Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I just want to point out, contrary to what was stated by one of the previous speakers, that we, in Illinois, have a Crime Victims Compensation Act that is already doing something. When I'm not in Springfield legislating, I practice law for a living, and I had the misfortune of representing a client who's sixteen year old daughter was shot and killed on a school... on school grounds, on a school property. And after this woman had applied for compensation under the Crime Victims Compensation Act, after the deductions were made and they took off... they deducted funds for insurance payments and

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for other insurance that the person had, the magnanimous sum of 100 dollars was given to the family that... of this sixteen year old who was killed in school property. That's inadequate. The present program's inadequate. Anything that we can do to help the plight of victims of violent crime is well called for. I urge a vote in favor of this override Motion to put some teeth into assistance for victims of violent crime."

Speaker Yourell: "Representative Laurino."

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

Speaker Yourell: "The Gentleman has moved the previous question. All those in favor say 'aye', those opposed 'no'. The 'ayes' have it. The previous question has been moved. Representative Alexander to close."

Alexander: "Thank you, Mr. Speaker. I would still like to say again that the funding of the program in no ways jeopardize any programs that are presently out there being funded through surcharges. Second, that the Victims Compensation Act, indeed, does offer to the family or the victims of crime some monetary gains, but the victims... the Violent Criminal Victims Assistance Act that we're presenting to you today, would be offering to your constituencies assistance in obtaining help throughout their community resource programs. Elderly victims of crimes would be given special services and needs. Transportation would be provided and household assistance to those victims who would be participating and going backwards and forward to court. It also would help your constituencies to flow gently, easily through the courthouse, or the receptions, or guidance or being made familiar with the unfamiliar procedures that sometimes take place in the court system. It also provides for a hotline service. It costs the state no money, but it does give your constituencies a very vital

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service. I ask for your favorable Eccl Call."

Speaker Yourell: "The question is, 'Shall House Bill 22 pass, the veto of the Governor notwithstanding?'. This is final action. All those in favor signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Representative Mautino to explain his vote."

Mautino: "Thank you, Mr. Speaker. I'm not certain whether I have to at this point in time, but I think when we were talking about possible considerations for financial assistance, we sometimes miss the fact that we do put a lot of money in Corrections, as opposed to setting the priority to address the question of crime victims. And I've learned... been here long enough to learn to shut up at this point in time."

Speaker Yourell: "Representative Dwight Friedrich to explain his vote."

Friedrich: "Well, Mr. Speaker, I was just going to say there are a lot of switches being voted of people who are not here, and I hesitate to do this, but if... if they persist in doing this I want it verified. I want it verified."

Speaker Yourell: "Excuse me, Representative. Did you... Did you speak in debate, Sir?"

Friedrich: "I just want to tell you that I want a verify because there's a lot of switches being voted that people aren't here."

Speaker Yourell: "Okay. Representative Braun. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 101 voting 'aye', 6 voting 'no', 4 voting 'present', and the Motion prevails. Representative Friedrich."

Friedrich: "On advice of counsel, Stuffle here, I withdraw my request."

Speaker Yourell: "Withdraw your Motion. Fine. Appearing on the

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Order of Criminal Law is House Bill 412, Total Veto Motion, on page nine, Representative Berrios."

Berrios: "House... House Bill 412 was a Bill that we passed which added aggravated battery when committed with a firearm to the list that would go to... out of juvenile court into criminal court. The Bill, when it was passed, was a Bill put together by the police departments, and they were very happy when it passed both Houses. They were going to use the Bill in order to combat the gang crimes that come about in my area. And the reason that the Governor, in his logic, vetoed this entire Bill was because that he felt that it would compound overcrowding. Well, I've got one message for the Governor. The people in my district really don't care about the prisons being overcrowded. They want people who commit crimes in prisons, and this is the reason why I'm here - to help the people in my district and protect them. And I would hope that everyone in this Assembly that helped me with the Bill in the original stages would come around and help me pass this Bill and override the Governor's veto. And I move for the override."

Speaker Yourell: "Is there discussion? The Gentleman from Champaign, Representative Johnson."

Johnson: "Representative Berrios, how many in the most recent ascertainable year of figures for offenses in Illinois, how many... how many people would this add to the list... not... to the list of those prosecuted as an adult? How many new people would be mandated to be prosecuted as an adult?"

Berrios: "In Cook County, to the figures... I don't have them in front of me but I had them when we were going with the original Bill, but I think the amount was 217 was the figure given to me by the Chicago Police Department in Cook

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County."

Johnson: "217, and you don't have the figure for the rest of the state? Okay. Thanks."

Speaker Yourell: "Representative Bonan."

Bonan: "Thank you, Mr. Speaker. I rise in support of this... this Motion made by Representative Ferris. I was a hyphenated Cosponsor of the Bill. What this legislation is, is an attempt by the General Assembly... very ably carried by Representative Ferris, to do something about the serious gang problem that we're plagued with in the City of Chicago. It's obvious that someone who is performing this kind of a crime with a gun is not someone who's just out a school parade. It's a hardcore individual who's terrorizing the neighborhood's of the City of Chicago. The media constantly brings out the problem that we face. This is not going to create a huge prison population. The Governor vetoed it, in his message, said that this is going to add to prison overcrowding. That's an absurd concept. If this is going to add to prison overcrowding, we might as well eliminate the concept of murder and all the other crimes in this state if we can't afford to have prisons to... to put in people who are terrorizing society. This is a very useful tool to aid the judiciary and the police department in the City of Chicago to get the hardcore gang offender off the streets. That's very important for the constituents in my district. It's very important for the constituents in many of the districts in the City of Chicago. The Governor was wrong on this veto message, and I urge a... resounding 'aye' vote to send this Bill over to the Senate so that we can get a hard statute on the book that's going to do something about gang crime problems in the City of Chicago."

Speaker Yourell: "The Lady from Cook, Representative Pullen."

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Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, I support the Gentleman's Motion partially because of the nature of the Bill which is to get at not prosecuting just any minor, but prosecuting minors who are charged with aggravated battery involving the use of a firearm, which certainly are rather strong crimes and partially because of the Gentleman's comments about the Governor's apparent new philosophy that we should not get tough on crime if it means overcrowding the prisons. I found it rather incredible that he signed a Bill this year that would have... that would require a sponsor of legislation like this to file a prison population impact note. And this Bill is exactly the kind of Bill that we ought to be passing without regard to the impact on the prison population because we should be concerned with what is happening in the street. And this Bill is to help the innocent people who are being victimized, not only in the City of Chicago, but around the state by young hotshots totting guns, and I will be voting 'aye' on this override Motion."

Speaker Yourell: "Is there further discussion? Hearing none, the Gentleman from Cook, Representative Berrios, to close."

Berrios: "I would just ask for a favorable vote, and that we send all the good children and young adults in our... in the State of Illinois a message that we are here to protect them. Thank you."

Speaker Yourell: "The question is, 'Shall House Bill 412 pass, the veto of the Governor notwithstanding?'. This is final action. All those in favor signify by voting 'aye', those opposed voting... by voting 'no'. Representative Turner to explain his vote."

Turner: "Thank you, Mr. Speaker and Members of this Assembly. I, too, agree with Representative Berrios regarding the gun

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situation and the gang situation in the City, but I question this approach in terms of mandating that kids who use guns should automatically be sent to prison. I think there's another approach. If guns is an issue then let's pass gun control laws in this Assembly and not take it out on juveniles. If we're going to pass this type of legislation, why do we have the Juvenile Court Act? We may as well abolish it, and just... just have one court system. For that reason, I'm voting against it. I know that the gang situation is... is great in my neighborhood also, but gang members... young juveniles get guns because...through robbery or burglaries in various homes, and I think gun control laws is a much better approach than to automatically send kids who use a gun to prisons."

Speaker Yourell: "Representative Eraun to explain her vote."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I understand the laudable goal that Representative Berrios is trying to take care of with this override Motion, but the Governor, no doubt, had before him, information about what happened in New York with this same system. It was a failure there. It's likely to be a failure here, and I, for that reason, can't support... support his Motion."

Speaker Yourell: "Representative Brookins to explain his vote."

Brookins: "Thank you, Mr. Speaker. I must rise in opposition to some of my colleagues. I know that in the streets that the adults are passing the guns to the young folks because the young folks get off with a lesser penalty. I think that if you're... do the crime, you need to do the punishment, and I support this legislation."

Speaker Yourell: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this Motion, there are 83 voting 'yes', 14 voting 'no', 14 voting 'present',



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and the Motion to override prevails. Appearing on the Order of Subject Matter Criminal Law is House Bill 606 page 16, Representative Alexander."

Alexander: "Thank you, Mr. Speaker. I hope I can get the same vote. I move to accept the Governor's amendatory veto... veto on House Bill 606. I'm ready to answer any questions if there are any with regards to it."

Speaker Yourell: "Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Members of the House. I would like to speak in favor of this Motion. The Governor removed the term 'coercion' from the definition of force or threat of force. At the same time, though, he acknowledged that coercion is inherent in force or the threat of force, and thus, he did not want to create interpretation problems by specifically including the term. We do not intend to unduly restrict the application of the definition of force or threat of force. The inclusion of the term was simply intended to clarify that victims are coerced into unwanted sexual acts when the perpetrator uses behavior that is intimidating, or that instills fear in the victim or carries with it an implied threat. Some questions have been raised during the summer concerning the issue of the consent defense and how it would be used in this Bill. Under House Bill 606, the defendant may raise consent as a defense to any of the offenses requiring proof of force or threat of force. The defendant may raise the defense by cross-examining the complaining witness or any other witnesses or by taking the stand himself or herself or by offering any other evidence. Once the defendant has presented some evidence as to the defense of consent, the state sustains the burden of proving the defendant guilty beyond a reasonable doubt as to that issue as well as to other elements of the offense. It should be pointed out

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also that the term 'rape' has been retained in the noncriminal statutes but not in the criminal statutes. House Bill 606 is a comprehensive law requiring the review and the reclassification of penalties of eight sexual crimes. This Bill acknowledges that rape has had a narrow legal definition, only including sexual intercourse. Rape is really all types of sexual assault committed by both sexes against victims of both sexes and all ages. Finally, I would point out and clarify something that was raised by some legal professors with regard to a second or subsequent conviction for criminal sexual abuse is a Class 2 felony. This is not something that should be proved at trial, but rather is to be considered during a sentencing hearing. The... The enhanced penalty for criminal sexual abuse is to allege and to prove at the sentencing hearing. In general, I should also point out that the Governor limited the issue of marital rape. He... He limited marital rape to the most serious of the offense... offenses that we have included in this new classification. This is... I presume his intention was to limit the chance of someone bringing a frivolous claim against their spouse or to use it as a form of blackmail. It's an excellent Bill. More work was put into this Bill than any other Bill of the Session. The Governor, for the most part, has improved the Bill, and I would ask everyone to support it."

Speaker Yourell: "Representative Ropp."

Ropp: "Mr. Speaker, I just want to ask a question on a serious note to Representative Cullerton. In this particular Bill, is the word 'knowingly' involved in any way?"

Cullerton: "Oh, yes, this is a criminal law. The offenses range from Class X down to a Class A, and 'knowingly' is included in all of them, so that people don't go to jail for inadvertent behavior."

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Speaker Yourell: "Is there further discussion? Hearing none, the Lady from Cook, Representative Alexander, to close."

Alexander: "Thank you, Mr. Speaker. This House sent this Bill out of here last spring with a 110 to 4 votes, and with the Governor's wise amendatorial veto, the Bill now is in the shape that it should be in. I solicit your support."

Speaker Yourell: "The question is, 'Shall the House accept the Governor's specific recommendation for change with respect to House Bill 606 by the adoption of the Amendment?'. This is final action. All... All in favor vote 'aye', those opposed vote 'no'. Representative Barnes to explain her vote."

Barnes: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I would just like to point out to those of you that are against Commissions and Committees, this is another fine product of the Rape Study Committee and the work of many, many people."

Speaker Yourell: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 111 voting 'aye', none voting 'no', 1 voting 'present', and this Motion, having received the Constitutional... Representative Davis, for what reason do you rise?"

Davis: "I forgot... I was talking to my Leader, and I forgot to vote 'yes'. Can I vote 'yes' please?"

Speaker Yourell: "Davis 'aye'. This Motion, having received the Constitutional Majority, prevails, and the House accepts the Governor's specific recommendations for change regarding House Bill 606 by the adoption of the Amendment. On your desk... appears Supplemental Calendar #1, and on that Calendar is... appears House Bill 754. Let's back up and do the Motions first. The Clerk advises me we have to do those. Representative Huff for an announcement."

Huff: "Thank you, Mr. Speaker. I... I rise for the purpose of

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announcement, and I'd like to notify the Members of the School District Reorganization Committee that we'll be meeting behind the well immediately after the adjournment."

Speaker Yourell: "Immediately after adjournment. Okay. Appearing on the Order of Motions is House Bill 320, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, I would move to take House Bill 320 from the table. This Bill will serve as the vehicle for an agreed compromise on funding of adult education. It's been ran by both sides of the aisle, the Senate and the House and all the affected parties, and I would move to take House Bill 320 from the table."

Speaker Yourell: "Is there discussion? Representative Dunn."

John Dunn: "Mr. Speaker, to save time, I think all of these Bills on the Subject Matter of Motions have just come out of Rules, and I think it's all... it's agreed to move them all to Second Reading. I wonder if we can't do it all in one Motion to expedite the business of the House. Is there any objection to that?"

Speaker Yourell: "Objections have been heard. Objections have been heard, Representative Dunn. Representative Dunn now moves to consider... Representative Stuffle moves to consider the Bills that are on the Motion Calendar in one Roll Call. No. Okay. Alright. House Bill 320, Representative Stuffle."

Stuffle: "I renew my Motion to take the Bill from the table."

Speaker Yourell: "Representative Stuffle moves to take from the table House Bill 320. Is there discussion? Representative Giglio."

Giglio: "Question for the Parliamentarian. If he moves to take it from the table, where does it go?"

Speaker Yourell: "Conference Committee, I've been advised."

Giglio: "Conference Committee?"

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Speaker Yourell: "That is correct."

Giglio: "Thank you."

Speaker Yourell: "Representative Dunn. Representative Dunn, you're light's on. Do you want to talk? You've heard the Gentleman's Motion to move to take from the table House Bill 320. All those in favor will signify by voting 'aye', those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? On this question, there are 105, 6, 7... 107 voting 'aye', none voting 'no', 1 voting 'present', and the Gentleman's Motion prevails. Barnes 'aye'. Klemm 'aye'. Appearing on the Order of Motions is House Bill 695, Representative John Dunn."

John Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to suspend the appropriate rule to take House Bill 695 from the table and place it on the Calendar."

Speaker Yourell: "You've heard the Motion. Is there discussion? All those in favor will signify by voting 'aye', those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? On this Motion, there are 110 voting 'aye', none voting 'no', 4 voting 'present', and the Motion prevails. Appearing on the Order of Motions is House Bill 1978, Representative Capparelli."

Capparelli: "Mr. Speaker... Mr. Speaker, I move to take from the table House Bill 1978."

Speaker Yourell: "The Gentleman has moved to take from the table House Bill 1978. Is there discussion? Representative Pullen."

Pullen: "Would the Gentleman please mention what the Bill does?"

Speaker Yourell: "The Gentleman mention what the Bill does."

Capparelli: "I just got this Bill from Mr. Davis, so I have... Changes the title, 'an Act relating to transportation,

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provides that... the following change: repeals the Chicago Urban Transportation District repealer and effectively allows the continued operation of that district'."

Speaker Yourell: "You've heard the Gentleman's Motion. All those in favor will signify by voting 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 91 voting 'aye', 6 voting 'no', 13 voting 'present', and the Gentleman's Motion prevails. Appearing on the Order of Motions is House Bill 2072, Representative Nelson."

Nelson: "Thank you very much, Mr. Speaker, Members of the House. I move to take House Bill 2072 from the table. House Bill 2072 is a Bill that establishes a procedure for bus companies to follow regarding abandonment of downstate bus routes."

Speaker Yourell: "You've heard the Lady's Motion. Is there any discussion? Hearing none, all those in favor will signify by voting 'aye', those opposed voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 97 voting 'aye', none voting 'no', 10 voting 'present', and the Lady's Motion prevails. Appearing on the Supplemental Calendar is House Bill 2304, Representative Van Duynne."

Van Duynne: "Thank you, Mr. Speaker. As it appears on the... on the Supplemental Calendar, I move to discharge the Judiciary Committee and advance to the Order of Second Reading Second Day House Bill 2304. I hope you all know that that's the double celling Bill. The reason being, very simply, that right now for newly designated and new entities we are bound by law to provide 50 square foot per prisoner, and I would just like to obviate that."

Speaker Yourell: "You've heard the Gentleman's Motion. Is there

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any discussion? Representative Giglio."

Giglio: "Question, Mr. Speaker, of the Parliamentarian."

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

Giglio: "Parliamentarian. Is this the proper Order that we go from discharge to Second Reading Second Legislative Day?"

Speaker Yourell: "The Motion, Representative Giglio, is to go to the Order of Second Reading Second Legislative Day. That's the Motion that was made, and that's the Motion that appears on the Calendar."

Giglio: "But the normal... the normal procedure would be..."

Speaker Yourell: "To go to First Legislative Day."

Giglio: "First Legislative Day."

Speaker Yourell: "Is there further discussion? You've heard the Motion. All those in favor will signify by voting 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 104 voting 'yes', 2 voting 'no', none voting 'present', and the Motion prevails. Representative Van Duyne."

Van Duyne: "Thank you, Mr. Speaker. I filed a Motion with the... with the Clerk to hear the Bill immediately on Second Reading for purposes of Amendment #1 and Amendment #2."

Speaker Yourell: "I've been advised that the Bill will be read a second time and held on Second Reading, but the Amendments have not been printed and distributed, so the Bill will be read a second time and held there."

Van Duyne: "Then we can... We'll be in a position to pass it tomorrow?"

Speaker Yourell: "Yes."

Van Duyne: "Thank you."

Speaker Yourell: "Representative Van Duyne has asked leave to have the Bill read a second time. Mr. Clerk, read the Bill. Does he have leave? Leave. Read the Bill, Mr.

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Clerk."

Clerk O'Brien: "House Bill 2304..."

Speaker Yourell: "Appearing on the Calendar is Senate Bill 1118."

Clerk O'Brien: "Just a minute."

Speaker Yourell: "Didn't you read it?"

Clerk O'Brien: "House Bill 2304, a Bill for an Act to amend Sections of the Unified Code of Corrections. Second Reading of the Bill."

Speaker Yourell: "The Bill will remain on Second Reading. Appearing on the Supplemental Calendar is Senate Bill 1118, Representative Davis. Representative Davis, Senate Bill 1118."

Davis: "Well, thank you, Mr. Speaker. I now move to take from the table an... Senate Bill 1118 and a subsequent Motion to discharge the Transportation Committee and advance to the Order of Second Reading Second Day, and I would ask the Chair's indulgence to roll both Motions into one Roll Call."

Speaker Yourell: "You've heard the Gentleman's Motion. Is there discussion? Representative Pullen."

Pullen: "Would the Gentleman please give us some idea of what this Bill does?"

Speaker Yourell: "The Gentleman, tell us what it's about."

Davis: "This Bill does pretty much nothing right now. It is intended as the correctional... technical correctional Bill for... the trailer Bill for Senate Bill or for House Bill 1805 that now rests in the Senate. It is a corrective device for language and technical errors that were made in the drafting of that particular Bill, and it incorporates an expansion - or it doesn't now - but it will incorporate, by an Amendment, which we will talk about later, if the Motion succeeds... will incorporate changes that we agreed to in the summit conference yesterday."



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Speaker Yourell: "Hearing no further discussion, you've heard the Gentleman's Motion. All those in favor will signify by voting 'aye', those opposed will voted 'nay', and the voting is open. Have all voted who wish? Have all voted who wish? On this question, there are 82... 83 voting 'aye', 16 voting 'no', 6 voting 'present', and the Gentleman's Motion prevails. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1118, a Bill for an Act to amend Sections of the Regional Transportation Authority Act. Second Reading of the Bill."

Speaker Yourell: "The Bill has been read a second time. It will be taken out of the record and held on Second Reading at the request of the Sponsor. Appearing on the Supplemental Calendar is House Resolution 513, Representative DeJaegher. Representative DeJaegher."

DeJaegher: "... the importance of House Resolution 513, I ask that this Resolution be taken from the Speaker's Table and acted on immediately."

Speaker Yourell: "Would you tell us what it does, Sir? There's been a request for that."

DeJaegher: "Mr. Speaker, Members of the General Assembly, when this... when this particular Resolution was drafted, and I tried to secure signatures as Cosponsors for this particular Bill, I was quite surprised in hearing from Members of this particular Assembly who had friends or loved ones that had been afflicted with this terrible disease. Alzheimer's Disease is a disease that no one is completely knowledgeable of, no one really knows the cure. It's a disease that's afflicting from two to three million people yearly. It's a disease that we must consider... something must be done with it. I am not asking for a Commission to be established. And all I ask for... and I'll read this last paragraph to you, 'That we, Members of

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the General Assembly, respectfully request the Illinois Department of Public Health to undertake a study of current state of knowledge, care and treatment of Alzheimer's Disease in this state. To report, thereon, to the General Assembly at its earliest possible convenience, and to conclude in this report its recommendation for disseminating information about this disease to the public together with its suggestion for any legislative action it finds to be desirable in this matter. Hopefully, that all of you will give me an affirmative Roll Call on this particular Resolution. Thank you."

Speaker Yourell: "You've heard the Gentleman's Motion. Is there any discussion? Hearing none... Representative Vinson."

Vinson: "I... I think you ought to get House Resolution up on the board."

Speaker Yourell: "I didn't hear that, Sir."

Vinson: "I think you ought to get House Resolution up on the board."

Speaker Yourell: "I've been advised that Card is not working. This is the one that's working. You've heard the Gentleman's Motion. All those in favor will signify by voting 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 101 voting 'aye', none voting 'no', 2 voting 'present', and the Gentleman's Motion prevails. Representative DeJaegher."

DeJaegher: "Mr... Mr. Speaker, at this time, I'd like to have the adoption of this Resolution."

Speaker Yourell: "The Gentleman moves to adopt on Resolution... House Resolution 513. Is there discussion? Hearing none, the question is, 'Shall House Resolution 513 be adopted? All those in favor will signify by voting 'yes', those

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opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 102 voting 'aye', none voting 'no', 3 voting 'present', and the Resolution is adopted. Appearing on the Order... Supplemental #1 is House Bill 754, Representative Ewing."

Ewing: "Yes, Mr. Speaker. I have made a Motion here to reconsider the vote by which we adopted the amendatory veto on House Bill 754. At the time it was adopted, Representative Satterthwaite asked me a question. I answered her incorrectly. I would not have moved to accept the amendatory veto had I been correct, and I would like the chance to redo that, and with this Motion, that will give us that chance."

Speaker Yourell: "You've heard the Gentleman's Motion to reconsider the vote by which the Amendatory Veto was accepted on House Bill 754. Is there discussion? All those in favor will signify by voting 'aye', those opposed will vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 104 voting 'aye', none voting 'no', 1 voting 'present', and the Gentleman's Motion prevails. Appearing on the Regular Calendar on page 20 is House Bill 2310 under 'Motions'. Representative Ronan. Representative Cullerton? Ronan's there. Okay, Representative Ronan."

Ronan: "Thank you, Mr. Speaker. I move to discharge the Committee on Executive and place House Bill 2310 on the Order of Second Reading."

Speaker Yourell: "You've heard the Gentleman's Motion. Is there any discussion? Representative Vinson."

Vinson: "What Bill are we on?"

Speaker Yourell: "Wants to know what it does. House Bill 2310,

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page 20 of the Calendar, on the Order of Motions."

Vinson: "2310?"

Speaker Yourell: "Yes. Representative Satterthwaite."

Satterthwaite: "Mr. Speaker, I'm not sure that we completed action appropriately on 754. We've moved to reconsider the vote by which the amendatory veto had been accepted, and I believe we needed to take further action on that Bill. It's on the Calendar right here."

Speaker Yourell: "That will be on the Calendar tomorrow, Representative, on the override Motion."

Satterthwaite: "So, what is the posture now - that we have negated yesterday's actions?"

Speaker Yourell: "Yes. There will be a Motion to override 754 on tomorrow's Calendar, and we'll put it on the subject matter call on Education."

Satterthwaite: "But it is also on the Supplemental Calendar. Could we not just complete that action right now?"

Speaker Yourell: "Okay. We'll get back to that. We're on House Bill 2310. Representative Bowman."

Bowman: "I want to know what 2310 did. I'm still back on that one."

Speaker Yourell: "Representative Bonan?"

Bonan: "2310 is a piece of legislation dealing with the rental car industry and the collection of fines."

Speaker Yourell: "Are you satisfied, Sir? You've heard the Gentleman's Motion. Is there any discussion? Hearing none, the question is, 'Shall the Executive Committee be discharged and advance House Bill 2310 to the Order of Second Reading, Second Legislative Day? All those in favor vote 'aye', those opposed will vote 'nay'. The voting is open. Representative Karpel?"

Karpel: "Yes, as Spokesman of Executive, what is 2310, again?"

Speaker Yourell: "He just explained it, Representative."

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Karpiel: "I didn't hear it. I wasn't listening."

Speaker Yourell: "Representative Conan."

Conan: "Representative Karpiel, House Bill 2310 deals with the collection of fines from automobiles rented from rental car agencies."

Speaker Yourell: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 82 voting 'aye', 2 voting 'no', 26 voting 'present', and the Gentleman's Motion prevails. The Gentleman asks now to...leave to have the Bill read a second time and held there."

Clerk O'Brien: "House Bill 2310, a Bill for an Act to amend certain Acts in relation to leasing of motor vehicles. Second Reading of the Bill."

Speaker Yourell: "Appearing on the... The Bill was read a second time and will be held on Second Reading. Representative Ewing, House Bill 754. Motion to override."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, when the Governor made his amendatory veto on this Bill, he listed it as being purely technical and corrective. The truth of the matter is that by his changes, he required a different matter... means of appropriating, not only for the alternative school, which I had approved in this Bill, but also for the lab schools. The other changes... or the changes which he made in the Bill were not necessary, and because of the inconvenience and the controversy caused by his changes, I would now ask to override his veto."

Speaker Yourell: "You've heard the Gentleman's Motion. Is there discussion? Hearing none, the question is, 'Shall House Bill 754 pass, the veto of the Governor notwithstanding?'. This is final action. All those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. 'Aye'. Have all voted who wish? Have all voted who wish? Take

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the record, Mr. Clerk. On this question, there are 106 voting 'aye', 1 voting 'no', none voting 'present', and the Motion to override prevails. We've got one more Motion to consider, on page 20, House Bill 1031 to... under Motions to have this Bill considered tomorrow. House Bill 1031, Representative Taylor."

Taylor: "Thank you, Mr. Speaker. House Bill 1031, I would like leave to suspend the appropriate rule in order to have this Bill placed on Second Reading, Second Legislative Day. This Bill was heard in Committee, but because of lack of all the Membership being there, it did not get a proper hearing. Therefore, I ask leave to have House Bill 1031...  
"

Speaker Yourell: "You've heard the Gentleman's Motion. Is there discussion? Representative Karpel."

Karpel: "Well, thank you, Mr. Speaker. This is the Bill I thought the last one was when I got started. I object to this being heard today or taken from the table. It did get a hearing in Committee. Because the Bill did not pass out of Committee, I don't think that's a reason why we should take it from the table and put it on Second Reading, and I would urge for a 'no' vote on this Motion."

Speaker Yourell: "You've heard the Motion. Is there further discussion? All those in favor of the Motion will vote 'aye', those opposed will vote 'no'. The voting is open. Yourell, 'aye'. Representative Taylor?"

Taylor: "Mr. Speaker, the Bill would have passed out of Committee. I had the votes, but there were Members serving on two Committees, and they came to the third floor, and before they could get back to the first floor in order to vote for the Bill, the Bill had pass... had failed. And that is the reason. That's the only reason that I called for... I think the Bill would have passed, and I think that

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you should give me the chance to have this Bill heard."

Speaker Yourell: "Representative Curran?"

Curran: "Thank you, Mr. Speaker. I just want to vouch for what the Gentleman said. I was one of the three people who was asked to come out... leave that room. All of the three would have voted for his Bill to get out of Committee. It failed by one vote in Committee. It would have succeeded by two votes, had we not been asked to leave."

Speaker Yourell: "Representative Shaw to explain his vote."

Shaw: "No, Mr. Speaker, I would... I concur with Repre... with what Representative Curran had said. I also was on that Committee and was asked to come up here to this chamber to serve on another Committee, and they called the Bill while we were up here voting on another matter, and when we got back, the Bill had been called, and the Bill would have passed Committee if we had been there, had not been called out to vote up here in this Committee."

Speaker Yourell: "Further discussion? On this question, there are 57... 58 voting 'aye', 48 voting 'no', 4 voting 'present'... 59 voting 'aye'. Take the record, Mr. Clerk. On this question, there are 59 voting 'aye', 48 voting 'no', 4 voting 'present', and the Gentleman's Motion fails. Representative McPike, on the Adjournment Resolution. No? Death Resolution. Representative McEike. Representative Daniels on the Death Resolution of a former Member. Mr. Clerk, will you read the Resolution?"

Clerk Leone: "House Resolution 493. Whereas, we are deeply saddened by the sudden and untimely death of our esteemed and beloved former colleague, Jacob John Wolf, on October 9th; and whereas, all the Members of the House join former Representative Wolf's family, friends and colleagues in grieving his loss; and whereas, during his seven terms in the Illinois House, he earned a reputation for compassion,

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fairness and honesty. Whereas, that reputation followed him to the Illinois Department of Conservation when he became Deputy Director of the Department last year, an appointment that gave him an opportunity to continue serving the public while protecting and promoting the beauty of Illinois flora and fauna; and whereas, as a Republican from the City of Chicago, Representative Wolf brought honor both to his Party and to his city during the many years in the General Assembly; and whereas, his career in the Illinois House was marked by untiring service on numerous Committees and Commissions, culminating with the chairmanship of the House Appropriations Committee during the 82nd General Assembly; and whereas, among all the responsibilities he undertook, his first and foremost priority was always his constituents, regardless of their situation or political affiliation. Whereas, Jake Wolf's community involvement reached far beyond his duties as a Legislator and a state official, and his benevolence was felt by all those with whom he worked, including the Boy Scouts of America, the Illinois Wildlife Federation, Knights of Columbus, American Legion, Amvets, German-American Republican League of Illinois, Lincoln Heritage Foundation, Fish and Carp Unlimited; and whereas, before his election to the Illinois House, Deputy Director Wolf had already served his country in the U.S. Navy and U.S. Coast Guard Reserve. Whereas, his death leaves a great void in the hearts of his family and all those who knew him as a concerned, congenial and magnanimous man. Therefore, be it resolved by the House of Representatives of the 83rd General Assembly of the State of Illinois, that we mourn the loss of one of Illinois' finest statesmen, Jacob John Wolf, and be it further resolved that we extend our deepest sympathy to his family, and be it further



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resolved that we respect and remember Deputy Director Wolf's immense capacity for work, for volunteer activities, and for his constituents' needs, and his ability to meet all his commitments with dignity and sensitivity, and be it further resolved that suitable copies of this Resolution and Preamble be presented to former Representative Wolf's family, and be it further resolved that the House stand adjourned upon adoption of this Resolution, and finally, Jake, may heaven's streams be filled with trout, her lakes full of bass, her forests lined with deer. May your shotgun always be loaded, your bait box always full, and may your license never expire, your game never run out of season, and your limit never be reached."

Speaker Yourell: "The Chair recognizes the Minority Leader, Representative Daniels."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I think everyone here knew Jake Wolf and certainly knew of his reputation for integrity, hard work, companionship, and his love for nature and the outdoors. When you stand and talk about a man's life and you talk about his contributions, it never seems to be enough just to spend a few minutes memorializing him or remembering all the things that he contributed. But when you think about Jake, you think about the hard hours of work that he put in for all of us, for the people of Illinois, and also his love for his country, his service in World War II, his actions on behalf of us, and all of the things that he contributed to this House, to the friendship that we all like to experience. And what I would like to remember about Jake is the times that he talked about fishing and hunting and his new job as the Deputy Director in Conservation, and how he wanted to spend his time in that position. And I guess when we think about life after death, we know that Jake is

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in a finer place than what he's left, but we do know that Jake Wolf left a mark on this state and on this country. And truly, we have lost a friend. And truly, we have lost somebody that has contributed a great deal to this government. And for that, I want to remember Jake for all of his contributions, for his love of country, state and nature, and to remember those good times and the smile on his face when a job was well done. Thank you, Mr. Speaker, and I would ask that all Members join in this Resolution in his honor."

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

Matijevich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, if I know Jake, right now he is saying, 'You've all worked a long day'. The way he appreciated brevity, he'd say, 'Don't let me keep you here'. But, my long association with Jake Wolf in the appropriations process and in behalf of this side of the aisle, we all truly loved Jake Wolf, and he was a decent person, and all of our lives were not only touched but bettered because of Jake Wolf being here, and I sure appreciated him."

Speaker Yourell: "You've heard the Resolution. All... Representative Earnes, did you... Yes. Representative Earnes."

Barnes: "I know if Pete Peters were here, he would give a great tribute to Jake, because he's from Cook County, and so am I, and no one can ever speak like Pete Peters. There are many times when we on this side of the aisle are not pleased with the Governor's appointments, but I certainly thank him for putting Jake where he was the happiest. And Pete and I talked about it, and we said if he had to go at such an early age - and when you're my age, 53 is an early age - I'm glad that he was where he was the happiest."

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Goodbye, Jake."

Speaker Yourell: "The Gentleman from DuPage, the Minority Leader, has asked leave for all of the Members names to be added to the Resolution. Is leave granted? With the reading of the Resolution, this House will stand adjourned with the adoption of Resolution. All those in favor will signify by saying "aye", opposed "no". The Resolution is adopted and this House stands adjourned until 9:00 tomorrow morning."

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