

STATE OF ILLINOIS
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TRANSCRIPTION DEBATE

151st Legislative Day

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Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend Hubert Entwisle, Pastor of the South Pekin Congregational Church. Reverend Entwisle is a guest of Representative Tom Homer. Will the guests in the gallery please rise to join us in the invocation?"

Reverend Entwisle: "Our God and Heavenly Father, we reverently invoke Thy blessing upon this Assembly, those gathered here and those who will come later. We thank Thee, Lord, for these Members who have responded to the call of public service. Help them to realize this morning, that having accepted their positions, they become Thy servants for the powers that be are ordained of God. We thank You, Lord, for what has been accomplished in the fields of education, care for the poor and the needy, help in times of emergency and in many other ways. We pray Thy forgiveness for where we have failed and seek Thy encouragement to continue with Thy blessing. We ask You, Lord, to guide and assist in all laudable undertakings. We pray for the Governor. We pray for those in places of responsibility and authority at the national level for our President. And we beseech Thee, Lord, that with Thy inspiration, and with empathy and compassion and discretion each duty will be performed and that one day an award will be given - well done, good and faithful servants. We ask these, Thy blessings, in the name of our Lord, Jesus Christ. Amen."

Speaker Madigan: "We shall be led in the pledge of allegiance by Representative Ropp."

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

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Speaker Madigan: "Roll Call for Attendance. Mr. Carvalho, would you remove the voting key from the Domico switch, and is the Taylor switch removed? Thank you. Have all recorded themselves who wish to be recorded? The Clerk shall take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Giorgi, are there any excused absences?"

Giorgi: "No, Sir."

Speaker Madigan: "Mr. Piel, are there any excused absences?"

Piel: "None to report at this time, Mr. Speaker."

Speaker Madigan: "Thank you. Mr. Clerk, do you have any business? A Message from the Governor."

Clerk O'Brien: "'To the Honorable Members of the House of Representatives, 83rd General Assembly. Pursuant to Article IV, Section 90 of the Illinois Constitution of 1970, I hereby return House Bill 2597, entitled, 'An Act to amend Sections of the Illinois Housing Development Act as amended', with my specific recommendations for a change. With these specific changes, House Bill 2597 will have my approval. Sincerely, James R. Thompson, Governor.'"

Speaker Madigan: "A Message from the Senate."

Clerk O'Brien: "A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, and the adoption of which I am instructed to ask concurrence of the House of Representatives to wit; Senate Joint Resolution #143, adopted by the Senate December 11, 1984. Kenneth Wright, Secretary.'"

Speaker Madigan: "Very shortly there will be a meeting of the Rules Committee in the Speaker's Conference Room behind the podium. So if all Members of the Rules Committee would please make themselves available for that meeting. If you

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are in the chamber, please remain in the chamber. If you are in your office, please come to the chamber immediately because we are attempting to assemble a meeting of the Rules Committee very shortly. Mr. Bongioeno, there appears on the Calendar on page three on the Order of Amendatory Veto Motions, House Bill 2597, which is an Amendment to the Illinois Housing Development Authority Act. The Governor has recommended a change in the Bill, and we are prepared to consider that change now. Could you advise me if your side is prepared to move ahead with that change? Mr. Piel, for your understanding, there is need for the Senate to act on this also, so that the sooner we move this Bill from the House to the Senate..."

Piel: "I realize that, Mr. Speaker. If we could come back to this very shortly, please."

Speaker Madigan: "Thank you, Mr. Piel. Again, the Chair would ask all Members of the Rules Committee to make themselves available in the chamber as soon as possible. If you are in your office, please come to the chamber now, so that we can convene a meeting of the Rules Committee to consider the Bills which will be considered today. Ladies and Gentlemen, if I could have your attention, please. Let me announce the plan for today. We are attempting to assemble a meeting of the Rules Committee. That will be done very shortly. After that Committee meets and approves the Bills for consideration during today's Session, we will then stand at ease for several hours. The Governor has scheduled a meeting with the Leaders in his office at 11:00 a.m. to discuss, among other items, the report of the Compensation Review Board. In light of that meeting, our scheduled consideration of the report of the Compensation Review Board at 10:00 a.m. will be postponed until after the Governor's meeting. Thereafter, the plan is to come

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back into Session sometime in the afternoon. We should think in terms of 1:00 as a target to come back into Session although you know from prior experience on any final day that it may be later than 1:00 a.m. So let's think in terms of 1:00 a.m. as a target. I've had a couple of bad days. The day is starting to seem like the night and the night like the day. So when we come back into Session in the afternoon, we will have the report of the Compensation Review Board. We will have certain Bills that the Senate is sending to the House. We will have certain matters in Conference Committee. Some of those will be appropriation. Some of those will be nonappropriation. We are now planning and attempting to leave today and to go home tonight. Representative Daniels and I have discussed this and it is our plan to try and leave today. I believe that we share that with the Senate. Are there any questions? And the Clerk reminds me that we had scheduled the retirement ceremony for Justice Underwood of the Supreme Court at 12:00 noon. So, Mr. Daniels, shall we plan to return at 12:00 noon for the retirement ceremony? And that should... Well, to reschedule the one, we have to notify the Senate. There were several dignitaries invited to attend the ceremony today. Let's plan to be here at 12:00 noon for the retirement ceremony for Justice Underwood and then, hopefully, we'll be able to go right into the other business. I would like to also announce just for your information and for the information of the press, several of you when you return, notice that there is new carpeting on certain sections of the floor. And I think you'd be happy to know that that carpeting was leftover material from the 1974 renovation, so that when the chamber was renovated in 1974, this was extra that was kept in storage until now and was laid on the floor during

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your absence. So we can very proudly say that that did not cost us anything extra. Speaker Blair provided that for us. So, we still live in the presence of Speaker Blair. We're now prepared to receive a Motion to suspend the posting requirements to permit the Rules Committee to meet in the Speaker's Conference Room behind the chamber. The Chair shall recognize Mr. Matijevich for the purpose of a Motion."

Matijevich: "Mr. Speaker, I'd ask leave of the House and use of the Attendance Roll Call for that purpose, suspending the rule whereby the Rules Committee can meet while this House is in Session and suspending the posting notice for the following Bills: House Bill 589, House Bill 952, Senate Bill 1067, Senate Bill 1959, Senate Bill 1958, Senate Bill 1586, Senate Bill 1113, and House Bill 557, so that those Bills can be heard immediately in the Rules Committee in the Speaker's Conference Room. And I ask leave for that purpose."

Speaker Madigan: "You've all heard the Motion. Is there leave that the posting requirements be suspended to permit the Rules Committee to hear those Bills immediately in the Speaker's Conference Room behind the chamber? There being no objection, leave is granted. And the Members of the Rules Committee will please assemble immediately in the Speaker's Conference Room to consider the Bills which were just enumerated by Representative Matijevich in his Motion. The House shall consider a message from the Senate. Mr. Clerk."

Clerk O'Brien: "A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has concurred with the House in passage of Bills of the following titles, to wit; together with Amendments: House Bills 336, 557, 589, 952,

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2312, 2451, and 2762, passed the Senate as amended December 11, 1984 by a three-fifths vote. Kenneth Wright, Secretary."

Speaker Madigan: "Mr. Piel, are you now prepared to consider House Bill 2597? Alright. Ladies and Gentlemen, on page three of the Calendar on the the Order of Amendatory Veto Motions, there appears House Bill 2597. Mr. Giorgi, would you get the file on this particular Bill? The Governor has offered an Amendment to this Bill, and we would like to move to a consideration of the Governor's Amendment at this time. Yes, Mr. Giorgi. Mr. Giorgi."

Giorgi: "Mr. Speaker, the proposed changes of... to Section 22 of the Act, removes single family mortgage bonds and certain other revenue bonds issued by the Authority from the current debt limit of 1.7 billion. This Section should be removed from the Bill. Single family mortgage bonds issued by the Authority currently contain a statutory moral obligation pledge of the state. It is therefore prudent fiscal management of the state to impose an overall limit on the total amount of the bonds that can be issued. The appropriate level of the debt limit should be addressed in the Spring 1985 Session of the General Assembly. Therefore, I hereby specifically recommend and to conform with his remarks. So I move for the adoption of the Governor's amendatory veto."

Speaker Madigan: "Mr. Vinson."

Vinson: "I rise in support of the Gentleman's Motion. I think it's appropriate and would urge an 'aye' vote on it."

Speaker Madigan: "The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 2597 by the adoption of the Amendment?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. The Clerk shall take the record. This

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shall require 71 votes. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are... On this Motion... The Motion, having received the Constitutional Majority by a vote of 103 'aye', no one voting 'no', the House accepts the Governor's specific recommendations for change regarding House Bill 2597 by the adoption of the Amendments. On the Order of Amendatory Veto Motions on page three of the Calendar, there appears Senate Bill 1664. The Chair recognizes Representative Oblinger."

Oblinger: "Mr. Speaker, Members of the House, Senate Bill 1664 is the roofing licensing Bill. The Governor suggested two changes which we were willing to accept. One of them, that it does not have the requirements for education and prior experience which had no relationship to the business underhand. And the second part was to exempt from the Bill greenhouses and farm buildings which were never intended to be in it in the first place. Another suggestion had been made to the Governor which he did not act upon and we hope can be incorporated into the Bill during the next Session. I move that we accept the Governor's amendatory veto."

Speaker Madigan: "Representative, let me take this matter from the record just for a few seconds to recognize Mr. Giorgi for a Motion. Mr. Giorgi."

Giorgi: "Mr. Speaker, I move that the appropriate rule be waived so that the Rules Committee that is meeting now could also consider House Bill 336."

Speaker Madigan: "You've all heard the Motion. The Gentleman requests leave. Is there any objection? There being no objection, leave is granted for the Rules Committee to hear that Bill at this particular time. Now we shall return to the Order of Amendatory Veto Motions, Senate Bill 1664. Representative Oblinger has moved to accept the Amendment

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of the Governor. And on that question, the Chair recognizes Mr. Brookins."

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

Speaker Madigan: "The Sponsor indicates that she will yield. Representative Oblinger."

Brookins: "Representative, we had an agreement concerning that Bill. What is the position of that agreement?"

Oblinger: "The request from Mr. Brookins was that a training or apprenticeship program be included in the Bill. I made this recommendation to the Governor. He did not accept it. However, I talked to R and E, and their reasoning was that they have no training programs in there, that we should hold that part of the Bill until next year, come back with an Amendment putting it in DCCA which is the only place that has training programs. This is what they've indicated to me would be the proper way to proceed."

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

Speaker Madigan: "Mr. Brookins."

Brookins: "I feel that this will be a detriment to my community, my constituency and in light of that, I think that the whole Bill should come back next year at that time. So with that, I move that we do not accept the amendatory veto."

Speaker Madigan: "Does anyone else wish to speak to the Motion? There... Representative Curran."

Curran: "Thank you, Mr. Speaker. I suggest that we accept the Lady's Motion. I know she's made a good faith effort. I know that the labor people who I've talked to and the roofing people who I've talked are behind this Bill. I know that Representative Oblinger has made a good faith effort to work out any differences, and I recommend an 'aye' vote."

Speaker Madigan: "Representative Giorgi."

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Giorgi: "Mr. Speaker, I have a question of the Sponsor. Representative Oblinger, do you still have to be a licensed roofer to own a roofing company?"

Oblinger: "No. That board was taken out of there. The board was the one that was going to determine that and that was removed."

Giorgi: "Thank you."

Speaker Madigan: "Is there anyone else who wishes to speak to the Motion? There being no one else, the Chair recognizes Representative Oblinger to close."

Oblinger: "I think this is a good step forward in helping people who've been taken by scams in the building industry. And as I assured Mr. Brookins, we will work on the other part during the next Session. And I would appreciate your 'aye' vote on the amendatory veto."

Speaker Madigan: "The Lady has moved that the House accept the Governor's Amendment to Senate Bill 1664. The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to Senate Bill 1664, by the adoption of the Amendment?' All those in favor shall signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The... Have all voted who wish? We are on a final action Roll Call. This is final action. Have all voted who wish? The Clerk shall take the record. On this question there are 89 'ayes', and 4 'nos'. This Motion, having received the Constitutional Majority, prevails, and the House accepts the Governor's specific recommendations for change regarding Senate Bill 1664 by adoption of the Amendments. Is there any other business to come before the House at this time? We are now prepared to stand at ease until 12:00 noon for the purpose of the retirement ceremony for Justice Underwood. If there

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is no other business to come before the House, the House shall stand at ease until 12:00 noon. Thank you."

Clerk O'Brien: "Joe Hanley come to the House floor. Joe Hanley."

Speaker McPike: "The House will come to order."

Clerk O'Brien: "The Committee on Rules has met, and pursuant to Rule 29(c)-3, the following Bills have been ruled exempt on December 12, 1984; House Bills 557, 589, 952 and 336; Senate Bills 1067, 1113, 1586, 1958 and 1959, John Matijevich, Chairman."

Speaker McPike: "Page three of the Calendar, Amendatory Vetoes. House Bill 2597, Representative Capparelli. Read the Bill, Mr. Clerk. Agreed Resolutions."

Clerk O'Brien: "House Resolution 1322, Ralph Dunn; 1323, Johnson; 1324, Krska; 1325, Krska; 1326, Krska; 1327, Krska; 1328, Krska; and 1329, Jaffe - Greiman and Pierce."

Speaker McPike: "Representative Giorgi."

Giorgi: "Mr. Speaker, House Resolution 1322, by Dunn, tells of Virgie Leach becoming an outstanding... was awarded the Outstanding Citizen Award; 1323, by Johnson, says that Charles Flynn is going to retire; 1324, by Krska, celebrates a wedding anniversary; 1325, by Krska, notes a 30th year as a pastor of a church; 1326, by Krska, heralds a testimonial dinner; 1327, by Krska, proclaims a fiftieth wedding anniversary; 1328, by Krska, ...of Jubilee; and 1329, by Jaffe, talks about a retirement. I move for the adoption of the Agreed Resolutions."

Speaker McPike: "Representative Giorgi moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Death Resolutions."

Clerk O'Brien: "House Resolution 1320, offered by Representative Shaw, with respect to the memory of Kenneth Mack Morton; and House Resolution 1321, offered by Representative Shaw,

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with respect to the memory of Willie Lee Dunbar."

Speaker McPike: "Representative Giorgi moves the adoption of the Death Resolutions. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Death Resolutions are adopted. Ladies and Gentlemen of the chamber, on the Republican side of the aisle, at the front of the chamber, are some visitors today. They are residents of the Apostolic Christian Home for the Handicapped from Morton, Illinois. They are visiting the Capitol today, and we would like to welcome you. Mr. Doorkeeper."

Doorkeeper: "Mr. Speaker, the Honorable President Rock and Members of the Senate are at the door and seek admission to the chamber."

Speaker McPike: "Mr. Doorkeeper, please admit the Honorable Senators. The hour of 12:00 noon designated and House Joint Resolution 196 having arrived, the Joint Session of the 83rd General Assembly will now come to order. Will the Members of the House and our esteemed guests from the Senate please take their seats? Mr. Clerk, is a quorum present?"

Clerk O'Brien: "A quorum of the House is present."

Speaker McPike: "Mr. President Rock, is a quorum of the Senate present?"

President Rock: "Thank you, Mr. Speaker. A quorum of the Senate is present."

Speaker McPike: "There being a quorum of the House and a quorum of the Senate in attendance, this Joint Session is convened. Mr. Clerk, read Joint Session Resolution #5."

Clerk O'Brien: "Joint Session Resolution #5, resolved that a Committee of ten be appointed, five from the House by the Speaker of the House and five from the Senate by the Committee on Committees of the Senate to await upon the

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Honorable Justice Robert C. Underwood."

Speaker McPike: "Representative Greiman moves for the adoption of Joint Session Resolution #5. All those in favor signify by saying 'aye', opposed 'no'. And the 'ayes' have it. The Resolution is adopted. Pursuant to the Resolution, the following Members are appointed as a Committee to escort the Honorable Justice. The House Members are Representatives Aaron Jaffe, Representative Daniel Pierce, Representative Ethel Alexander, Representative Clarence Neff and Representative Gordon Ropp."

President Rock: "Senate's Senate appointments to the Escort Committee are Senators Robert Egan, George Sangmeister, Leroy Lemke, John Maitland, and John Davidson."

Speaker McPike: "The Chair would like to announce... acknowledge the presence of various constitution office holders and would ask that they come forward at this time. Attorney General, Neil Hartigan; Treasurer, Jim Donnewald; Comptroller, Roland Burris; and Members of the Supreme Court; Chief Justice Ryan, Justice Clark, Justice Simon, Justice Ward, Justice Moran, Justice Miller and Justice Goldenhersh. Would they please come forward? Would the Committee of Escort convene at the rostrum and then retire to the rear of the chamber and await the Honorable Justice Underwood? The Chair would like to introduce the family of Justice Underwood, his wife, Mrs. Dorothy Underwood, his daughter, Susan Barcalow, and son in-law, John Barcalow. Would like to acknowledge also, that Lieutenant Governor George Ryan has joined us. Would the Committee of Escort retire to the rear of the chamber to escort the Governor? Doorkeeper. Mr. Doorkeeper."

Doorkeeper: "Mr. Speaker, the Honorable Governor of the State of Illinois, James Thompson, and his party, wish to be admitted to this chamber."

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Speaker McPike: "Please admit the Honorable Governor. Governor Jim Thompson."

President Rock: "The Joint Session will come to order. Mr. Secretary, Senate Joint Resolution 136. Read the Resolution, please. Will the Members please be seated?"

Secretary Wright: "Senate Joint Resolution 136. Whereas, the Members of this General Assembly are pleased and delighted to recognize and honor those outstanding citizens who have made significant contributions to their communities and to this state; and whereas, the General Assembly learns of the retirement of Supreme Court Justice, Robert C. Underwood, of Normal, Illinois, in December 1984; and whereas, upon receiving the Juris Doctorate in 1939 from the University of Illinois College of Law, Justice Underwood began his illustrious career in law in private practice, later becoming Normal City Attorney and McLean County Assistant State's Attorney; and whereas, elected to the McLean County Court in 1946, Justice Underwood was elected to the Supreme Court from the 4th Judicial District in 1962 and has served that body with honor and distinction during these 22 years; and whereas, devoted his life to this state's legal system, Justice Underwood has ably served on a myriad of local, state and national professional organizations and has been the recipient of numerous awards from distinguished professional accomplishments, including the Award of Merit from the Illinois State Bar Association in 1976 and honorary doctoral degrees from Loyola University, Illinois Wesleyan University, and Eureka College; and whereas, a longtime resident of Normal, Justice Underwood is a widely respected and exemplary citizen of his community, where he has through the years been active in educational, fraternal, and professional organizations, including the Bloomington Consistory, Kiwanis International, Rotary

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International, and the First Methodist Church of Normal, where he selflessly served for a number of years as lay leader and official board member; and whereas, Justice Underwood has long been supported in his work by his lovely wife Dorothy, their daughter, Susan Barcalow, and their two grandchildren, all of whom he is justifiably proud; therefore, be it resolved, by the Senate of the 83rd General Assembly of the State of Illinois, the House of Representatives concurring herein, that we commend Supreme Court Justice Robert C. Underwood on his many years of distinguished service to the law profession and the legal system in his community and in this state, and that we congratulate him on his well-deserved retirement; and be it further resolved, that a suitable copy of this Preamble and Resolution be presented to Justice Robert C. Underwood as a formal token of our esteem and our best wishes for an enjoyable and a long-lived retirement. The Resolution was adopted by the Senate on November 29, 1984 and was concurred in by the House on December 11, 1984."

Speaker McPike: "The Chair would recognize Chief Justice Ryan from the podium."

Chief Justice Ryan: "Senator Rock, Members of the House and Senate, Governor Thompson, Lieutenant Governor Ryan, Attorney General Hartigan, Comptroller Burriss, Treasurer Donnewald, my colleagues in the Court and of course, our honored guests, Dorothy and Susan, the Members of the Supreme Court, are extremely pleased to have been invited by the House and the Senate to participate in this occasion honoring a former colleague of ours, Justice... former Justice Robert Underwood. And I am delighted to have the opportunity to address this joint meeting of the House and the Senate. Before addressing the subject of this occasion, however, I would like to take this opportunity to

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introduce the newest member of the Supreme Court who has been elected to replace our retired colleague, Justice Underwood. Justice Ben Miller, would you stand, please? As some of you may have heard, my term as Chief Justice ends on December the 31st of this year. At this time, I would like to introduce the individual who will succeed me as Chief Justice, Chief Justice elect, William G. Clark. Bill? Justice Clark has the unique and very unusual qualification of having served on all three branches, in all three branches of our State Government. He served as a Member of the House and a Member of the Senate, in fact, he was Majority Leader of the Senate at one time. He served eight years as Attorney General of Illinois. He was elected to the Supreme Court of this state in 1976. With that background, I am looking forward to a very productive and progressive term under his leadership as Chief Justice. In 1962, the people of Illinois adopted an Amendment to the Constitution of 1864, thereby replacing the old Judicial Article with a completely new Judicial Article. And Illinois, at that time, did what very few other states have been able to do. We've completely divested ourselves of all of the appendages of the eighteenth and nineteenth century court system under which we were operating with its many, many courts with varied jurisdiction with no supervision and no administrative authority over any of them. They all acted independently. That was replaced with a simple three tier judicial system composed of a Trial Court, an Appellate Court, and the Supreme Court. And the Supreme Court was given supervisory and administrative authority over all the Courts. So for the first time, we had a completely unified court system in this state. The Supreme Court was also given broad rulemaking powers, and by the use of the rulemaking powers

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and the supervisory and administrative authority, the Supreme Court has been able to make substantial improvements in the administration of justice in this state through the adoption of rules, through the issuance of supervisory orders, through our opinions and certainly through the administrative supervision exercised through our Court Administrator's Office over each of the 21 circuits in the state. As I indicated, through the use of this broad power given to the Court, we were able to make substantial improvements. However, there are areas where the Court cannot do it all by itself, and we must then come to the General Assembly seeking and requesting their support and cooperation. Our Constitution also gave to the Supreme Court the authority to make recommendations to the General Assembly concerning the improvement or improvements in the administration of justice. Now this has come to be known as the Chief Justice's annual letter to the General Assembly, but it is in fact, not the letter of the Chief Justice that goes out over his signature, but it is, as the Constitution requires it to be, the recommendations of the Supreme Court to the General Assembly concerning legislative enactments that the Supreme Court perceives as being needed. And in our position as supervisor and administrator of the entire court system from time to time, these needs become apparent to us. And this letter to the General Assembly is the means whereby we can channel this information and these needs onto you. And frankly, some of the needs have been created and are created by opinions and decisions rendered by our Court. You know, there was a period of time when I often wondered what happened to that letter of the General Assembly to the General Assembly after it got over to this side of the street, because for the first few years of the operation of our new court

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system, it didn't provoke very enthusiastic responses. I'm happy to say that in the last eight or 10 years, our letter has been given serious consideration. And although all of our recommendations are not enacted into law and of course, that is your prerogative, I know that the recommendations that we do make are being considered by these two Bodies represented here today. At this time, I would like to express my personal appreciation to the Members of the Judiciary Committees of the House and the Senate and to the Judicial Advisory Council for the cooperation that they have extended to me over the past three years. This is the way that we must improve the law of this state, must improve the administration of justice and improve the judiciary, is through the cooperation of the legislative bodies and the judicial bodies, and I trust that our future relationships will continue to be as they have in the past. Now, this... these statements have not been by way of digression from the subject of this occasion, they have been by way of prologue because Justice Underwood has been a member of the court system for so many years, and he has been a member of the Supreme Court for 22 years, but he is a living part of all of these things that I have just discussed, and he certainly has been a guiding influence in the direction that these matters were to take while he was on the Court. As was stated in the Resolution that was adopted, he has served the judicial system of Illinois for 38 years. He was first elected County Judge in McLean County in 1946. He retired from the Supreme Court of Illinois on December 3, 1984. Sixteen years were spent as County Judge in McLean County. And during that time, he did not focus his attention and his ability solely on the judicial functions of the County Judge in that County. He broadened his scope, and he was extremely active,

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statewide, in the Illinois County and Probate Judges Association in which he held every office and served one term as its president. Also, he served on the Illinois Commission on Children, at one time was vice-chairman of that organization, and he was extremely interested in juvenile matters and worked actively for the improvement of juvenile facilities throughout the state. He was elected to the Supreme Court of Illinois in 1962 to fill a vacancy created by the death of George Bristow, and he has served on our Court with distinction since that time. In 1969, September of 1969, Justice Underwood was named by his colleagues as the Chief Justice, and he served in that capacity until January 1, 1976, over six years, which is the longest term that any Chief Justice has served under the 1870 or the 1970 Constitution and possibly in the history of the State of Illinois. It has been a service of distinction. And during his term as Chief Justice, there were many, many important matters that came before the Court and indeed, he served as Chief Justice during a trying period of the Court. He served as a Chief Justice during the implementation period of the new Constitution, during the time that we were in transition from the 1870 Constitution until the... to the 1970 Constitution. During that period of time, many problems confronted the Court that have never confronted the Court before. There were never... many new concepts in the new Constitution that had to be dealt with. In addition to seeing us through a safe and sound transition period, another very important function or aspect of his tenure as Chief Justice involved the Code of Judicial Conduct. The Cribbett Committee was created. A Commission was created under his guidance and this Commission drafted and recommended our Supreme Court Rules 61 through 71, which came to be our Code of Judicial

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Conduct and was described as the most far reaching and stringent Code of Judicial Conduct in the country. It also has served as a model after which the American Bar Association Code of Judicial Conduct was patterned. During his tenure as Chief Justice, the Attorney Registration and Disciplinary Commission was created for the registering and disciplining of attorneys in Illinois, and this took the place of the old cumbersome method of using the Chicago Bar Association and the Illinois State Bar Association as Commissioners of the Court. He was also the first Judge to... the first Chief Justice to make extensive use of the letter to the General Assembly to communicate to the Legislative Body, the needs of the judicial system and the law as the Court perceived it. And, of course, I have discussed that letter to the General Assembly earlier. In 1976, the Illinois State Bar Association awarded him its award of merit. His role of leadership did not terminate with the end of his office as Chief Justice. His many years of experience in the Supreme Court and in the Court system in general gave him a broad overview of the whole judicial system and the knowledge of it that was valuable to the other members to the Court, and subsequent Chief Justices have conferred with him frequently with regard to advice in these particular areas. And in the Conference Room when a particularly knotty problem confronts the members of the Court or the Court seems to be hopelessly divided on a particular issue, it was usually Justice Underwood who was able to come with a suggestion that was acceptable to at least the majority of the Court. He has been described as a steadying influence. He has been described as straightforward and honest. I have often likened him to a flywheel on a gasoline engine that keeps the Court from flying into excessive postures that may be

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embarrassing to the Court. It's been my pleasure, my distinct pleasure to have had the privilege of serving with him for 14 years on the Supreme Court. It has been certainly an intellectual experience. It has been a gratifying experience. And I say that even though that those traces of steadfastness and so forth have often been displayed against me in the conference room, I can nonetheless appreciate his character. Each of us who has an opportunity to serve in public office, has an opportunity to make our particular imprint upon society. You might call it making footsteps in the sands of time. And because of his long service on the Court, Justice Underwood... in the judicial system, Justice Underwood has made many footprints in the sand of time, and these footprints have been firm and they've been clear, and they have been deep because he has oftentimes carried the weight of the problems of the judiciary as he was making those footsteps, but those footsteps lead in a straight path, because it has been a straight path in which he has led us in the performance of our duties as Judges. We on the Supreme Court are certainly going to miss his counsel. The people of the State of Illinois will miss his dedicated effort. We have benefited from his experience and certainly the judicial system in Illinois is better today because of his service, and we will continue to benefit from his dedicated service in time to come. Thank you very much."

Speaker McPike: "The Chair recognizes Senator Maitland."

Senator Maitland: "Thank you very much, Mr. Speaker, distinguished guests. Judge Underwood, as the Senator from your district, I'm proud to welcome you here today. McLean County is indeed extremely proud of you. We recognize your contribution to the entire state. For 38 years, you've

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served the bench with distinction. Dorothy and Susan and John, he has given much of his time and taken away that time from his family. We know that, and we appreciate that. Now, upon the Judge's retirement, you have him back to enjoy now for, God help us, a long time and we're thankful for that. Judge Underwood, you represent all that's good about a public servant. You are a role model for all of us, all of us in this chamber today. Thank you, Judge, for your outstanding service. God bless and enjoy your retirement."

Speaker McPike: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker, Mr. President, Members of the Senate and the House, Governor and elected officials, and Judges of the Supreme Court. Judge Underwood, you have been a man that all of my life I have looked up to. I am saddened by the fact that we'll not be able to say that we have at least one normal Judge on the Supreme Court. It is certainly true that you have represented our community in the State of Illinois extremely well. We are proud of that fact. And we say to you, on your retirement, that we wish you nothing but success and happiness with your family and hope that you'll have a lot more time to fish, as we know you so much enjoy. And as you know, being a part of Rotary, I've heard some of those fishy tales that you have been involved with, and we know that you will once again get back in that area. But the real fact of the matter, I think, is that you have exemplified a role that we can all take great pride in. The fact that though this ceremony is certainly, not only symbolic, but I think it speaks well for all of the citizens of the State of Illinois, that we will certainly miss your presence on the Court, but we want to extend our sincere gratitude for the 38 years that you have given of your life to making the court system in the

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State of Illinois one that we can all be justly proud of. And I guess, in closing, I'd have to say that because of your presence, the court system in the State of Illinois is a better place for you having been a part of it. And we say to, not only you, but to your family, God bless all of you and the best of luck in whatever you may pursue. Thank you very much."

Speaker McPike: "The Governor of Illinois, the Honorable Jim Thompson."

Governor Thompson: "Speaker, Mr. President, Members of the General Assembly, Mr. Chief Justice, and Mr. Chief Justice elect, and Members of the Supreme Court and my fellow constitutional officers, I was invited here today as the Governor of the State of Illinois, but I hope you'll pardon me if I speak not as the Governor of this state, for as the Governor of this state, I align myself with the remarks of the Chief Justice. I'd rather speak as a former young lawyer. This is my twenty-fifth year as a member of the Bar in the State of Illinois. Few things in my lifetime are as precious to me as that membership in a distinguished bar, and in personal ways and by the vote of the people of this state three times, I have been given many things. And so when I tell you that I rank my membership in the Bar of Illinois, along with those personal and political and governmental things that I have been accorded by the generosity and the compassion of others, you know what I mean. As a young lawyer, it was my privilege to begin my career by arguing in front of the Supreme Court of Illinois. I was a former assistant state's attorney of Cook County, later was the former Assistant Attorney General of the State of Illinois, two post that I cherish. Justice Underwood was a member of the Supreme Court during the early days of my career, and speaking as a former young

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lawyer, I can recall that when Justice Underwood sat on a case council who argued no matter what the case, civil, criminal, simple, complex, was accorded with dignity, the knowledge and the craftsmanship that lawyers who prepare and argue diligently and their clients have the right to expect from a judicial system which is functioning. Sometimes he agreed with my arguments. Sometimes he did not. Justice Underwood was never an ideologue and his vote could never be taken for granted, no matter what the issue. Sometimes he would help a young lawyer who was clearly struggling before the Court as young lawyers sometimes do. And sometimes he would deflate a pompous lawyer who was taking the Court for granted. In whatever he did, he exercised a humanness intertwined with a scholarship that is rare in the law. And all of us, lawyers and nonlawyers alike, have much to thank him for as do, I am sure, his colleagues who sat on that Court over those 22 years. The Court is a most collegial body. It functions best as a collegial body. And I believe the Court would agree that Justice Underwood was a very great factor in ensuring the continuing collegiality of the Court, because the Court is important in the life of Illinois, not just in the life of those who serve in government as we do, but important in the life of eleven and a half million citizens. Sometimes there are debates in this chamber and in Bar Associations and across the land of Illinois about how we select our Judges, and there are those who hold the view that it ought to be done in a different way. There are those who hold the view that there is nothing wrong in Judges coming from the political system, and there are those who hold a view somewhere in the middle. That is an evolving philosophy. Justice Underwood is a clear example of how the political system can, can produce a jurist of brilliance, honesty and

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compassion, as is the entire membership of our Supreme Court, where those characteristics abide in all of these members and all of them came, at one point or another, from the political system. Justice Underwood, you have meant much to many people, but you have meant much, most of all, I suspect, to young lawyers looking for role models in the judiciary, and speaking as a former young lawyer, I thank you for that."

Speaker McPike: "Minority Leader, Representative Lee Daniels."

Daniels: "I'd like to speak as a young lawyer. Thank you, John. Justice Underwood, I had occasion, of course, in law school to review many of your decisions, and I'd like to tell you I agreed with them all. And I did, but more than that, we grew to recognize your name in the legal community as truly a legal giant of our times. Twenty-two years in the Illinois Supreme Court - can you imagine what a distinguished career. Justice Ryan talked about the footprints of time. If any of us in this room could leave the mark in our profession that you have left in the mark on yours, my God, we can be so proud. And because of that, we are proud of you as a leader amongst men, as a jurist of jurists. And today we honor you. And today we are thankful for that opportunity, because you do represent what those of us in public life want to accomplish in our lifetimes, and because of that, Justice, we thank you for the opportunity to stand with you today and the recognition of this very important part of your life. You crafted innumerable decisions at the court in demonstrating your legal abilities as a legal scholar and in turbulent times that Justice Ryan talked about, you brought sanity to, yes, at times, a troubled Court, and because of that, you brought sanity to our system of justice. For that, we thank you for the giving and the caring and the love that

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you have for the law and for your country, we are truly appreciative. Thank you very much."

Speaker McPike: "The Chair would ask our honored guest to come forward. Justice Robert C. Underwood."

Justice Underwood: "Speaker Madigan, President Rock, Members of the House and Senate of the State of Illinois, Governor Thompson, Lieutenant Governor Ryan, Attorney General Hartigan, Comptroller Burris and Treasurer Donnewald, my distinguished colleagues, Ladies and Gentlemen, I really find this quite overwhelming, and I say that to you with utter and complete sincerity. And I'll say a bit more about that in a moment, but I trust you will not consider me to be irreverent or my comment be inappropriate, if I call attention to the fact that all of the speakers who have appeared here this morning are - I should say this afternoon - all of these speakers are individuals of impeccable integrity and impeccable reputations for truth and veracity. In view of that, I have no intention of offering any rebuttal to any of the comments that have been made. I'm particularly grateful to all of those who have spoken. And as my long suffering colleagues have heard me say on several recent occasions, one of the nice things about leaving the Court alive is that you get to hear all of these nice things that are said about you and even those... I suspect that even some of those who have disagreed with most of what I've written and most of what I've said and most of what I have done, and who could scarcely wait for me to leave, are so happy to see me go that they, too, are saying nice things. You know, I've been asked so often why I was retiring from the Court, that it is perhaps not inappropriate for me to say just a word why that is occurring. There is no particular secret about it. There are a number of factors that have combined to

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produce that decision, one of which, is that I've simply reached the point in life in which I no longer want to work quite as hard as it is necessary for me to work in order to do the work of a Supreme Court member as I think it ought to be done. And in addition, I've come to increasingly dislike being away from home as long as we are required to be away in order to perform our duties, and I suspect that those who frequent these chambers can understand that feeling. And there is a third reason. In fact, there are a number of other reasons, but this one is one of the more persuasive, too. I have seen, on occasions, Judges who stayed too long, and I simply don't want to remain here until I fall into that category. It has been mentioned by some of those who have written of my opinions that I have not been a judicial activist and that I am generally in favor of letting the General Assembly determine questions of broad public policy, and within constitutional limits I would agree that that is true and because I'm speaking to the Members of the General of Assembly, I want to elaborate on that just a bit. In our system of government, the lawmaking function is vested in this Body, which is, in my judgment, far more representative of the public will than is any Court and far better equipped for the fact finding process which is so essential to the making of sound law. It is said, of course, that one of the strengths of the common law is its adaptability to changing social and moral values in our societal order, and I'm perfectly willing to concede some merit to that statement, but even so, I have generally found considerations of precedent and stability to be compelling. Sound planning for the future, whether it is by a public body or by a private body, requires, it seems to me, a reasonably stable legal basis, without which a lawyer's advice to his client can become little better

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than sheer speculation. And in part for that reason, in part for other considerations, I would, with rare exceptions, I think, choose to leave policy changes to this Body which was originally intended for that purpose, and in my judgment, is much better suited to it. And now I want to get back to what you have done here today. I find it very difficult to adequately express the heartfelt appreciation for the manner in which you have honored my family and me on this occasion. Naive as it may sound, I've always believed that there is really no greater honor that can be paid to an individual than to be chosen by his fellow citizens to be a Judge, for them to say to you that their confidence in you, in your integrity or your ability or both is such that they want you to decide questions of property, of liberty and even of life, as between them and their government or as between them and their fellow citizens, is a very great honor. It's also a very great responsibility. And there are times, as I suspect those of you who sit in this chamber with regularity, find that you wonder whether even your best efforts are adequate to the needs of a situation, to realize that the General Assembly of this state has put aside the important business of the state and together with its principal state officers, has gathered here this noon for the purpose of recognizing me and my family and that you think that my 38 years on the bench and my work as a Judge merits the type of commendation that is manifested here this afternoon, is a profoundly moving experience for me and one for which I shall be eternally grateful to you. Thank you."

Speaker McPike: "Would the Committee of Escort please form at the podium and escort the Honorable Jim Thompson, Governor of Illinois and the Honorable Justice Underwood from the chamber? Representative Greiman moves that the Joint

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Session stand adjourned. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the Joint Session of the House and the Senate stands adjourned. The House will come to order."

Clerk O'Brien: "Supplemental Calendar #1 is being distributed."

Speaker McPike: "On page two of the Calendar, Total Vetoes, appears Senate Bill 1727. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1727, a Bill for an Act to exempt legal tender, currency, medallions, gold and silver coinage and bullion. A Total Veto Motion, Motion to override."

Speaker McPike: "The Gentleman from Lake, Representative Pierce, on the Motion."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 1727 was approved by both the House and the Senate in our regular Spring Session. It received a full Committee hearing in the House Revenue Committee, where it was recommended 'do pass' and of course, passed this House of Representatives and was sent to the Governor. What the Bill does is recognize the fact that on silver and gold coins, gold coins of the United States and of other governments, that the sales tax in Illinois was detrimental to the industry of the silver and the coin dealers. People were buying their gold bullion and silver coins in other states by mail, often from fraudulent dealers, avoiding the Illinois sales tax and hurting the employment here in Illinois. And when gold was bought for delivery on the Chicago Board of Trade or Mercantile Exchange, it was delivered without the necessity of paying the sales tax, again hurting our coin dealers. The loss of revenue from the Bill is negligible - no more than possibly \$1,000,000 - but the increase of employment is much greater than that. Many estimate the loss of revenue as low as \$100,000. The Senate took up the Governor's veto, a total veto of this

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Bill two weeks ago. And the Senate, by a near unanimous vote, overrode the Governor's veto and sent the Bill to us. I rise today to concur in the Motion of the Senate to override the Governor's veto of Senate Bill 1727 and to enact it into law by voting 'aye' today on the total veto Motion and to concur with the Senate on it. The House added an Amendment to this Bill that improved the Bill when it was before us to clear up the matter of South African krugerrands. The Senate concurred in that Amendment. That Amendment is in the law. I, therefore, move that this House concur with the Senate and override the Governor's total veto of Senate Bill 1727, and I promise you, it's my last Motion to override a gubernatorial veto. Thank you."

Speaker McPike: "The Gentleman has moved to override the Governor's veto. And on that, the Gentleman from Kendall, Representative Hastert."

Hastert: "Would the Gentleman yield?"

Speaker McPike: "He indicates he will."

Hastert: "Representative, I respectfully ask you, is this finally your last Bill?"

Pierce: "Yes. It's my last Bill as a Legislator."

Hastert: "Can I ask you one more question? Basically, does this set aside a classification of goods that would ordinarily be taxed and set it aside and exempt it from sales taxes?"

Pierce: "I'd answer that in the affirmative."

Hastert: "Does this affect the revenue of the State of Illinois?"

Pierce: "It does. It does in one extent - that it would... it would cost the state a revenue loss in sales tax. The highest estimate I've seen is a million. The lowest is \$90,000. However, it would create employment in the state among our coin dealers and numismatic dealers in the state that would make up, undoubtedly, for this loss of revenue, and that was the Senate's feeling in overriding the

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Governor's veto."

Hastert: "Thank you. Proceed. Ladies and Gentlemen of the House, I appreciate the Gentleman's candidness on this issue. I just want to remind those people when we're looking at school reform and funding and some of the issues that are before us right now, that this does exempt a class of property that would be taxed or goods that would be taxed. It's a sales tax. It takes it out of the tax base, affects Illinois revenue and certainly is something that we have to look at the total fiscal picture of the state. Thank you."

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

Harris: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's awfully difficult to stand up and perhaps speak against the Motion which has been put forward by such a distinguished colleague, and this is his last Bill, but I think it's appropriate, when we cast our vote on this Motion, to realize exactly what we're doing, and I think it's appropriate to put into the record exactly what we're doing. The Bill... or the Motion, I think will carry, especially based on what has happened in the Senate. But what we're saying when we vote in favor of this Motion is that we are saying those people most capable of paying the sales tax in the State of Illinois are going to get an exemption. Those people who can plunk down seven or eight or nine thousand dollars at a crack to take delivery of a gold bar or a silver bar or some tangible piece of property which would normally be taxed, are going to be exempt. The Representative in his Motion is correct insofar as dealers. We may only lose 90 to \$100,000 of tax which would be collected from dealers, but let's flip that around for cases of equity. Let's flip that around and say if our enforcement procedures were better, if we spent a little

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bit more time and collected the sales tax which is, indeed, due from the Board of Trade, or rather from those people who take delivery at the Board of Trade or the Chicago Mercantile Exchange, we could be talking about several millions of dollars. That's several millions of dollars which the state will not take in because of the action we are about to take here today. I just think it's appropriate to put that in the record. For that reason, I would recommend a 'no' vote on this Motion, despite the distinguishedness of our... of the Sponsor. Thank you."

Speaker McPike: "The Chair would like to recognize one of our former colleagues, the Governor's Chief of Staff, Jim Reilly. Welcome to the chamber. Further discussion? There being none, Representative Vinson to close."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. There are a number of ways in which you can look at equity in the tax laws in Illinois. The... And there are a number of ways in which you can look at the question of loopholes and raising revenue for the State of Illinois. We are talking about a Bill, here, overriding a veto, here, which would cost somewhere between 90,000 and \$900,000 totally. Currently, we do not sales tax the trading in gold bullion on the commodity exchanges in Illinois, and I would submit that that is where rich people, in fact, buy their gold. It is the middle income person who might go out and buy a single maple leaf, a single peso, who we are taxing in this kind of a situation, under the provisions that this Bill would eliminate. It is not a tax break for the wealthy. It is a tax break for the middle income person who cannot afford to put down \$5,000 for a contract on the Board of Trade or one of the other exchanges. I think that it is unconscionable for us to say the gold traded there will not be taxed and that a simple maple leaf

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sold by a jewelry store or a coin dealer will be taxed. That is the worst kind of horizontal tax inequity. That is why I join as a Cosponsor in the Gentleman's Motion. That is why I would urge that we override the Governor's veto in this case. That is why I would urge a 'yes' vote on the Gentleman's Motion."

Speaker McPike: "The Gentleman has moved to override the Governor's veto. The question is, 'Shall Senate Bill 1727, pass, the veto of the Governor notwithstanding?' This is final action. All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 93 'ayes', 20 'nos', none voting 'present', and the Motion to override prevails, and the Chair hopes that this is Representative Pierce's last Bill. ... Calendar, Supplemental #1. Representative Preston, would you take that out of the record for just a minute, and we'll get back to it. Appears House Bill 557, Representative Daniels. Representative Vinson, are you going to handle this for... "

Vinson: "Mr. Speaker, could we take this out of the record for just a couple of minutes?"

Speaker Madigan: "Out of the record. House Bill 589, Representative Hawkinson. Mr. Clerk."

Clerk Leone: "Motion. I move to suspend the provisions of Rule 79, take from the table and place on the Calendar on the Order of Concurrence House Bill 589."

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

Hawkinson: "Thank you, Mr. Speaker. I would move that we suspend the provisions of Rule 79, take from the table and place on the Calendar on the Order of Concurrence. The Senate has completely changed the original Bill, which was a Bill on

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the value of retail theft and has made this a cleanup Bill on all the victims' rights and witnesses' rights legislation that the various Bills that we passed over the last two years, this is an attempt to clean up some of the provisions in those acts and correct some of the discrepancies, and I would so move."

Speaker Madigan: "You've heard the Gentleman's Motion. Is there any discussion? Being no discussion, the Gentleman moves to suspend the provisions of Rule 79, take from the table and place on the Calendar on the Order of Concurrence, House Bill 589. All those in favor signify by voting 'aye', opposed vote 'no'. Requires 71 votes. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 112 'ayes', no 'nays', none voting 'present', and the Motion carries. Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, before I make this Motion, I'd like to violate the rules and introduce Jim LaBelle from Lake County, who's been elected Chairman of the Lake County Board and wish Jim well and welcome him here to the General Assembly. And now, Mr. Speaker and Ladies and Gentlemen of the House, I would ask leave and the use of the Attendance Roll Call for that purpose. The Rules Committee, when we met just a little while ago, we left out one Bill, and I'd like to ask leave that the Rules Committee meet while the House is in Session for the purpose of hearing one Bill. Is that a Senate Bill or a House Bill? Senate Bill 1024, and that we meet immediately. It will be just for a few minutes in the Speaker's Conference Room. Leave and the use of the Attendance Roll Call for that purpose."

Speaker Madigan: "The Gentleman asks leave... Representative Vinson, are you seeking recognition on this?"

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Vinson: "Yes, I would... I'd like the Gentleman to again mention the number of the Bill."

Speaker Madigan: "Senate Bill 1024."

Vinson: "Can we wait just a second on that Motion, Mr. Speaker?"

Speaker Madigan: "The Gentleman asks leave to use the Attendance Roll Call to waive the posting requirements and to waive the rules to allow the Rules Committee to meet while the House is in Session. Are there any objections? Hearing none, leave is granted. The rules are waived. The Rules Committee will meet immediately, in the chamber to the rear in the Speaker's conference room immediately behind the podium. Representative Giorgi, House Bill 952. Mr. Clerk."

Clerk Leone: "Motion pursuant to Rule 79. I move to take from the table and place on the Order of Concurrence, House Bill 952."

Speaker Madigan: "Representative Giorgi."

Giorgi: "Mr. Speaker, all Senate Amendments to House Bill 952, delete everything after the enacting clause and inserts the necessary language to implement the procedures and criteria to qualify tests and certify optometrists to use designated pharmaceutical agents. It includes an increase in license renewal fees and establishes a new certification fee for those qualifying to use the diagnostic agents. The additional fee more than adequately covers the entire cost for implementation. House Bill 952, in its present form, represents the combined efforts and agreement of the Illinois Optometric Association, the Illinois Medical Association and the Department of Registration and Education. The legislation passed the Senate 57 to 0. I know of no opposition, and I urge the House to adopt House Bill 592 (sic - 952)."

Speaker Madigan: "You've heard the Gentleman's Motion. Is there

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any discussion?"

Giorgi: "952. House Bill 952."

Speaker Madigan: "There being none, the Motion is, 'Pursuant to Rule 79, to take from the table and place on the Order of Concurrence.' All those in favor signify by voting 'aye', all opposed vote 'no'. Requires 71 votes. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 109 'ayes', 1 'no', none voting 'present', and the Motion carries. We will go back to House Bill 557, Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk Leone: "Motion. I move to suspend the provisions of Rule 79, take from the table and place on the Calendar, Order of Concurrence, House Bill 557."

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

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You've heard the Motion. The... House Bill 557 has been amended in the House, and... or in the Senate, and I request that it be placed on the Order of Concurrence. This has to do with the water commission Act in DuPage, clarifies some of the language legislation that we passed last Spring and adds a couple of new Sections which provides that the county water commission can borrow money from the county and the county is authorized to loan money to the water commission. So, pursuant to Supplemental Calendar #1, I would move to suspend the provisions of Rule 79, take from the table and place on the Order of Concurrence."

Speaker Madigan: "You've heard the Gentleman's Motion. Is there any discussion? Being none, the Motion is to suspend the provisions of Rule 79, take from the table and place on the Calendar on the Order of Concurrence House Bill 557. All

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those in favor signify by voting 'aye', opposed vote 'no'. The Motion requires 71 votes. Have all voted? Have all voted who wish? Take the record. On this Motion, there are 79 'ayes', 19 'nos', 13 voting 'present', and the Motion carries. House Bill 2312, Representative Currie. Mr. Clerk, read the Bill."

Clerk Leone: "Motion. I move to suspend the provisions of Rule 79, take from the table and place on the Calendar on the Order of Concurrence, House Bill 2312. Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. The Senate Amendments to House Bill 2312 gut the Bill as it originally went there and merely provides appropriate procedures for designating certain celebratory activities to be held in the new State of Illinois Center in Chicago. I move that we take this Bill from the table so that it can be considered on its merits as a concurrence issue."

Speaker Madigan: "You have heard the Lady's Motion. Is there any discussion? Being none, the Motion is to suspend provisions of Rule 79, take from the table and place on the Calendar on the Order of Concurrence, House Bill 2312. All those in favor signify by voting 'aye', opposed vote 'no'. Requires 71 votes. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 90 'ayes', 16 'nos', 4 voting 'present', and the Motion carries. House Bill 2451, Representative Friedrich. Mr. Clerk."

Clerk Leone: "Motion. I move to suspend the provisions of Rule 79, take from the table and place on the Calendar on the Order of Concurrence, House Bill 2451."

Speaker Madigan: "Representative Friedrich."

Friedrich: "Well, Mr. Speaker, I make the proper Motion to put it on the Order of Concurrence. That Motion is in order."

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Right?"

Speaker Madigan: "Well, would you repeat your question? I couldn't hear you."

Friedrich: "I just moved to suspend the appropriate rule to put it on the Order of Concurrence."

Speaker Madigan: "You've heard the Gentleman's Motion. Is there any discussion? Being none, the Gentleman has moved to suspend the provisions of Rule 79, take from the table and place on the Calendar on the Order of Concurrence. All those in favor signify by voting 'aye', opposed vote 'no'. Requires 71 votes. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 109 'ayes', 1 'no', none voting 'present', and the Motion carries. Representative Breslin in the Chair."

Speaker Breslin: "House Bill 2657. Out of the record. House Bill 2762, Representative Mautino. Clerk, read the Motion."

Clerk Leone: "Motion. I move to suspend the provisions of Rule 79, take from the table and place on the Calendar on the Order of Concurrence, House Bill 2762."

Speaker Breslin: "Representative Mautino. Representative Mautino."

Mautino: "Yes, thank you very much, Madam Speaker. This is legislation that originally set up as a cabinet level department the Bureau of Employment Security, and I so move that the provisions of Rule 79 to take from the table and place on the Calendar under the Conference Committee Report, Order of Concurrence, House Bill 2762. This is for the... It has been amended to provide the necessary provisions for rules, regulations, as well as salary for the director, and I so move that it be placed on the Order of Concurrence."

Speaker Breslin: "The Gentleman has moved that House Bill 2762 be

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taken from the table by suspending the provisions of Rule 79 and placed on the Calendar on the Order of Concurrence. And on that question, is there any discussion? There being no discussion, the question is, 'Shall the House suspend the provisions of Rule 79 to take House Bill 2762 from the table and place that Bill on the Order of Concurrence?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This requires 71 votes. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 79 voting 'aye', 25 voting 'no', and 5 voting 'present', and the Motion passes. House Bill 3136, Representative Barnes. Out of the record. Representative Preston. Representative Preston. House Bill 336. Mr. Clerk, read the Motion."

Clerk Leone: "I move to suspend the provisions of Rule 79, take from the table and place on the Calendar on the Order of Concurrence, House Bill 336."

Speaker Breslin: "Representative Preston."

Preston: "Yes, thank you, Madam Speaker. I'd like to move that this House Bill 336 be taken from the table so that it can be considered by the Body this morning. The provisions of this Bill affects utility rates in Illinois' use of high sulfur coal that we have more of in this state than anywhere else on the face of the earth. There is a process that was recently developed and that, in the last two to three months, has been able to be implemented. They finally found a site that they can use to implement this process that will make this coal available to Illinois consumers and consumers of the Illinois Power Company. And if we are able to pass this legislation, House Bill 336 as it was amended in the Senate, this process will be available to Illinois at a cost that may be less than half of the present cost of what is called 'scrubbing', Illinois

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high sulfur content coal. So I'd ask for your 'aye' vote on the Motion."

Speaker Breslin: "Ladies and Gentlemen, we are on the Order of Motions now. We are not going to consider this substantive Bill immediately. We will be issuing a Supplemental Calendar on all of them, so you don't necessarily have to go into a discussion of the Bill itself during the pending of these Motions at this particular time. We're simply activating the Bills so that they can be heard at a later time today. That is what Representative Preston has asked for House Bill 336. Is there any further discussion on that Bill? Representative Brummer on the Motion."

Brummer: "Yes, will the Sponsor yield?"

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

Brummer: "Has this concept been heard in any Committee in the State of Illinois in either the House or the Senate?"

Preston: "No, Representative, it has not."

Brummer: "When did this concurrence... When was this Concurrence Motion... Not the Concurrence Motion. When was the Senate Amendment adopted? Was that adopted last Spring?"

Preston: "The Amendment was adopted, I believe, yesterday."

Brummer: "So, this is an item that's never been examined in either the Senate or the House in Committee that we've had posting or notice. I think I heard you say in your introductory comments that this was a new process and a new technology that is unproven."

Preston: "Well, Representative, as I indicated to you earlier and privately, in 1972, when I was on the staff of the Lieutenant Governor's office in Illinois, we worked at that time on trying to provide research funding for high sulphur coal and its use to remove some of the high sulphur content so we in Illinois could use it. Some of the funds that were appropriated at that time for that research made this

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process available, so it has been worked on. It's not something new that came about the day before yesterday. It is a process who... where the development of the process has been worked on over many, many years by very professional and well-controlled researchers in this state... "

Brummer: "Okay. Is this process used anyplace in the United States or the world, today?"

Preston: "I can't answer that. I don't believe so, but I... I'm not sure."

Brummer: "The... Can the... Can the Illinois Commerce Commission today, through its rate-making process, put this in the rate base if petitioned to do so by any public utility who desires to use this process and decides that it is economically feasible."

Preston: "I have never been able to tell what the Illinois Commerce Commission can or cannot do. They do many things that I don't approve of, and they seem to do it almost on a monthly basis, so I am not the right person to be the arbiter of that question."

Brummer: "Madam Speaker, if I might briefly address the Motion."

Speaker Breslin: "Please do."

Brummer: "As the... As the Representative has indicated, this is an Amendment that was filed yesterday. Has never, apparently, been afloat in the General Assembly previously. It was passed in the Senate yesterday with no Committee hearing, no notice, no opportunity... "

Speaker Breslin: "Excuse me. Excuse me, Representative Brummer. Representative Preston, for what reason do you seek recognition?"

Preston: "Madam Speaker, I think the Gentleman is speaking to the substance of the Bill and not to the Motion."

Speaker Breslin: "I disagree, Representative Preston. Proceed,

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Representative Brummer."

Brummer: "Yes, as I was indicating, this has had no hearing in Committee. Was not... is not an Amendment that was held over, even from the Spring Session, that there has been an opportunity to examine, with regard to the technical aspects. The Members of this Assembly know that I have always supported the burning of Illinois coal. This is unproven technology, and I do not think we should be rushing to judgment with regard to legislation that was introduced yesterday and is going to be final passage today with regard to an item that's never been examined before, never been studied before. We've never had any public hearings with regard to this issue. We're talking about, as I understand it, potentially \$20,000,000 to the consumers of public utilities, the electricity in the State of Illinois. There are arguments that there may be savings, there may not be saving. In any event, I think the process ought to be examined, but we can file this Bill January 9, less than one month from today. We can go through the hearing process. We can determine whether this is advisable or not, and for that reason, I do not think that there is any urgency with regard to this. The concept may be very fine, but I would oppose at this time removing this from the table."

Speaker Breslin: "There are several people seeking recognition on this Motion. Please confine your remarks to the Motion itself. Representative Hastert."

Hastert: "Would the Sponsor yield?"

Speaker Breslin: "He will yield to a question."

Hastert: "Representative, could you tell me, does this deal with putting pollution control, basically the flue gas neutralizer equipment on smokestacks in areas outside the areas of attainment? This Bill allows them to do that?"

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Preston: "Representative, I'm afraid I can't answer that question. It does have to do with the processing of the high sulfur coal and using the products that are the by-products of that processing by way of making fertilizer available that can be sold. In other words, the by-products under this process of high sulfur content coal are usable and sellable, which reduces the cost over present methods of scrubbing that high content coal. I don't believe... I don't believe it has to do with the emission control devices on smokestacks, but I don't want to give you a definitive answer, because I'm not certain of that."

Hastert: "I'm not sure that that answers that question either. One other question. Then, would the implementation of this piece of legislation that we really haven't looked at at all, even the concept in this General Assembly, but with the implementation of this, it allows the Illinois Commerce Commission to add this cost into the rate base and raise utility rates to rate payers. Is that correct?"

Preston: "Well, that's an interesting way of characterizing it if you're trying to kill a Bill. What, in fact, it does - it would be insane, and I would have to be a buffoon to be standing up here in favor of legislation, the purpose of which is to do nothing other than raise the rates that consumers have to use for utilities. And it is exactly the intent of this legislation to do the opposite of that. The cost that would be added is half the cost that would be added to use that high sulphur coal by cleansing it in any other manner. Right now, we import coal from western states. The cost of that is far in excess of what the cost of this would be. Illinois has a repository of more high sulphur content coal than any other state or country in the world, and this process will make it possible for us to use

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that high content coal without causing acid rain and high emissions. So, the increased cost, if there is one for this, is approximated at half the increased cost of using that coal for the scrubbing process. The purpose is to save money, not to increase consumers' costs."

Hastert: "To the Motion."

Speaker Breslin: "Please confine your remarks to the Motion and not the Bill, Representative"

Hastert: "I would just like to bring the attention of the General Assembly to this Motion, and if, indeed, you do pass this Motion or vote to bring this Motion... this Bill to the floor through this Motion, you are actually implementing a series of legislation or a legislative process that does, indeed, put restrictions on people. It does, indeed, say that if you have a power plant outside of a legislative... outside of an attainment area, that doesn't have to have this type of equipment on it, that you're putting it on. I think this is a process that's untried, a process that should go through the legislative process that we should listen to testimony on, and I would ask you to vote against this Motion."

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

Oblinger: "Madam Speaker, Members of the House, I have no objection to any of these that have been Motions that have been made. All of you have had your Bills heard. We've had Senate Bill 1873, and I do not see this on this Calendar. It was not given the courtesy of a Second Reading last spring, and it's now not being given the courtesy of a Second Reading, and yet, I'm being asked to vote on those measures which never have gone through Committee, and I think that this is high time that we say equity should be for all, and therefore, I cannot support

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the Motions that are now being made."

Speaker Breslin: "The Gentleman from McHenry, Representative Klemm."

Klemm: "Thank you, Madam Speaker, I rise in opposition to the Gentleman's Motion, and for a couple of different reasons, perhaps. I think what Representative Preston has indicated is certainly deserving of merit and careful consideration, when I hear about the cost savings of using Illinois coal versus western coal certainly has good merit, and I support them for trying to bring us some legislation for that. However, there is some parts of this type of legislation that's now being presented to us that didn't come through our Committee, as Representative Brummer has said, about the cost to the consumer. And I think this is important enough where we should really carefully investigate and look into it. Right now, my analysis says it's going to cost the consumer an increase. That's fine, if it would perhaps bring us some savings, but I don't have that information. And I think what we're trying to do is realize an important Bill that would help us use Illinois coal and yet try to protect the consumer. I see of byproducts that are going to be profitable for another company. I'd like to find out how that would relate to our consumers' costs. So, I think these questions need to be answered and be asked in Committee. And I think that's the reason I don't oppose the Bill itself, but I don't think this is the forum for that discussion. It would be better suited to put it in Committee, as Representative Brummer had suggested. Therefore, I do oppose the passage of this Bill now."

Speaker Breslin: "The Gentleman from Franklin, Representative Rea, to the Motion."

Rea: "Thank you, Madam Speaker and Members of the House. As a

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leading advocate of coal development in this House, I've been very supportive of efforts to develop and demonstrate new coal utilization technologies, and I believe it's extremely important to create a regulatory environment that will encourage our electric utility companies, who are the biggest users of coal, to participate in a demonstration of innovative coal utilization and coal desulphurization. However, I do - since this has not gone through the Committee - I do have a question for the Sponsor. And that question is, will this change in the Public Utilities Act encourage a variety of new coal cleaning processes, or is it intended to be limited to what we usually refer to as scrubbers?"

Speaker Breslin: "The Gentleman from Marion, Representative Friedrich."

Friedrich: "Madam Speaker and Members of the House, I reluctantly oppose this Motion because I think I've supported about everything that came down the track for coal, but one of the rewards for being around here 20 years is that you believe in reincarnation. Senator Libonate introduced a similar Bill to this in 1955, and we've been studying coal ever since, and we've still got soft coal with sulphur in it. So, I don't think there's anything that's going to be solved in three weeks if it can't be solved January 9."

Speaker Breslin: "Representative Flinn on the Motion. Representative Flinn. John Matijevich, Representative Matijevich."

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

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

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Preston: "Thank you, Madam Speaker. I want to bring the attention of the House to the fact that this a Motion only to be able to hear this Bill. This isn't on the substance of the Bill where I'd like to get it into a posture where it could be voted up or down on its merits. Some of the problems that will be occasioned by a delay and by our failure to pass this - and I agree with those who said that this should go through the Committee process. I'd be the first to agree with that. I mentioned that to Senator Philip, and he agreed. But we are not always master of our own fate. I mentioned to you that only a few short months, two or three months ago, did this process... was this process in a posture to be able to be used here in Illinois because of finding the appropriate site to do it. If... It's unfortunate that site wasn't found a year earlier so the Bill could have been introduced at that time and would have gone through the Committee process. But if we delay in passing this Motion and ultimately in passing the Bill, there will be at least a year, perhaps two years, perhaps three years delay in being able to implement this process and to be able to start using Illinois high sulphur coal. And yes, this is a test process. It's new. It's not going to be any older in the spring than it is today, and you're having questions about what... how it works and what happens and what its success rate is, there's not going to be any updated data on that in the spring, because it has not been tested. The purpose of this is to be able to implement it and put it into a test situation. So, for those reasons I would encourage and ask and hope for your 'aye' vote on this Motion."

Speaker Breslin: "The question is, 'Shall the House suspend the provisions of Rule 79 to take House Bill 336 from the table and place on the Calendar on the Order of Concurrence?'"

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All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This requires 71 votes for acceptance. 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 38 voting 'aye', 54 voting 'no', and 11 voting 'present', and the Motion fails. Representative Vitek is recognized for an announcement."

Vitek: "Thank you, Madam Speaker. May I have the attention of the House Members, please. Today happens to be the birthday of my seatmate, Steve Nash, and he invites all of you to go in and have a piece of his cake in the little conference room right outside the door. Appreciate your attendance. Thank you."

Speaker Breslin: "Ladies and Gentlemen, on the Order of Supplemental #1 appears Senate Bill 1024, Representative Stuffle. Representative Stuffle, I would ask you to amend your Motion to merely suspend Rule 79 (e) and place this Bill on the Calendar on the Order of Conference Committee Reports. Is that acceptable? The Gentleman so moves. Mr. Clerk, would you read the Motion as amended?"

Clerk Leone: "Motion to take from the table and place on the Order of Conference Committee Reports, Senate Bill 1024."

Speaker Breslin: "Excuse... Excuse me, Mr. Clerk. The Motion is to suspend Rule 79 (e) and place Senate Bill 1024 on the Calendar on the Order of Conference Committee Reports. The Bill is not on the table. Mr... Representative Stuffle, proceed on the Motion."

Stuffle: "Madam Speaker, the Motion simply would allow us to have the Bill placed on the Calendar on the Order of Conference Committee Reports. The Bill has been or is being exempted from the Rules Committee pursuant to need to do that. This Bill, I believe is being cleared on both sides of the aisle, and it deals with necessary cleanup language with

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regard to the Illinois Export and Development Authority, and I would renew the Motion to suspend Rule 7090 and place it on the Calendar on the Order of Conference Committee Reports."

Speaker Breslin: "The Gentleman has moved to suspend the appropriate rules to place Senate Bill 1024 on the Calendar on the Order of Conference Committee Reports. On that question, is there any discussion? There being no discussion, the question is, 'Shall the House suspend Rule 79(e) and place Senate Bill 1024 on the Order of Conference Committee Reports. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This Motion requires 60 votes for passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 95 voting 'aye', 6 voting 'no', and 1 voting 'present', and the Motion carries. Senate Bill 1067, Representative Tate. Mr. Clerk, read the Motion."

Clerk Leone: "I move to suspend the provisions of Rule 79 and place on the Calendar on the Order of Nonconcurrency, Senate Bill 1067."

Speaker Breslin: "Representative Tate."

Tate: "Yes, I'd just like to place a Motion to suspend the provisions of Rule 79 and place on the Calendar on the Order of Nonconcurrency."

Speaker Breslin: "The Gentleman has moved to suspend the provisions of Rule 79 and place Senate Bill 1067 on the Calendar on the Order of Nonconcurrency. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Could you just... Would the Gentleman yield for a question?"

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

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Cullerton: "Could you tell us what the Bill does? It must be written down there somewhere."

Tate: "Yes, Representative Cullerton, it's down here. The Bill has been on the Calendar for two years. The original Bill dealt with the property transfer provision for the eligibility for recipients of aid to the aged, blind and disabled. The House Amendment which was prepared was technical in nature. If you want a total explanation of the Bill, I can give you that. How long do you want me to go? Do you have any specific questions?"

Cullerton: "Did you say it's been on the Calendar for a couple of years? On the Senate Calendar."

Tate: "Yes, John, it's been on for two years on the Senate... or a year on the Senate, I mean."

Cullerton: "It's been on the Senate Calendar. Alright. No, I just... I just think we should have a rough idea about what the Bills do, that's all, just to jog our memory."

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

Vinson: "Thank you, Mr. Speaker... Madam Speaker, Ladies and Gentlemen of the Assembly. At Mr. LaPaille's request, I rise in support of this Bill, which is a good Bill."

Speaker Breslin: "There being no further discussion, the question is, 'Shall the House suspend the provisions of Rule 79 and place Senate Bill 1067 on the Calendar on the Order of Nonconcurrency?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This requires 60 votes for passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 96 voting 'aye', 4 voting 'no', and 2 voting 'present', and the Motion carries. For an announcement, Ladies and Gentlemen, Representative Van Duyne has lost his glasses. They are bifocals. If you can find them, please

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return bifocals to Representative Van Duyne. On the Order of Supplemental Calendar #1 now appears Senate Bill 1113, Representative O'Connell. Clerk, read the Motion."

Clerk Leone: "Pursuant to Rule 33 (b), I move to advance to Second Reading without reference to Committee and suspend 37 (g) with reference to Senate Bill 1113."

Speaker Breslin: "Representative O'Connell."

O'Connell: "Thank you, Madam Speaker. Pursuant to Rule 33 (b), I now move to advance to Second Reading, Second Day, without reference to Committee and suspend Rule 37 (g)."

Speaker Breslin: "The Gentleman has moved that the House advance Senate Bill 1113 to the Order of Second Reading without reference to Committee and to suspend Rule 37 (g). And on that question, is there any discussion? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Madam Speaker. This is a particularly good Bill. I believe that everybody ought to be for this one, and I would urge an 'aye' vote."

Speaker Breslin: "The question is, 'Shall the House suspend... or advance Senate Bill 1113 to Second Reading without reference to Committee and to... Second Legislative Day and suspend Rule 37 (g)?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This requires 71 votes for passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 100 voting 'aye', 1 voting 'no' and 4 voting 'present', and the Motion carries. Senate Bill 1524, Representative Stuffle. Out of the record. Senate Bill 1586, Representative Leverenz. Representative Leverenz. Clerk, read the Motion."

Clerk Leone: "I move to suspend the provisions of Rule 79 and place on the Calendar on the Order of Nonconcurrency Senate Bill 1586."

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Speaker Breslin: "The Gentleman has moved to suspend the provisions of Rule 79 and place Senate Bill 1586 on the Calendar on the Order of Nonconcurrency. On that question, is there any discussion? There being no discussion, the question is, 'Shall the House suspend the provisions of Rule 79 for Senate Bill 1586 and place it on the Order of Nonconcurrency?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This requires 60 votes for passage. All those in favor vote 'aye'. Have all voted who wish? The Clerk will take the record. On this question, there are 108 voting 'aye', 3 voting 'no', and 1 voting 'present', and the Motion carries. Representative Leverenz on the Motion on the Order of Nonconcurrency. On the Bill, I should say. On Senate Bill 1586."

Leverenz: "Thank you, Madam Speaker. I would now move to consider this immediately and suspend the appropriate rule."

Speaker Breslin: "The Gentleman has moved to suspend the appropriate rule and hear Senate Bill 1586 immediately. Is there any objection? Hearing no objection, Mr. Clerk, would you read the Bill? Ladies and Gentlemen, we are going to hear this Bill on the Order of Nonconcurrency. This is not a simple Motion. We are getting the Bill now."

Clerk Leone: "Senate Bill 1586 is appropriation to the Comptroller's Office."

Speaker Breslin: "Representative Leverenz."

Leverenz: "Thank you, Madam Speaker. I would move that the House nonconcur with the Bill 1586, and that a Conference Committee be appointed."

Speaker Breslin: "The Gentleman has moved to nonconcur in Senate Bill 1586 and asks for a Conference Committee. Excuse me. The Gentleman has just asked to nonconcur in Senate Bill 1586. Is there any discussion? There being no discussion,

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all those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and the House does nonconcur in Senate Bill 1586. Senate Bill 1610, Representative Bowman on Senate Bill 1610. The Gentleman is not in the chamber. Out of the record. Representative Stuffle, are you ready to proceed on Senate Bill 1524? Mr. Clerk, read the Motion."

Clerk Leone: "I move to suspend the provisions of Rule 79 and place on the Calendar on the Order of Conference Committee Reports, Senate Bill 1524."

Speaker Breslin: "Representative Stuffle."

Stuffle: "Madam Speaker, Members of the House, I would make the Motion to suspend the provisions of Rule 79 and put this on the Order of Conference Committee Reports. This Bill is intended to deal with the cleanup of the motor vehicle laws that we had left hanging at the end of the Spring Session. I think there's general agreement on both sides, in the House and Senate, with regard to the provisions that will go into the Conference Report, and I would make the Motion."

Speaker Breslin: "The Gentleman has moved to suspend the provisions of Rule 79 and place Senate Bill 1524 on the Order of Conference Committee Reports. And on that question, is there any discussion? There being no discussion, the question is, 'Shall the House suspend the provisions of Rule 79 and place Senate Bill 1524 on the Calendar on the Order of Conference Committee Reports?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This requires 60 votes for passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 100 voting 'aye', 1 voting 'no', and none voting 'present', and the Motion carries. Senate Bill 1958, Representative

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Friedrich. Representative Friedrich. Clerk, read the Motion."

Clerk Leone: "Pursuant to Rule 74 (a), I move to take from the table and pursuant to Rule 33 (b), I move to advance to Second Reading without reference to Committee. I move to suspend Rules 37 (g) and 5 (c) and 20 (i) in order that Senate Bill 1958 does not have to be printed."

Speaker Breslin: "Representative Friedrich on the Motion."

Friedrich: "Madam Speaker, this is the Reference Bureau revisionary Bill, and it's been cleared with Representative Cullerton. The intent is to move this up to Second Reading, Second Legislative Day and have it read a second time and hold it on the Calendar until the 9th, and I would appreciate your support on these Motions."

Speaker Breslin: "The... You have heard the Gentleman's Motion. And on that question, is there any discussion? There being no discussion, the question is, 'Shall the House move to take Senate Bill... Shall the House take Senate Bill 1958 from the table pursuant to Rule 74 (a) and pursuant to Rule 33 (b), advance this Bill to the Order of Second Reading without reference... Second Legislative Day without reference to Committee. We would also suspend the Rules 37 (g), 5 (c) and 20 (i), in order that Senate Bill 1958 does not have to be printed?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This requires 71 votes for passage. Have all voted who wish? The Clerk will take the record. On this question, there are 108 voting 'aye', 1 voting 'no', and 1 voting 'present', and the Motion carries. Senate Bill 1959, Representative Braun. Representative Braun. Clerk, read the Motion."

Clerk Leone: "Pursuant to Rule 33 (b), I move to advance to Second Reading without reference to Committee."

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Speaker Breslin: "Representative Braun."

Braun: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. The Motion on this legislation was debated extensively yesterday. I believe now that... I hope that both sides of the aisle are in concurrence that this is an emergency matter that we ought to move on to provide for the tax amnesty money for all the schools, and I would encourage your vote for the Motion."

Speaker Breslin: "The Lady has moved to advance Senate Bill 1959 to the Order of Second Reading without reference to Committee, pursuant to Rule 33 (b). On that question, is there any discussion? There being no discussion, the question is, 'Shall the House move Senate Bill 1959 to the Order of Second Reading without reference to Committee?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This requires 71 votes for passage. Have all voted who wish? The Clerk will take the record. On this Motion, there are 99 voting 'aye', 8 voting 'no', and 2 voting 'present', and the Motion carries. House Bill 2657, Representative Vinson. Clerk, read the Motion."

Clerk Leone: "I move to suspend the provisions of Rule 79, take from the table and place on the Calendar on the Order of Conference Committee Reports, House Bill 2657."

Speaker Breslin: "Representative Vinson on the Motion."

Vinson: "Thank you, Madam Speaker and Members of the House. The purpose of the Motion has been stated. The purpose of the Motion is to place the capital Bill in a posture where the House will be able to act on it, where paper can be printed, and so that Members will have an opportunity to be able to review the paper in regard to the Conference Committee Report on capital, and I move the Motion."

Speaker Breslin: "The Gentleman has moved to suspend the provisions of Rule 79 and take House Bill 2657 from the

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table and place it on the Order of Conference Committee Reports. On that question, is there any discussion? There being no discussion, the question is, 'Shall the House suspend the provisions of Rule 79 and take House Bill 2657 from the table and place it on the Order of Conference Committee Reports?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This requires 71 votes. Have all voted who wish? The Clerk will take the record. On this Motion, there are 108 voting 'aye', 1 voting 'no', and none voting 'present', and the Motion carries. Ladies and Gentlemen, I am advised that on Senate Bill 1586, we were not able to take the action that we took. As a consequence, we would like to go back to Senate Bill 1586 for the proper Motion. Hearing no objection, Representative Leverenz is recognized for a Motion on Senate Bill 1586."

Leverenz: "We had the wrong script, Madam Speaker and Ladies and Gentlemen of the House. On Senate Bill 1586, I would move that the House not recede from the House Amendment and a request that a Conference Committee be appointed."

Speaker Breslin: "The Gentleman has moved to refuse to recede from Senate Bill 1586 and has asked for a Conference Committee. On that question, is there any discussion? There being no discussion, the question is, 'Shall the House refuse to recede from the Amendments on Senate Bill 1586 and appoint a Conference Committee?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Motion carries. On the Order of Conference Committee Reports on page two on your Calendar appears House Bill 3090, Representative Hoffman. Representative Hoffman. Out of the record. House Bill... or rather, Senate Bill 1924, Representative McGann. Clerk, read the Bill."

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Clerk Leone: "... Bill 1924, amends the Unemployment Insurance Act. First Conference Committee Report."

Speaker Breslin: "Representative McGann."

McGann: "Thank you, Madam Speaker and Members of the Assembly. Senate Bill 1924 was discussed yesterday when we asked to have it moved from the table. It's actually a federal compliance piece of legislation. It's sort of a must in order to comply with the Federal Government on the unemployment insurance measure. Just to give you a couple of pointers on it - pursuant to the Tax Equity and Fiscal Responsibility Act, Illinois is compelled to implement the 46 tax percent... 46 percent tax increase by January 1 of 1985. Other states like New York were allowed to have a graduated effect to this tax for small employers - employers doing \$50,000 or more... or less. \$50,000 or less. Fortunately for the bipartisan agreement and also working in Washington, we were given that same consideration in Illinois, and this will be paid over a period of years. And therefore, I would move to accept this Conference Committee Report, and I will be happy to answer any questions we... "

Speaker Breslin: "The Gentleman has moved to accept the Conference Committee Report on Senate Bill 1924. And on that question, the Gentleman from Peoria, Representative Tuerk."

Tuerk: "Madam Speaker and Members of the House, I rise to concur with what the Gentleman from the other side has just enumerated. Without this Conference Committee being accepted, the State of Illinois small business employers would be in jeopardy of their taxes being raised in one fell swoop. What this Conference Committee Report does, and what we are able to do in accordance with federal legislation being passed as recently as two months ago, I

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believe, it gives the employers or the state an opportunity to phase in the tax increase over a period of... I believe it's five years - up to 1989 where it will reach the 5.4 percent level. Had this not been done at the congressional level, the tax would have increased to 5.4 in 1984 or 1985, which would have given the employers a real severe penalty. And as a result of that action, I would ask the Members of the House to support the Conference Committee Report."

Speaker Breslin: "Representative Mautino."

Mautino: "Thank you very much, Madam Speaker. I think this Bill is important enough to let everybody know exactly what they're voting on and how this came about. What this federal proposal provides in this Conference Committee Report authorization is that business entities doing \$50,000 worth of payroll in a quarter, mainly the majority of employers in this state will now be carrying the majority burden of the unemployment compensation. What you're doing, in essence, with this legislation, the so-called Economic Recovery Act of '82 by the administration in Washington, is doubling the assessments to the small employer who, by and large, had nothing to do in creating the large unemployment deficit nor the large unemployment rate. The large employers of this state are the individual companies that laid off a lot of people. In that regard, their rate virtually does not change. What you're doing with this - and everyone should be aware - is, you're doubling the small business person's rate. You will have to respond to this. I understand full well the need for phasing in. I'm opposed to the federal law that implemented this provision, but you got to know what you're doing. You're going to be responsible, and you're going to go back and respond to those businesses who will say, 'I've laid no one off in the last two years, or the last year,

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yet my rate has doubled.' And you better be ready to respond to that inquiry because that's what you're doing with this Conference Committee Report. Even though it is probably the proper method to be provided here for the five year basis till '89, I do not intend to support the Conference Committee Report."

Speaker Breslin: "Representative McGann to close."

McGann: "Thank you, Madam Speaker and Members of the Assembly. I certainly appreciate the remarks, and I attest to those remarks of Representative Mautino. The only difference I have is that this is a must legislation. We can go to the small employers doing \$50,000 or less than a quarter and tell them they're going to have to share in the total 46 percent increase that's mandated by the Federal Government. The law is the law. We have to comply with that law, but instead we are able to work out a period of years to have this paid back to bring our scale up to its proper status, of which we are not presently. Hopefully, next year the whole entire tax rate for unemployment insurance is going to be looked into, but right now, we have to have the green votes in order to be in compliance with the Federal Government. And I would suggest rather than burdening the... those employers of 50,000 or less in a calendar quarter with 46 percent of the total increase, let's give it to them in a small dosage and still accomplish our goal and comply with the federal law. I'd express my appreciation once again for a good support of this Committee Report with green votes. Thank you."

Speaker Breslin: "The question is, 'Shall the House accept the Conference Committee Report #1 on Senate Bill 1924?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 71 votes are required for passage. Have all voted who wish? Representative McPike, one minute to

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explain your vote."

McPike: "I rise in support of the Gentleman's Motion. I don't think there should be any confusion on this issue. The very states in the union must comply with federal law in order to get federal tax credits. We went to Congressman Rostenkowski and asked him to help our small employers out and allow them to phase in a tax increase instead of complying with the federal law as it existed, which would have required a large increase in taxes immediately. He helped us out, changed the law in Congress. I think it only applies to one state, to our state. We now are in... We now have the ability to save the small employers from having to accept that large tax increase. In the meantime, we have to comply with federal legislation. If we don't, then those employers lose \$360,000,000 in tax credits. So if you want to increase unemployment insurance taxes by \$350,000,000, vote against this. If you want to come into compliance with federal law and save the small employers \$350,000,000 this coming year, then support the Motion."

Speaker Breslin: "Representative Klemm to explain his vote."

Klemm: "Thank you, Madam Speaker. I stand in support of this Senate Bill 1924. You know, when I see the states of New York and having exemptions and can phase it in over five years, why can't Illinois businesses phase it in in five years? It seems to me that we're talking about trying to help our business community. Rather than sock it to them at one big... one tax increase this high, this large, when Illinois has faced perhaps one of the most serious economic turnarounds and difficulties in the last few years, that we should really be standing here voting to help the business people. And this small Bill can really do that if we Republicans and Democrats alike can help the business community in allowing this phase-in of this tax increase.

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And I certainly support the Bill. Thank you."

Speaker Breslin: "Representative McGann to explain your vote. We have, of course, the necessary Majority now. Okay. Have all voted who wish? The Clerk will take the record. On this question, there are 98 voting 'aye', 12 voting 'no', and 3 voting 'present', and the House does accept the First Conference Committee Report on Senate Bill 1924. House Bill 3090, Representative Hoffman. Clerk, read the Bill."

Clerk Leone: "House Bill 3090, amends the School Code. Conference Committee Report #1."

Speaker Breslin: "Representative Hoffman."

Hoffman: "Thank you very much, Mr... Madam Speaker, Ladies and Gentlemen of the House. I would first like to point out that we were addressing revised First Conference Committee Report. You have on your desks the First Conference Committee Report which was submitted but never considered, and so we have filed a revised First Conference Committee Report which puts House Bill 3090 back into the original condition that it was in when it passed the House by a vote of 115 to nothing. As the Bill stands now under Revised First Conference Committee Report, the effect of the Bill is that it transfers the administrative responsibilities for math and science teaching scholarships from the Department of Commerce and Community Affairs to the State Board of Education and directs that the appropriations for this purpose from JTPA, the Job Training Partnership Act and other sources be made to the State Board of Education. Both DCCA and the State Board of Education are in agreement, and I would move for the adoption of the First Revised Conference Committee Report on House Bill 3090."

Speaker Breslin: "The Gentleman has moved to accept the First Conference Committee Report on House Bill 3090. And on that question, is there any discussion? There being no

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discussion, the question is, 'Shall the House accept the First Conference Committee Report on House Bill 3090?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This requires 71 votes for passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 108 voting 'aye', none voting 'no', and none voting 'present', and the House does accept the First Conference Committee Report on House Bill 3090. On the Order of Amendatory Veto Motions, page three on your Calendar appears Senate Bill 1385, Representative Matijevich. Clerk, read the Motion."

Clerk Leone: "Senate Bill 1385, amends the Illinois Income Tax Act, Motion to accept."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House, Senate Bill 1385 is exactly the same as House Bill 2345 which we favorably approved two weeks ago. This is the Bill that relates to the social security so that we cannot tax social security benefits under the State Income Tax Act. The second provision of the Bill was Dan Pierce's provision relating to pension benefits of retired partners of partnerships. The Governor did not change the first part of the Bill relating to social security and railroad retirement benefits. He agreed with the second part of the Bill but believed that the language in the Bill was too broad and may lead into inadvertent exemptions for income earned by a partner receiving a liquidation of his or her capital account. So, I therefore move to accept the Governor's specific recommendations for change with respect to Senate Bill 1385 and ask for your favorable support."

Speaker Breslin: "The Gentleman has moved to accept the Governor's specific recommendations for change in Senate Bill 1385. And on that question, is there any discussion?"

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There being no discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change in Senate Bill 1385?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 60 votes are required for passage. 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 112 voting 'aye', 1 voting 'no', and none voting 'present', and the House does accept the Governor's specific recommendations for change in Senate Bill 1385. On the Order of Motions appears Senate Bill 1607, Representative Matijevich. Clerk, read the Motion."

Clerk Leone: "Senate Bill 1607. Pursuant to Rule 74 (a), I move to take from the table and place on the Calendar, Order of Second Reading, Second Legislative Day, Senate Bill 1607."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House, I am moving to take Senate Bill 1607 from the table and place that on the Order of Second Reading. Let me tell you the purpose of that. We are using that Bill as a vehicle. The City of Chicago has two provisions that it's interested in - one regarding statutory language relating to the parking privileges of handicapped persons. There's no problem with that provision that we are trying to implement. The second provision that we'd like to implement is with regards to the increasing from 90 to 120 days, the period during which local authorities must notify an automobile lessor, for example, like Hertz, of a parking violation. We are not yet agreed as to the statutory language in changing that. So therefore, what I want to do is move this Bill to Second Reading, take off Amendment #1 and then move the Bill to Third Reading and then January 9, if we can agree to that provision, then we will move it back to Second on January 9

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and pass it on that date. That's the game plan right now, so with that game plan, I would now ask... move to take from the table Senate Bill 1607, place it on Second Reading."

Speaker Breslin: "The Gentleman has moved to take Senate Bill 1607 from the table and place it on the Calendar on the Order of Second Reading, Second Legislative Day. And on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

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

Vinson: "Representative, are you saying, representing, assuring us that if there is not agreement on the Bill on January 9, you will not attempt to move the Bill?"

Matijevich: "That's right. In other words, we're not going to move the Bill back to Second unless there's agreement."

Vinson: "Thank you."

Matijevich: "And you know we can't anyway, cause we're going to need your vote."

Speaker Breslin: "There being no further discussion, the question is, 'Shall the House take Senate Bill 1607 from the table and place it on the Calendar on the Order of Second Reading, Second Legislative Day? All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Requires 71 votes for adoption. Have all voted who wish? The Clerk will take the record. On this question, there are 101 voting 'aye', 1 voting 'no', and none voting 'present', and the Motion carries. Senate Bill 1538, Representative... Excuse me. Representative Matijevich."

Matijevich: "Now would ask leave for the immediate consideration of the Bill on Second Reading for the purpose of withdrawing Amendment #1. Ask leave and use of the

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Attendance Roll Call for that purpose."

Speaker Breslin: "Mr. Clerk, would you read the Bill a second time?"

Matijevich: "1607."

Clerk Leone: "Senate Bill 1607, a Bill for an Act to amend the Illinois Human Rights Act. Second Reading of the Bill."

Speaker Breslin: "The Gentleman has moved to have this Bill heard immediately on the Order of Second Reading. Is there any objection to that? Hearing no objection, there is leave. Now read the Bill a second time."

Clerk Leone: "Senate Bill 1607, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill."

Speaker Breslin: "Representative.. Are there any Amendments?"

Clerk Leone: "No Committee Amendments."

Speaker Breslin: "Are there any Motions? Is there a Floor Amendment?"

Clerk Leone: "Floor Amendment #1, Matijevich, amends Senate Bill 1607 by deleting everything after the enacting clause and inserting in lieu thereof the following."

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

Matijevich: "Leave to withdraw Amendment #1."

Speaker Breslin: "The Gentleman asks for leave to withdraw Amendment #1. Hearing no objections, the Amendment is withdrawn. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Matijevich: "Third Reading."

Speaker Breslin: "Third Reading. Supplemental Calendar #1 appears Senate Bill 1610, Representative Bowman. Clerk, read the Motion."

Clerk Leone: "Move to suspend the provisions of Rule 37 (g), take from the table and return to the Calendar on the Order of Third Reading, Senate Bill 1610."

Speaker Breslin: "Representative Bowman."

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Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move to suspend the appropriate rule and take this Bill from the table and return it to the Calendar on the Order of Third Reading. This Bill is the supplemental appropriation for operations, and we need to put in a posture so we may move it today."

Speaker Breslin: "The Gentleman has moved to suspend the provisions of Senate... Rule 37 (g) and to take Senate Bill 1610 from the table and return it to the Order of Third Reading. And on that question, is there any discussion? There being no discussion, the question is, 'Shall the House suspend Rule 37 (g), take Senate Bill 1610 from the table and return it to the Calendar on the Order of Third Reading?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This requires 71 votes for passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 105 voting 'aye', 3 voting 'no', and none voting 'present', and the Motion passes. On page four on your Calendar on the Order of Motions appears Senate Bill 1538, Representative Giorgi. Mr. Clerk, read the Motion."

Clerk Leone: "I move to take from the table, suspend Rule 79 (e) and place on the Calendar on the Order of Conference Committee Reports, Senate Bill 1538."

Speaker Breslin: "Representative Giorgi."

Giorgi: "Madam Speaker, what I'm trying to do is, I'm trying to clear up what happened July 1. The First Conference Committee Report went down in both the Senate and the House, and in the Senate on July 1, they passed the Second Conference Committee Report after they stripped the Bill of all the stuff that the House didn't want that... and we had sent the Bill over to the House in very good shape, so I'd like to bring this back so that the Second Conference

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Committee Report can be debated and adopted here. Senator Ethredge from the Senate was able to pass the Second Conference Committee Report in the Senate, and I'd like to do the same here. So I'd like the support to put this Bill back on Concurrence."

Speaker Breslin: "The Gentleman has moved to suspend Rule 79 (e) and to take Senate Bill 1538 from the table and place it on the Calendar on the Order of Conference Committee Reports. And on that question, is there any discussion? There being no discussion, the question is, 'Shall the House suspend Rule 79 (e) to take Senate Bill 1538 from the table and place it on the Order of Conference Committee Reports?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This requires 60 votes for passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 102 voting 'aye', none voting 'no', and 6 voting 'present', and the Motion carries. Representative Greiman, are you prepared to make a Motion? There will be a five minute caucus. I understand you want a caucus, Sir?"

Greiman: "Thank you, Madam Speaker. The Democrats would request a conference in Room 14... in Room 114 for about 45 minutes."

Speaker Breslin: "Representative Friedrich, do the Republicans have a similar request?"

Friedrich: "Right."

Speaker Breslin: "The... As a consequence, the Democrats will be meeting in caucus for 45 minutes in Room 114, the Republicans will be meeting in caucus in Room 118 for 45 minutes. Please return to the floor at 3:30 promptly."

Speaker Greiman: "The House will be in order. On the Order of... yes, Mr. Clerk. Supplemental Calendar."

Clerk O'Brien: "Supplemental Calendar #2 has been distributed."

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Speaker Greiman: "Committee Reports."

Clerk O'Brien: "The Committee on Rules has met and pursuant to Rule 29 (c-3), the following Bill has been ruled exempt on December 12, 1984: Senate Bill 1024, by John Matijevich, Chairman."

Speaker Greiman: "On the Order of Senate Bills Nonconcurrency appears Senate Bill 1067. On that, Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1067, a Bill for an Act to amend the Illinois Public Aid Code together with House Amendment #1."

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

Tate: "Yes, Mr. Speaker, I move to refuse to recede and request a Conference Committee."

Speaker Greiman: "The Gentleman from Macon moves that the House do nonconcur with... I'm sorry... refuse to recede from Senate Amendment #1 to Senate Bill 1067. All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House does refuse to recede."

Speaker Madigan: "Representative... Representative Madigan in the Chair. On page two of the Calendar there appears a Special Order of Business for Wednesday, December 12, 1984 at the hour of 10:00 a.m. There shall be action relating to the recommendations of the Compensation Review Board and the subject matter would be all Joint Resolutions relating to such recommendations will be considered. The hour of 10:00 a.m. having arrived and passed, we shall now proceed to that Special Order of Business. The matter appears on the Speaker's Table where we find Senate Joint Resolution 143. The Chair recognizes Representative Koehler. Representative Koehler. Representative Koehler."

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

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Speaker Madigan: "Representative Koehler, for your information, you have filed a Motion to take this matter from a Committee. That Motion is not needed, because the matter has been assigned to the Speaker's Table. Therefore, we are now considering your sponsorship of Senate Joint Resolution 143, and you may proceed immediately to consideration of that Resolution. Representative Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Joint Resolution 143 is a Resolution to disapprove in total the report filed by the Compensation Review Board. I offer this Resolution for three major reasons. Number one, the Compensation Review Board and the recommendations they have made is an improper delegation of legislative authority. Our Illinois Constitution, Article IV, Section 11, regarding the Legislature, states 'A Member shall receive a salary and allowances as provided by law'. Article V, Section 21, regarding the Executive Branch of State Government, provides 'Officers of the Executive Branch shall be paid salaries established by law'. Article IV, Section... Article VI, Section 14, regarding the Judicial Branch, states that 'Judges shall receive salaries provided by law'. I emphasize the words, 'by law'. Ladies and Gentlemen, when we talk about a law, I would remind you that no Bill that will result in a statute has been introduced nor is one before us on our desk. No Committee will hear a Bill. There is no Amendment. The Legislature will not be voting on a spelled out dollar amount, as has been our practice. There will be no affirmative vote. There is nothing for the Governor to sign. I submit to you that this report is not a law, and the Compensation Review Board setting salaries is unconstitutional on its face. The second reason I offer this Resolution goes to the heart of our role as a public servant. We run for this job. We

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ask to be leaders and makers of public policy. We ask for the support and confidence of Illinois citizens. Ladies and Gentlemen, Illinois citizens and our economic climate is in a very tenuous position. The Illinois Economic and Fiscal Commission tells us that in the last recession Illinois lost 439,000 jobs. Recovery started in February of 1983; and, to date, Illinois has only recovered around 55,000 of those jobs. We still have a deficit of around 380,000 jobs. In our own central Illinois, everyday we pick up the paper only to learn another company is laying off workers, workers are taking salary and benefit concessions. The Salvation Army and other charitable agencies report an increase of hunger and homelessness in our state. In the face of this, we, who ask to be leaders, cannot put ourselves at the first of the line and say we want ours before those whom we are asking to serve get theirs. Finally, the most important argument of all and the real question before us today is what do the citizens of Illinois intend their Legislature to be? Do they intend for it to be a group of full-time, highly paid professional Legislators who spend most of their time reworking the statutes in the Capitol just like we have in Washington, D.C., or do they intend us to be a citizen Legislature where, perhaps, a small businessman takes time from his business to serve, vote and to speak on small business issues about which he has first-hand knowledge? Ladies and Gentlemen, I would suggest to you the citizens of Illinois do not want to create another Washington, D.C. here in Springfield. Even though citizens want a citizen Legislature, if this Compensation Review Board is allowed to operate we may very well have sealed the fate and sounded the death knell of the citizen Legislator serving in the Illinois General Assembly. And that would be sad.

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Once again, the workload will expand to fill in and justify regular salary increases, and once again Illinois citizens will be overtaxed and overregulated to pay for it. And with the salary increases and office increases, workload increases, do the issues really change or even need that much more attention? An old adage says, the more things change, the more things stay the same. And to illustrate that, during the 34th General Assembly, the only other State Representative of which I am aware from Henry, Illinois, Julius Watercuts, served. He served for five dollars per Session day. And the 34th General Assembly, in their biennial Session addressed penalties for entering dwelling houses to commit a crime - in other words, home invasions - property taxes which were just to all, legislation prohibiting aliens from owning farmland in the United States and Illinois. As you see, the problems are the same today as they were yesterday. The major difference that we have today is that a highly paid, professional Legislature takes longer, creates more laws, promulgates more rules and it is proportionately more costly. For these reasons, I ask your support of this Resolution to reject the report of the Compensation Review Board. Thank you, Ladies and Gentlemen."

Speaker Madigan: "The Lady has moved for the adoption of Senate Joint Resolution 143 which, in effect, would reject the report of the Compensation Review Board. The Chair plans to proceed to this Roll Call on an oral verified vote. There shall be an oral verified vote. I would ask all unauthorized people to remove themselves from the floor. Mr. Greiman will now take the Chair."

Speaker Greiman: "The Lady from Marshall has moved for the adoption of Senate Joint Resolution 143. And on that, is there any discussion? The Gentleman from Cook, Speaker

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Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House of Representatives, I rise in opposition to the Lady's Resolution to reject the report of the Compensation Review Board. And I would ask that you indulge me some of your time today, because I plan to speak at more length than I generally do. I was not an early supporter of the Compensation Review Board. I had my own personal reasons for not being an early supporter of the Board, and there's no reason to enunciate those reasons in the public record. Let it simply suffice to say that at the beginning I was not in favor of this Board; but, in time, I came to the position of supporting the creation of a Compensation Review Board, because I became convinced by some of my colleagues that an agency such as this was the only rational way to provide for periodic, justified salary adjustments for Members of the Legislature and for those others covered by the law that created the Compensation Review Board. After we had provided for the creation of the agency, I appointed my appointees to the Board. I doubt that many of you know those people, but I think that if you ever have the occasion to meet my appointments to the Board you'll come to the conclusion that they are intelligent, responsible people who, to this point in time, have acquitted themselves well; and, if this agency survives and functions in the future, they will perform very well in the service for which they have volunteered their time to the State of Illinois. The agency has met. The agency has submitted a recommendation to the Legislature. I'm sure that there is a wide variety of disagreement on the recommendation of the Board. Some may feel that the salary for Legislators is too high. Some may feel that the recommended salary for Legislators is too

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low. Some may feel that the recommendation for the others are too high or too low. But if you're realistic about this agency, if you're sincere in believing that this is how we should do salary adjustments in this state, then you should expect that you would not agree in toto with the recommendations of the Board. You should expect that you would have some disagreement with the recommendation... or recommendations of the Board. So the recommendation is here. My humble judgement is that the recommendation is fair and equitable. I think that on balance, not in total, but on balance the report fairly and equitably reflects the compensation that should be paid to all of the offices covered by the law. There's a certain group of Legislators that violently disagrees with my assessment. That group of Legislators has already met in private and in public, and it has already moved to reject this report. Some of them have been quoted in the news media of the state, and some of them have said privately that they don't feel that the recommendation for the Legislature is enough. It's not enough. They want more. They want more money, and they want it now. Well I don't that think we deserve more than is recommended by the Compensation Review Board. And let me tell you why I don't think we deserve more. Let us just look at this calendar year. So in calendar year 1984, the Legislature, in the month of January, worked either zero days or one day. I really don't recall. We may have listened to the Governor deliver the State of the State Address in January of 1984. If we did, we worked one day. In February, we either worked zero days or one day and in March, zero days or one day. So for the first three months of this year, if you wish to quibble over a couple of days, be my guest. But the reality of the situation is we did no work. We were not here in this chamber. We worked days in

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April. We worked days in May. We worked days in June. And then we went home. And in July we worked no days. In August we worked no days, and in September, no days; in October, no days; in November, two days. And in this month of December, two days. So, if you're realistic, for this calendar year of 1984, we've worked three months, three months. And some tell us that a salary increase of 4500 dollars over two years is not enough. I reject - I categorically reject that argument. And I say to all of you that 4500 dollar increase over two years is more than adequate. And that's all that it should be and that, on that particular aspect of the report, the Board should be reported... should be supported. There are people who are saying today the report can be rejected today, but then the Board will be compelled, by some form of intimidation that I don't quite understand, to reconvene and to amend the report or to issue a second report. And then in the second report or the amended report, the Legislative salary recommendation increase could be raised and maybe the others could be lowered or just left where they are. But for our purposes, the short of the situation is that this agency which, if you read the legislative record when it was created, if you read the transcript of the debate, this agency which is intended by legislative record to be separate and apart from the Legislature, to be an agency independent of the Legislature, would then be, in effect, told by the Legislature, 'The first time you were wrong. It wasn't enough. Now the second time, you've gotten the message, and it will be enough and; therefore, we will accept the second recommendation.' To that argument I say, 'Shame on you'. Shame on you for being so foolish in your own mind to think that, number one, a court, which we know will consider the constitutionality of this agency anyhow,

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would accept that historical record and not say this agency is clearly unconstitutional. And secondly, shame on you for thinking that there would not be such a political reaction that it would make the last political reaction minor in comparison to what we could expect this time. On the day that I became your Speaker, in January of 1983, I made certain remarks in the record which were not well received by all Members. I think, on reflection, most of you will now agree that I was correct, and you will agree that we've had a good two years in rectifying our prior conduct. But in January of 1983 I said, and I quote, 'I suggest to you that the vote of reduction, the vote that reduced the size of the House of Representatives, was in fact a vote of rejection for certain methods, certain procedures and certain antics which had been employed over the years in this House of Representatives'. And I went on to call upon you to chart a new course of conduct, to look upon ourselves and look upon this institution with more self-respect and to conduct ourselves in a manner that would give an impression and an image of self-respect so that the people who send us here and the people who depend upon this institution to make the laws of this state would begin to have confidence in our work product, confidence in our personal integrity and well-being. Over two years, I think that together, Republicans and Democrats, that together we have done an outstanding job of beginning to restore the confidence of the people in our work. We have come to this chamber well-intentioned. We have not engaged in frivolous activity. We have done our work. We have done it in a very reasoned... reasonable manner, and we have a work product from two years that cannot be rivaled in the history of the Legislature. We can identify up to ten major issue areas where Democrats and Republicans, in

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the House, in the House, initiated major legislative changes that solved the problems of the people of this state. In conclusion, I implore you - don't participate with those who would destroy that record of accomplishment that we have begun. Don't engage in the frivolous notion that an agency created by this Body with the intent to be separate and independent can, by action of this Body, be intimidated into going back and changing its recommendation and then crawling in here with a change that satisfies us. Don't be lulled into that nonsense, because nonsense is all it is. I plan to support the report. I plan to oppose the Resolution of Representative Koehler, because I think the report on balance is fair and equitable and because I view this agency as really the only opportunity we have to get fair, periodic salary adjustments for Members of the Legislature and for those covered by the law. And if we kick away this opportunity now, we will not get it back again for a long, long time, probably not for as long as I plan to continue to serve in this Body. Thank you very much.

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

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, as the House Sponsor of the Compensation Review Board - I've been in the Legislature fourteen years now, and it's amazing to me that Representative Koehler's suggested about the salary increases and what have you; that we vote on appropriations and salary increases every Session that we're here, that there's approximately 150,000 employees of the State of Illinois, and we ratify whatever union agreement or collective bargaining agent comes across and says this is what the salary should be or shouldn't be or, agencies, whether it's three percent, five percent. This

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is all cost of doing business. I don't know who is supposed to set the salaries for the people at the Compensation Review Board. I've never seen any Legislator come up and suggest what the salary should be for the Director of the Lottery, or the Department of Conservation, or the Department of Transportation, or Human Services or the Lieutenant Governor. I don't know where they got this wisdom to set these salaries and to do all of these things. In most cases, the General Assembly ratifies these recommendations. Many of the people that are covered under the Compensation Review Board have been underpaid and have been doing a tremendous job for the people of the State of Illinois, and we are in competition with business that is demanding these type of people to come into their services. I talked to the Director of our State Lottery, which is generating approximately 900 million dollars in the Lottery in the State of Illinois. His salary, I believe, is under 40,000 dollars a year and directing an operation that is generating 900 million dollars for the State of Illinois. I know that he's gotten many, many officers from private industry as well as other states to come out there and work for them. The Department of Transportation, school teachers, many, many people... as matter of fact, I think some of the department heads are making substantially more. I happened to be at a seminar where they wanted people to be accountable to their constituency, which I suggested that I was, and that maybe if we have a stationary engineer in the State of Illinois Building that's under union contract that's making 17 dollars an hour or 30,000 dollars a year, that we should submit that person to a referendum vote and to see whether or not we should give him a salary increase, because it's such a substantial amount of money. The Compensation Review Board was charged to set up and

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bring up some reasonable salary adjustments for the people that we are supposed to set their salaries in the Legislature. In the Resolution to them, we did say that the Board, in determining the compensation for each and every office contained in this report, has considered the skill required, the time required, the opportunity for other earned income, the value of public service as performed in comparable states, the value of such services as performed in the private sector in Illinois and comparable states and upon the responsibility and direction required in the office, the average consumer price as commonly known as the cost of living, the overall compensation presently received by public officials and all other benefits received, the interest and welfare of the public and the financial ability of the state to meet those costs and other factors not confined to the foregoing. I think the Compensation Review Board did a commendable job; that they set a direction for us, that they have set a direction that we can live with, that we could provide adequate salaries for these people. This represents a very, very small amount of people in comparison to the number of employees in the budget in the State of Illinois. At the same time, that many people have voiced an opinion that they place more confidence in a Compensation Review Board to set salaries than Members of the General Assembly. Now, this was provided by a Southern Illinois University report, which I'm sure that many of you have seen. I believe 87 percent of the people favored a Compensation Review Board. And it's my understanding that the editorials at the present time are suggesting that we do support the Compensation Review Board because of their adequacy. Now, if you feel that that salary adjustment is too low for the Members of the General Assembly, well maybe

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you should vote for Representative Koehler's Resolution. But I, for one, will support the Compensation Review Board. It provides us with direction. Unless someone can play God and make a determination of what all these salaries would be that is in the General Assembly, I would suggest that they run for Governor, because that's maybe where they should be. So, I plan on supporting this and for, not only of the Members of the General Assembly, but all of the people that are concerned in the State of Illinois as well as the hard-working employees of this state."

Speaker Greiman: "Gentleman from Knox, Mr. Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. Last spring I opposed the creation of the Compensation Review Board, and the people in my district, I can't speak for those in yours, but I know the people in my district do not accept the Compensation Review Board today. As they talk in their homes, in their offices, in their coffee shops, they expect Carl Hawkinson to go down and make these kinds of decisions and to make these kinds of votes. They expect we Legislators to exercise our judgement, and they expect us to act on these questions, regardless of whether the Board is constitutional or not. We are elected to make these kinds of tough decisions. At a time when unemployment in my area is about 15 percent and the state is closing mental health centers and laying off state workers, we cannot afford, at this time, to recommend these kinds of salary increases. The final reason and equally as important to any of the others, why I decided to become a Chief Cosponsor of this Resolution, is that the public expects us to act on pay raises prior to elections and not after elections in lame duck Sessions. For these reasons, I urge you to support the Resolution and to reject these increases at this time."

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

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, the Compensation Review Board was created by a law, and the Sponsor of the Resolution should realize this. It was created by a law, passed by the House and the Senate in the spring of this year and signed into law by the Governor. Compensation Review Board acted in accordance with the law that we passed and the Governor signed. I don't agree with every recommendation of that Board. Some salaries are too high, as far as I'm concerned. Some are too low. One, I think, in respectful disagreement with our Speaker, one I think that could be a little higher is that of the General Assembly. However, when we passed that law, we delegated to a body created by a law the job of recommending pay raises or pay adjustments for Legislators, public officials and directors of code departments, members and chairmen of commissions. An excellent Board was appointed by the Legislative Leaders. That Board met. That Board considered salary adjustments and came back with a recommendation. Certainly there will be recommendations in that report that you and I disagree with, but we've set and created an instrumentality that can do a job for this General Assembly and for the people of the State of Illinois and do a good job, a better job than we can do. We created this instrumentality. It would be showing a great disrespect to the members of the Compensation Review Board and to ourselves who created that Board to out-of-hand reject their recommendations the first time they come back to us, because we think our salary may be a little low and somebody else's salary may be a little high. It was for that very reason that we created the Board. The Board has come back with reasonable requests. The Chicago

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papers, the downstate papers and editorials feel that those recommendations are reasonable. I agree very strongly with the Speaker of the House that, having created this instrumentality, it's our duty... it's our duty to nurture it, to encourage it and not to slap it in the face the first time it comes back with recommendations. Now, I've often said in jest on this floor that something was my last Bill. This is not my last Bill, because I will receive no benefits from the pay raises in this Bill. But it could be the last time the Compensation Review Board ever comes back with a recommendation. Because who in the world would ever want to serve on the Compensation Review Board in the future? What respectable person would want to go with that Board if they knew they did a good and job and they came back and the Legislature slapped them in the face, ridiculed them, as the other Body did yesterday, treated them with disrespect and out-of-hand rejected the recommendations? I intend to oppose this Resolution. I think the Compensation Review Board is the law of the state. It's a good law. And those of us that passed it in the General Assembly, and it's now the law for all of us, should respect it and not discard its recommendations out of hand for narrow political purposes."

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

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I certainly stand in opposition to Representative Koehler's Motion, and I believe that the concept of a Compensation Review Board does indeed have an affirmative defense on the floor of this House. First of all, the Speaker of the House cited a litany of things that he felt were important to the passage of the Compensation Review Board's recommendations. And he also mentioned the number of days in the month in which we were or were not in

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Session. But unlike some of the people who are called double dippers, some of those who are described as payrollers, the great majority of the Members of the Illinois General Assembly are not attorneys. As a matter of fact, a number of attorneys, since the cutback Amendment was instituted, have decreased, and some would say that's a great service to the General Assembly. Also, some of us are not privy as lawyers to have lucrative outside legal business and cushy contracts with governments. We're not on retainers. Some of us are farmers. Some of us are businessmen. Some are involved in education. And so there's an affirmative defense for paying people who, in fact, legitimately give service to their constituents in addition to being here as lawmakers. And I think the record should show that. I think, when you render a service to the people of your district, they expect you to give them something that they don't receive from a state agency or a city department or a county agency. And in the 23rd District, I'm proud to say that they get that, and that's part of the reasons, I'm sure, they continue to send me back to the General Assembly to represent them because I give them service. So, there's an affirmative defense for Legislators receiving compensation that's reasonable and fair. I don't think that those who have voted on this proposition, who are categorized as extortionists, who want to extort the Compensation Review Board for some additional increase for themselves, I would say to the Compensation Review Board, 'Don't take that intimidation'. I personally will not support any change in the Compensation Review Board's recommendation if this proposition does not pass, even if it means additional increases for the House and the Senate, because I would describe that as legislative extortion which should be illegal and should be shunned and

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frowned upon. The Compensation Review Board has done an admirable job, and the Legislature is at the bottom of the barrel on this particular compensation plan. As some have said, there are those who think it's not enough. There are those who think it's too much so it must be a good plan. I urge a 'no' vote on the Lady's proposition. She certainly is honest and forthright in her efforts, and it's been a major part of her campaign since she came to this chamber. So she's being consistent. Others, I submit, are inconsistent and merely politically grandstanding. And, as my friend, Representative Terzich, said about an hour ago, they are part of what you call the red-knuckled brigade. They vote 'no' and hope it passes. The proposition should fail. We should send a message to the Senate that we are a bicameral Body and we are not dictated to by the Senate who, in my estimation, was merely a misguided missile on this issue. Thank you, Mr. Speaker and Ladies and Gentlemen of the House."

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

Huff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise to support Representative Koehler's Resolution. I feel like it has already been expressed by some of the other Members, albeit on the other side of the aisle, that we are abrogating our responsibility when we create this Compensation Review Board, which, in my mind, exists as a charade. Where was this Review Board a couple of weeks ago? I understand that the members weren't even appointed, they didn't even exist three weeks ago. And it was also reported that they didn't even know the difference between the Auditor General and the Attorney General. Mr... Speaker Madigan has stood before us and given us a rather strained rationale as to his not accepting the advocacy of the fitness of such a Body. I submit to you,

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Ladies and Gentlemen, that Mr. Madigan wasn't convinced to the rightness and the fitness of this Body until he found out he could control it. We are not going to be swayed by Representative... Speaker Madigan's rather sophistic rationale and neither will our constituents. I think the right vote and the sincere vote to our constituents, who are suffering hard times, Ladies and Gentlemen, is to support this Resolution."

Speaker Greiman: "There being no further discussion, the Lady from Marshall, to close."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I... I rise to... to... to argue some of the points that were made by those in opposition to my Resolution. First of all, I would reply to Representative Terzich about his comment on the appropriation process. I realize that the Legislature does appropriate; however, there is no authorizing legislation for any appropriation, because that must be set according to law. And as we well know and as I pointed out in my earlier presentation of this, I would argue that this is not a law. The Compensation Review Board, itself, is contrary to our Constitution, and there I would take issue with Representative Pierce. Because, where in our Constitution is the authority to create an advisory board? It simply is not there. Where is the authorizing legislation giving the Comptroller the authority to write checks? Where will this Resolution, so-called Resolution, be printed in the statutes, or will we just have a footnote when it comes to the dollar recommendation? We have always put dollar amounts for salaries into the statutes. We will just footnote - see Compensation Review Board recommendation? For all of these reasons I feel that the Compensation Review Board, itself, is improper and an improper delegation of legislative

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authority. And to the Speaker, I would say that I am honored to have such a worthy opposition. And I, too, well remember your remarks when you assumed the Office of Speaker, and I appreciated them because I was certainly involved in many of those issues that... about which you were speaking. But again, we find ourselves here in the Legislature employing questionable methods of increasing salaries, sidestepping the Constitution that we have sworn to uphold. Now, with regard to a couple of the other points that you made, you spoke about having an independent and outside agency to provide recommendations for regular salary adjustments. And I certainly have no problem at all with an independent, outside citizens' advisory board that is going to recommend salaries and appropriateness of salary increases. I would just argue that their recommendation should not have the force of law. They could recommend. Legislation could be introduced. It could be considered. That could be supporting evidence, and then it could be voted upon by the House and the Senate and signed by the Governor. I certainly think that that is a more appropriate way of doing it. And finally, I would say that the issue is not the recommendations of the salary Board itself. It is the constitutionality. It is clearly unconstitutional. So, in conclusion in support of my Resolution, I would look at the three issues that I argued before. First of all, leadership - whether those of us who are elected to serve and elected to lead will demonstrate that we recognize the economic pain in our state and postpone our increases until others now experiencing joblessness, homelessness and hunger can participate too. And the propriety, the Compensation Review Board is clearly an improper delegation of legislative authority, and its recommendation should be rejected out of hand. Then the

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largest question of all, the citizens versus the professional Legislator. Whenever citizens have an opportunity, they use their vote and their voices to say they prefer the more accountable citizen Legislator. It is also important to point out that if this measure should fail today, citizens will look with even more interest to the year of 1988 when they will have an opportunity to vote to call another Constitutional Convention. Perhaps then they will have a larger opportunity to reverse the trend toward the professional Legislator, reject the Compensation Review Board and request accountability. I request your support for this Resolution. Thank you."

Speaker Greiman: "Ladies and Gentlemen, the Chair has previously announced that this vote will be taken by a Verified Oral Roll Call so that there can be no confusion with respect to the import of your vote. Those wishing to vote for Ms. Koehler's Resolution, which would be to reject the Compensation Review Board's report, vote 'aye'. Those who wish to accept the Review Board's report can vote 'no' or 'present'. Ms. Koehler's Resolution for passage will require 60 votes. On an Oral Verified Roll Call, when the Clerk calls your name, stand at your desk, orally give your vote and punch your button. Mr. Clerk, proceed with the call of the Verified Oral Roll Call."

Clerk O'Brien: "Alexander? Alexander, pass. Barger? Barger 'yes'. Barnes? Barnes 'no'. Berrios? Berrios 'aye'. Bowman?"

Speaker Greiman: "Mr. Bowman, one minute to explain your vote."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In explaining my vote, I would just remind everybody that at the time we considered the legislation establishing the Pay Commission, we had available to us a public opinion poll conducted by Illinois State University

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which indicated that 92 percent of the people in the state wanted the Commission, a pay commission to be established. Now, in this business, 60 percent is considered a landslide, but 92 percent is virtually unanimous approval of the citizens of this state for a pay commission. And I think the report of the Commission, at least as respects the legislative salaries, is reasonable. The proposal for the Legislature is below the rate of inflation, and I think, since this is a part-time job, that it is a reasonable proposal. So, I stand at this time to cast my vote 'no' on the Resolution."

Clerk O'Brien: "Bowman, 'no'. Braun?"

Speaker Greiman: "Mr. Bowman, your... Mr. Bowman, your button."

Clerk O'Brien: "Braun?"

Speaker Greiman: "The Lady from Cook, Ms. Braun, one minute to explain your vote."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I supported the creation of the Compensation Review Board. Now that it has fulfilled its legislative mandate, I think it would be unfortunate if its recommendations were to be rejected by this Body and if the process, which we authorized, were to be stillborned. In support of that process, I'm going to vote 'no' against this Resolution."

Clerk O'Brien: "Braun, 'no'. Breslin? Breslin, 'aye'. Brookins?"

Speaker Greiman: "Gentleman from Cook, Mr. Brookins, one minute to explain your vote, Sir."

Brookins: "I know that we are in a high unemployment rate, especially in the black community, my community, but I believe that the Review Compensation Board was set up so that we would not come in and gouge the taxpayer and take undue amounts from the treasurer. I also know that in order to get good employees, in order to have competent

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workers you must pay them and you must pay them commensurate with the work they do. I consider myself a full-time Legislator. I do not, in effect, double-dip. I work at this job. I'm studying this job. I'm there not five or six days a week, but seven days a week and sometime 12 hours a day. For that reason, I think that I must vote in favor of this... vote against this proposition so that a reasonable amount of salary can be assessed to a Legislator and to the other government officials. So, with that, I vote 'no'."

Clerk O'Brien: "Brookins, 'no'. Brummer? Brummer, pass. Brunsvold? Brunsvold, 'aye'. Bullock? Bullock, 'no'. Capparelli? Capparelli, 'present'. Christensen? Christensen, 'aye'. Churchill? Churchill, 'aye'. Countryman? Countryman, 'aye'. Cowlshaw? Cowlshaw, 'aye'. Cullerton? Cullerton, 'no'. Curran? Curran, 'aye'. Currie? Currie, 'no'. Daniels? Daniels, 'aye'. Davis? Davis, 'aye'. DeJaegher? DeJaegher, 'aye'. Deuchler? Deuchler, 'aye'. Didrickson? Didrickson, 'aye'. DiPrima? DiPrima, 'no'. Domico, absent. Doyle? Doyle, 'aye'. John Dunn? John Dunn, 'aye'. Ralph Dunn? Ralph Dunn 'aye'. Ewing? Ewing..."

Speaker Greiman: "We'll allow the Gentleman to change his vote."

Clerk O'Brien: "Ewing, 'aye'. Farley? Farley, pass. Flinn? Flinn, pass. Virginia Frederick? Virginia Frederick, 'aye'. Dwight Friedrich? Dwight Friedrich, 'aye'. Giglio? Giglio, 'aye'. Giorgi? Giorgi, 'no'. Greiman? Greiman, 'no'. Hallock? Hallock, 'aye'. Hannig? Hannig, 'aye'. Harris? Harris, 'aye'. Hastert? Hastert, 'aye'. Hawkinson? Hawkinson, 'aye'. Hensel? Hensel, 'present'. Hicks? Hicks, 'aye'. Hoffman? Hoffman, 'no'. Homer? Homer, 'aye'. Huff? Huff, 'aye'. Jaffe? Jaffe, 'present'. Johnson? Johnson, 'aye'. Karpiel? Karpiel,

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'present'. Keane? Keane, 'aye'. Kirkland? Kirkland, 'aye'. Klemm? Klemm, 'aye'. Koehler? Koehler, 'aye'. Krska? Krska, 'aye'. Kulas? Kulas, 'no'. Laurino? Laurino, 'no'. LeFlore? LeFlore, 'present'. Leverenz? Leverenz, pass. Levin? Levin, 'no'. Markette? Markette, 'no'. Marzuki? Marzuki, 'aye'. Matijevich? Matijevich, 'no'. Mautino? Mautino, 'aye'. Mays? Mays, 'aye'. McAuliffe? McAuliffe, 'present'. McCracken? McCracken, 'aye'. McGann?"

Speaker Greiman: "Gentleman from Cook, Mr. McGann, one minute to explain your vote."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. In due recognition and in the best interest of my constituents of the 29th District, I vote 'aye'."

Clerk O'Brien: "McGann, 'aye'. McMaster? McMaster, 'aye'. McNamara? McNamara, 'aye'. McPike? McPike, 'no'. Mulcahey? Mulcahey, 'aye'. Nash? Nash, 'present'. Neff? Neff, 'aye'. Nelson?"

Speaker Greiman: "Yes, Lady from Cook, Ms. Nelson."

Nelson: "Thank you very much, Mr. Speaker. I have consistently supported creation of the Compensation Pay Review Board. I believe that most of the salaries are justified, particularly those for Legislators, whom I find to be hard-working colleagues who work, Mr. Speaker, more than one day in January and more than one day in February because we all work in our district offices. And, therefore, I am going to vote 'no'."

Clerk O'Brien: "Nelson, 'no'. Oblinger? Oblinger, 'aye'. O'Connell? O'Connell, 'aye'. Olson? Olson, 'aye'. Panayotovich? Panayotovich, 'present'. Pangle? Pangle, 'aye'. Parcels? Parcels, 'aye'. B. Pedersen? B. Pedersen, 'aye'. W. Peterson? W. Peterson, 'aye'. Piel? Piel, 'aye'. Pierce? Pierce, 'no'. Preston? Preston,

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'no'. Pullen? Pullen, 'aye'. Rea? Rea, 'aye'. Rhem?
Rhem, 'no'. Rice? Rice, 'present'. Richmond? Richmond,
'aye'. Ronan? Ronan, 'no'. Ropp? Ropp, 'aye'. Ryder?
Ryder, 'aye'. Saltsman? Saltsman, 'aye'. Satterthwaite?
Satterthwaite, 'aye'. Shaw? Shaw, pass. Slape? Slape,
'aye'. Steczo? Steczo, 'aye'. Stuffle? Stuffle, 'aye'.
Tate? Tate, 'aye'. Taylor, absent. Terzich? Terzich,
'no'. Topinka? Topinka, 'present'. Tuerk?"

Speaker Greiman: "Tuerk, is that 'aye'? You wish to speak, Mr.
Tuerk? The Gentleman from Peoria, Mr. Tuerk, one minute to
explain your vote."

Tuerk: "Mr. Speaker, Members of the House, I shan't take too much
of your time because some of the remarks will be
repetitive. I didn't support the creation of the
Compensation Review Board originally because, frankly, I
consider... we were just not doing and discharging our
responsibility. I never felt it was the way to go. I
think we should follow the regular legislative procedure.
We introduce a Bill. We have hearings. We vote it up or
down depending on which way we decide that we should be
voting. And I frankly like the way that Senator Hall in
the last... last year approached the situation. Thought it
was his good idea to introduce a Bill, had some hearings on
it. It could have been amended up or down, depending on
what the will of the House and the Senate depended at the
time. I just don't think this whole atmosphere is good.
As a result, I agreed with some of the raises. I didn't
agree with some, as most of us reacted. I, therefore, feel
compelled to support the Resolution and vote 'aye' in favor
of it."

Clerk O'Brien: "Tuerk, 'aye'. Turner? Turner, 'no'. Van Duyne?
Van Duyne, 'no'. Vinson? Vinson, 'aye'. Vitek? Vitek,
'aye'. Wait? Wait, 'aye'. White? White, 'present'.

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Winchester?"

Speaker Greiman: "I'm sorry. Mr. Winchester, the Gentleman from Hardin."

Winchester: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I won't be returning in the next General Assembly. I'm too old to cry about that. I'm not going to worry about that. But I do know from the camaraderie that I have had here over the last ten years with each and every Member, the wars, the battles that we fought together, going out and getting something to eat later on and deciding how we were going to do it again tomorrow. Knowing how hard I had to work in my district, the dozens and dozens of calls and the hundreds of people that came into my district when I was not in Session, and I worked the hardest when I was not in Session, knowing how hard I worked and how hard each other Member worked, I feel that it's my obligation, as an outgoing Member, to vote 'no' on this Bill. And it's also my obligation, I think, wherever I can, whenever I can and whatever I can do to go around and tell people around this state how hard the Members of the General Assembly do work and how hard and how much they deserve, anything that they are able to get. This is the finest group of people that I have ever had the opportunity to work with and I certainly hope - maybe it won't - but I certainly hope that my vote will certainly help those people who I think deserve more. I vote 'no'."

Clerk O'Brien: "Winchester, 'no'. Wojcik? Wojcik, 'aye'. Wolf? Wolf, 'present'. Woodyard? Woodyard, 'aye'. Younge? Younge, 'aye'. Zwick? Zwick, 'aye'. Mr. Speaker? Mr. Speaker, 'no'."

Speaker Greiman: "Under the rules... Under the rules, under Rule 57(b), Members have an opportunity to vote, if they have not voted, or to change their vote if they wish to change

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their vote before we take the record. Once we take the record, there can be no changes in the vote. So, having said that, who seeks recognition? The Gentleman from Cook... Lady from Cook, I mean, Ms. Alexander."

Alexander: "'No'."

Speaker Greiman: "Alexander, 'no'. The Gentleman from Cook, Mr. Leverenz."

Leverenz: "Record me 'aye'."

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

Brummer: "'Aye'."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Plinn. The Gentleman from Madison, Mr. Wolf. Wolf votes 'aye'. The Gentleman from Cook, Mr. Shaw."

Shaw: "Record me as 'aye'."

Speaker Greiman: "Shaw votes 'aye'. Gentleman from Cook, Mr. Capparelli."

Capparelli: "...me from 'present' to 'aye'."

Speaker Greiman: "The Lady from DuPage, Ms. Karpiel. Ms. Karpiel? Ms. Karpiel votes 'aye'. The Gentleman from DuPage, Mr. Hoffman."

Hoffman: "Please change me to 'aye'."

Speaker Greiman: "Mr. Hoffman votes 'aye'. The Gentleman from DuPage, Mr. Hensel."

Hensel: "Change my vote from 'present' to 'aye'."

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

Barnes: "Please change my vote from 'no' to 'aye'."

Speaker Greiman: "...from Cook, Mr. Farley. Mr. Farley votes 'aye'. Mr. Turner."

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

Speaker Greiman: "Mr. Turner votes 'aye'. Ms. Topinka, the Lady from Cook, for what purpose do you seek recognition?"

Topinka: "Change me to 'aye', please."

Speaker Greiman: "Ms. Topinka, 'aye'. Mr. McAuliffe. McAuliffe,

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'aye'. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 87 voting 'aye', 25 voting 'no', 4 voting 'present', and Senate Joint Resolution 143 is hereby declared adopted. On the Order of Supplemental Calendar #2 appears Conference Committee Reports. Alright. Well, we'll just... We'll hold for a moment. Just stand at ease for a moment or two. On Conference Committee Reports appears Senate Bill 1538. Mr. Clerk, read the Bill. It's on Supplemental Calendar #2."

Clerk Leone: "Senate Bill 1538, an Act in relationship to the interest rate on special assessments in certain sanitary districts. Conference Committee Report #2."

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

Giorgi: "Mr. Speaker, this is the Senate Bill 1538 of Senator Etheredge from Aurora that we had a lot of trouble with at the last hours of the Session. And on July 1st, he was able to resurrect Conference Committee Report #2. They took all of the stuff that we didn't put on from the House, and the Bill now is in the form as it left the House with the four House Amendments still attached to it. I've explained this to the Leadership on the other side of the aisle, and I know of no objection to the Bill. And I urge the adoption of the Second Conference Committee Report."

Speaker Greiman: "Gentleman from Winnebago has moved for the adoption of Conference Committee Report #2 to Senate Bill 1538. And on that, is there any discussion? There being none, the question is, 'Shall the Conference Committee Report #2 to Senate Bill 1538 be adopted?' On that, all those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. 71 votes for passage. 71 votes. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 86

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voting 'aye', 16 voting 'no', 7 voting 'present'. And the House does adopt Conference Committee Report #2 to Senate Bill 1538, and this Bill is hereby declared passed. On the first page of Supplemental Calendar #2, on the Order of Concurrence, appears House Bill 557. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 557, a Bill for an Act to amend the Illinois Municipal Code, together with Senate Amendments #1, 2 and 4."

Speaker Greiman: "The Gentleman from DuPage, Mr. Hoffman. Are you going to take that? Mr. Hoffman."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. First, I would like to point out that Amendment #4 strikes everything after the enacting clause and; therefore, Senate Amendments #1 and 2 were struck by Amendment #4. And so what we're doing in Amendment #4 is improving the conditions of the terms of Senate Bill 1859, which we passed last spring. What this does is provide that the jurisdictions, including the entire county, except those municipalities which receive more than 25 percent of the water from outside the county, this is to clarify some issues that communities like Burr Ridge and Hanover Park had in terms of their responsibility or their obligation, I should say, under Senate Bill 1859. It also permits the county to loan money to the water commission, an authority that the municipalities already have, and it also provides that the water commission can accept loans from... from the county. That's the basis of the Amendment. It's an effort on our part to deal with some perceived imperfections and omissions that were present in Senate Bill 1859. I've had an opportunity to talk to a number of you in regard to this, and I would appreciate your affirmative vote."

Speaker Greiman: "The Gentleman from DuPage has moved that the

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House do concur in the Senate Amendments #1, 2 and 4 to House Bill 557. And on that, is there any discussion? The Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield for some friendly questions?"

Speaker Greiman: "He indicates he will."

Cullerton: "Representative Hoffman, paragraph (f) of Section 2 of the Bill, on page nine of the Senate Amendment #4, it limits the taxing power of the county water commission to property within its jurisdiction. By 'its jurisdiction', do you mean the territorial boundaries of the county water commission as defined in paragraph (b)?"

Hoffman: "That is... That is correct. The jurisdiction, as provided in paragraph (f), refers to the territorial limits that are provided in Section 2(b)."

Cullerton: "Representative Hoffman, I received, and I assume other Members of the General Assembly received a Resolution from the town of Burr Ridge, and this Resolution calls for the restoration of the old DuPage County water commission. And in the Resolution they indicate that the Village of Burr Ridge has already built water mains and reservoirs and have been taxing their residents for this and that, pursuant to the Bill that we passed last June, they are being taxed... or potentially being taxed a second time, or a double taxation. Does paragraph (b) of the Section of the Bill defining an excluded unit, which exempts certain units of local government from the taxation power of the county water commission, would this Section alleviate the fears of the residents of Burr Ridge?"

Hoffman: "The answer is yes, and this is in direct response to consultation with their counsel."

Cullerton: "Okay. Now, you indicated that the Bill would

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authorize... By the way, I believe we're through with the friendly questions. The Bill would authorize the county board to lend money to the water commission. Is that correct?"

Hoffman: "That is correct."

Cullerton: "And what is the limitation, if any, on the amount of money that can be lent... loaned?"

Hoffman: "There is no... There is no dollar limit in the Bill. The limits, of course, are prescribed by the resources available and, of course, the good judgement that prevails."

Cullerton: "Well, the good judgement that prevails in the county board. Is that correct?"

Hoffman: "The... That's correct."

Cullerton: "And the county board appoints six members of this eleven member water commission, correct?"

Hoffman: "The county board chairman appoints six members of the water commission, and they must be confirmed by the county board."

Cullerton: "I see. The... How much interest can be charged the county... How much interest can the county charge the water commission to... when it lends this money to them?"

Hoffman: "They are... The county board is subject to Chapter XVII, which is the... the Public Corporation Interest Act, I am told."

Cullerton: "Doesn't the Bill specifically say that the money can be lent at no interest being charged?"

Hoffman: "That's true, but they cannot charge... The maximum that they could charged would be prescribed by law."

Cullerton: "Alright. I wasn't... I didn't suggest that they would be overcharging. The way I understand it the... since the county board really controls the commission and they also control themselves, they're going to undoubtedly

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lend the money at no interest at all."

Hoffman: "The... The... The county board and the water commission, of course, serve the same taxpayers."

Cullerton: "Well, the county water commission, in certain cases, cannot tax certain people. Is that correct?"

Hoffman: "Those excluded units along the border. That's correct."

Cullerton: "Okay. Now, I also received a letter, and I believe a number of Representatives did, from the Village of Woodridge, and it's a... I think a four page letter. And normally these types of things, you know, you just toss in the basket. But I did notice... What jumped out at me was the town of Winfield. As you know, I grew up in Winfield. My parents still live there and... so I read the letter. And apparently there's a lawsuit that's been filed against the water commission. Is that correct?"

Hoffman: "That's correct."

Cullerton: "And this letter asks us to not pass this Bill. They indicate that they've been trying to reach an accord but that... a settlement but that they have not yet reached a settlement. Is that still the case? Are these people, the plaintiffs in the lawsuit, still opposed to the Bill?"

Hoffman: "Some of the... the issues that are addressed by this modest Amendment addresses some of the concerns, and that... those discussions, of course, will continue."

Cullerton: "Okay. Now the other question I have concerns which counties this applies to. The way it's drafted right now it would only apply to DuPage County. Is that correct?"

Hoffman: "This applies only to DuPage County."

Cullerton: "Okay."

Hoffman: "There was some concern about that in the original Bill, and that's been clarified."

Cullerton: "Okay. Now, the... the way it's drafted, this

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Amendment, if DuPage County had a population of... in excess of a million people and if the population of Cook County was such that a majority of people lived in the suburbs - in other words over fifty percent of the people in Cook County lived in the suburbs and under fifty percent lived in the city - and every village outside of the City of Chicago; that is, every village in the suburbs of Cook County created a water commission, then, automatically, by operation of law, the City of Chicago would be governed and come under a countywide water commission. Isn't that correct?"

Clerk Leone: "Supplemental #3 to the House Calendar is now being distributed."

Speaker Greiman: "Mr. Cullerton, are you waiting for a response?"

Cullerton: "Yes, and I believe that he's..."

Hoffman: "Well, the... the question was lengthy and somewhat involved and provided for two suppositions that would be, at the very least, in the future, sometime beyond the turn of the century. I would respond only by saying, if those kinds of population changes did eventually occur and Cook County entered into... or the City of Chicago entered into agreements with them, the answer would be yes, but the likelihood of that happening is not great."

Cullerton: "Well, okay. I only give that example so that I can understand how the Bill was drafted. You take any county that adjoins Cook County. Okay? Take any county that adjoins Cook County. If I understand the way this Amendment works, if fifty percent of the population of that county lives in villages that adopt a voluntary municipal water commission, then, as soon as that happens, it immediately converts into a county water commission. Isn't that correct? In other words, that's how you've drafted your Bill."

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Hoffman: "That is correct."

Cullerton: "Okay. So that this could affect other counties besides just DuPage."

Hoffman: "Well, that's a theoretical supposition on your part, which is, of course, not the intent of this legislation or not likely to happen."

Cullerton: "Well, I'd suggest, for the purposes of your lawsuit where you're being challenged as to whether or not this is special legislation, I'd suggest that in your best interest the answer to that question would be yes. This Bill is not drafted specifically for DuPage County. It could affect other counties; otherwise, the plaintiffs are right that the Bill was drafted as special legislation."

Hoffman: "Well, it could conceivably happen, but it's very unlikely."

Cullerton: "Okay, fine. No further questions. Thank you."

Speaker Greiman: "Further discussion? Mr. Hoffman, do you care to close?"

Hoffman: "As I indicated in the introduction to the Bill, that the purpose of this Senate Amendment is to clarify some of the issues that were not covered under Senate Bill 1859, in particular those municipalities that are already involved in a water commission would not be taxed twice, and it provided a mechanism for the county to loan money to the water commission and the water commission to accept that loan. That's it, and I would ask for your affirmative vote."

Speaker Greiman: "The question is, 'Shall the House concur in Senate Amendments #1, 2 and 4 to House Bill 557?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the... take the record. On this question there are 71

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voting 'aye', 37 voting 'no', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed, and the House does concur in Senate Amendments #1, 2 and 4 to House Bill 557. On the Order of Concurrence, on Supplemental Calendar #2, appears House Bill 589. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 589, a Bill for an Act to amend the Criminal Code, together with Senate Amendment #1."

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

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Senate Amendment #1 to House Bill 589 essentially rewrites the Bill and cleans up certain Bills passed in this Session last year relative to victims' rights, and I'm asking for the House to concur therein. Senate Bill 1793, 1725 and 1841 all dealt with this same subject matter, and the Amendment to 589, which is before us now, attempts to reconcile and make consistent all of the provisions located therein. It specifically makes certain changes in definition and under what circumstances victims' rights will be triggered. I'd be happy to answer any questions about it. Ask that the House do concur."

Speaker Greiman: "Gentleman from DuPage has moved that the House do concur in Senate Amendment #1 to House Bill 589. On that, is there any discussion? Gentleman from Cook, Mr. Cullerton."

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

McCracken: "Yes."

Cullerton: "Representative McCracken, the original Bill, House Bill 589, we passed out of the House. Is that correct?"

McCracken: "Yes, Sir."

Cullerton: "Do you recall what the vote was?"

McCracken: "The vote was... Well, no, I don't recall."

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Cullerton: "Overwhelmingly in favor?"

McCracken: "I believe it was."

Cullerton: "And then what happened with the Bill? Did it get...
did it languish in the Senate Rules Committee?"

McCracken: "No, it got to the Judiciary Committee and languished
there."

Cullerton: "And then they needed a vehicle to do this victims'
right cleanup so they took your Bill and used it as a
vehicle."

McCracken: "Absolutely correct."

Cullerton: "But they didn't choose to add the original provisions
of your fine Bill to the Conference Committee, did they?"

McCracken: "Correct. But I'm still smiling."

Cullerton: "Okay. Well, I..."

McCracken: "Wait, wait, wait. I'm sorry. Is it on? So, it's
on. Yes, our is on."

Cullerton: "It is in?"

McCracken: "Yes, you were right."

Cullerton: "It is in the Conference Committee?"

McCracken: "No, it's not in there. I apologize. You were right
the first time."

Cullerton: "Well, I just wanted to find out. I didn't know the
answer."

McCracken: "You're right."

Cullerton: "So, we have to introduce a whole new Bill and try to
pass it next year?"

McCracken: "If wisdom so dictates."

Cullerton: "Okay. Thank you."

Speaker Greiman: "Further discussion? There being none, the
question is, 'Shall the House concur in Senate Amendment #1
to House Bill 589?' All those in favor signify by voting
'aye', those opposed vote 'no'. Voting is now open. 71
votes required for passage. This is final action. Have

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all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 101 voting 'aye', 5 voting 'no', 3 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 589. And this Bill is hereby declared passed. On the Order of Concurrence appears House Bill 952. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 952, a Bill for an Act to amend the Illinois Optometric Practice Act, together with Senate Amendments #2, 3 and 4."

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

Giorgi: "Mr. Speaker, I explained the Bill on Motions today. This is the Bill that Representative Vinson and I are sponsoring. This is the agreement reached between the ophthalmologists and the Illinois Medical Society and the Department of Registration and Education. There's no opposition to the Bill. It sailed out of the Senate 56 to nothing, and I urge the adoption of House Bill 952."

Speaker Greiman: "The Gentleman from Winnebago moves that the House do concur in Senate Amendments #2, 3 and 4 to House Bill 952. And on that, is there any discussion? Gentleman from Cook, Mr. Preston."

Preston: "Thank you, Mr. Speaker. I just want to point out that this is not agreed to. There is opposition. I spoke to a number of ophthalmologists who are against this Bill in any form. That's not to say it's not going to pass, but I just wanted to point that out."

Speaker Greiman: "Further discussion? Mr. Giorgi, to close."

Giorgi: "This Bill is agreed to by the Illinois Optometric Association, the Illinois Medical Association and the Department of Registration and Education and... sponsored by Representative Vinson and Giorgi."

Speaker Greiman: "Question is, 'Shall the House concur in Senate

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Amendments #2, 3 and 4 to House Bill 952?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. 71 votes for passage, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk... Mr. Clerk, take the record. On this question there are 107... 108 voting 'aye', 6 voting 'no', 1 voting 'present', and the House does concur in Senate Amendments #2, 3 and 4 to House Bill 952. And this Bill is hereby declared passed. On the Order of Concurrence, on Supplemental Calendar #2, appears House Bill 2312. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2312, a Bill for an Act relating to state taxes, together with Senate Amendments #1, 2 and 3."

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

Currie: "Thank you, Mr. Speaker and Members of the House. I move that the House do concur in Senate Amendments 1 and 2 to House Bill 2313 (sic - 2312). The Bill in its final form, as it's come to us from the Senate, deals only with the new State of Illinois Center Building in Chicago and merely provides for appropriate procedures with respect to certain celebratory activities that might be held at that building..."

Speaker Greiman: "Ms... Excuse me. Ms. Currie, the Bill that we were on is House Bill 2312. I think you said another number, and I wondered if you were asking us to concur only in Senate Amendment #1 and 2 and not Senate Amendment #3."

Currie: "Sorry, Mr. Speaker. I thought I said House Bill 2312, and I do wish that the House should concur in Senate Amendments 1, 2 and 3 to House Bill 2312. Let me explain Amendments 1 and 2. I think Representative Giglio will explain Amendment 3. Amendments 1 and 2 deal only with the new State of Illinois Center Building in Chicago, and the purpose of the Amendments and this part of the Bill is to

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establish procedures for the holding of certain celebrations and other activities in that... in that new center. I will defer to Representative Giglio to explain the provisions of Senate Amendment 3, and I hope the House will concur with all three Amendments."

Speaker Greiman: "Mr. Giglio."

Giglio: "Thank you, Mr... Thank you, Mr. Speaker. Thank you, Representative Currie. Senate Amendment #3 to Senate Bill 2312 is an Amendment that was put on at the request of Senator D'Angelis, Senator Kelly, Bob... Representative Piel and myself. We ran into a problem in the Village of Lansing with regards to an Act with the Liquor Control Commission. That's the only municipality that owns the airport with a population of less than 40,000. And in order to have a liquor license for the restaurant that is at the airport, we had to find some provision to add that to the state statute. And that's what we're doing. That's the only municipality in the State of Illinois that does not come up to the existing law with 40,000, and I would ask that the House do concur with Senate Amendment #3 and ask for your support."

Speaker Greiman: "The Lady from Cook, Ms. Currie, has moved that the House do concur in Senate Amendment #1, 2 and 3 to House Bill 2312. On that, is there any discussion? Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Greiman: "Indicates that she will."

Cullerton: "Representative Currie, it indicates that alcoholic liquors may be sold or dispensed at the State of Illinois Center in Chicago only if prior written consent is given by the controlling government authority. Now, do you know who the controlling government authority is of the Illinois Center in Illinois... in Chicago?"

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Currie: "Let me give you a little history on this Bill, this proposition, Representative Cullerton. My understanding is that the Amendment originated with the Governor of the State of Illinois at the time of the unveiling of the Dubuffet Statue. He thought it might have been nice to present the city and the state with that new artistic event with something more of a splash than just the unveiling itself. That's why this proposal is before us. My understanding... I could be wrong. My understanding, however, is that the controlling authority, with respect to that building, would be the Secretary of State. The present Secretary of State, of course, Jim Edgar, is a tee-totaller."

Cullerton: "Well, you mean, Secretary of State Edgar would have to give permission for liquor to be sold?"

Currie: "If my understanding that he is the controlling authority with respect to the State of Illinois Center in Chicago is accurate."

Cullerton: "And he's against people drinking, right?"

Currie: "I don't know that people who themselves abstain from alcoholic beverages necessarily deny others that opportunity."

Cullerton: "Well, did the Governor say that you'd have to be drunk to appreciate that piece of modern art in front of the Illinois Center?"

Currie: "Representative Cullerton, that question you might wish to address to the Governor."

Cullerton: "No further questions."

Speaker Greiman: "Further discussion? The Gentleman from Cook, Mr. Nash. Mr. Cook... Mr. Jaffe. Further disc... No further discussion. The... Mr. Clerk, for a Calendar announcement."

Clerk O'Brien: "Supplemental Calendar #4 is being distributed."

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Speaker Greiman: "The question is, 'Shall the House concur in Senate Amendments #1, 2 and 3 to House Bill 2312?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. 71 votes required. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 78 voting 'aye', 31 voting 'no', 5 voting 'present', and the House does concur in Senate Amendments #1, 2 and 3 to House Bill 2312. And this Bill is hereby declared passed. On the Order of Concurrence, Supplemental Calendar #2, appears House Bill 2451. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2451, a Bill for an Act in relation to state finance, together with Senate Amendment #1."

Speaker Greiman: "Gentleman from Marion, Mr. Friedrich."

Friedrich: "Mr. Speaker, Members of the House, this Bill was amended to provide a funding mechanism for funding cumulative deficiencies on the tourism package so that as the money is needed, it can be paid out and will be put back in that fund by the Comptroller when it comes in."

Speaker Greiman: "Gentleman from Marion has moved that the House do concur in Senate Amendment #1 to House Bill 2451. And on that, is there any discussion? The Gentle... The Lady from DuPage, Ms. Karpiel."

Karpiel: "Thank you, Mr. Speaker. I didn't hear what the explanation was. What is this Amendment #1?"

Friedrich: "This is for the Department of Conservation. It provides a funding mechanism for the Tourism Fund so that the money can be used as needed..."

Karpiel: "Oh, thank you."

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

Mautino: "Thank you, Mr. Speaker. I stand in support of the Conference Committee Report on 2451. This is the cleanup language based upon the fact that the sales tax money flows

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approximately 60 days after initial sale. Therefore, there's deficiencies within those priority funding accounts that this legislation will set forth and allow for that money to flow into as we present it in the World's Fair package of last Session, that 1983 Bill... or 1993 Bill. This is the cleanup language that's necessary for implementation, and I support the Gentleman's Motion on 2451."

Speaker Greiman: "There being no further discussion, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2451?' All those in favor signify by voting 'aye', those opposed vote 'no'. This is final action. 71 votes. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 103 voting 'aye', 6 voting 'no', 1 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 2451. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Concurrence, Supplemental Calendar #2, appears House Bill 2762. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2762, a Bill for an Act to amend the Unemployment Insurance Act, together with Senate Amendments #1 and 2."

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

Mautino: "Thank you very much, Mr. Speaker. 2762 was the legislation we used for the implementation of the Department of the Bureau of Employment Security in the breakup of the Department of Labor. Amendment #1 offered in the Senate by Senator Marovitz basically includes in the proper Sections the name of the Department which is the Department of Employment Security. You'll find that throughout Amendment #1. And included as well is Amendment #2 which sets forth the salary that was previously agreed

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upon and in the original Bill of 53,500 dollars for the Director of that agency. That is not an increase. That is the salary provision that was adopted as the Cabinet level area, and this is how the Director gets paid as well. That's what the Conference Committee does, and I move for adoption of Conference Committee Report on House Bill 2762."

Speaker Greiman: "Gentleman from Bureau has moved that the House do concur in Senate Amendments #1 and 2 to House Bill 2762. And on that, is there any discussion? The Gentleman from Peoria, Mr. Tuerk."

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

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

Tuerk: "My recollection, 1983... in 1983, you had this Bill. Now, has every been stripped from that Bill, or do you have parts of your Bill in there, Dick? Yeah. Was not House Bill 2762 your Bill originally?"

Mautino: "And it was stripped, and it was used for the implementation and authorization of the Department of Employment Security only. That's all that's in the Bill."

Tuerk: "That's all it does?"

Mautino: "That's what the whole Bill is, the implementation of that recommendation, yes."

Tuerk: "It establishes the salary only of..."

Mautino: "No, no. It establishes the Department of Employment Security, and it also establishes the salary which is the salary she's receiving now."

Tuerk: "Alright. The question I had originally, though, you're telling me that your original Bill was stripped entirely. Is that correct?"

Mautino: "Yes."

Tuerk: "Thank you."

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

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

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

McGann: "Representative Mautino, would you kindly explain on page 44, lines 3 and 4, in view of what has taken place here this evening?"

Mautino: "Thank you, Mr. Speaker. On page 44 is the salary that is the Director's salary of 53,500. This is not an increase. This is not a decrease. This is the salary that was set when the division... or the Department was given birth under this legislation originally."

McGann: "Well, I understand that, but I'm concerned about the wording 'or an amount set by the Compensation Review Board'."

Mautino: "That's right. If, in fact, the Compensation Review Board would have moved that salary to 60,000 dollars, as it is the other Cabinet officials, that's what would have been implemented. This legislation sets it at the salary she receives..."

McGann: "Presently it's..."

Mautino: "Presently receives."

McGann: "... would be 53,500. Thank you. Thank you, Mr. Speaker."

Speaker Greiman: "The Gentleman from Madison, Majority Leader McPike."

McPike: "Would the Sponsor yield?"

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

McPike: "Representative Mautino, do you have Amendment #2?"

Mautino: "Yes, I have."

McPike: "It's the opinion of the staff that the Amendment is confusing and it has superfluous language in it. And I would request that you introduce legislation to clarify it

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after the first of the year."

Mautino: "I would be happy to. As I understand it, this Amendment was necessary so the Director can be paid her salary because of the situation..."

McPike: "I don't... I don't disagree with the Amendment. I would just think that some of this superfluous language is confusing and needs to be clarified next year."

Mautino: "I'll be happy to clarify it in the January Session."

McPike: "Thank you."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 2762?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. This is final action. 71 votes required. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 108 voting 'aye', none voting 'no' and 3 voting 'present', and the House does concur in Senate Amendments #1 and 2 to House Bill 2762. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading, on Supplemental Calendar 2, appears Senate Bill 1607. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1607, a Bill for an Act concerning reduced motor vehicle registration fees. Third Reading of the Bill."

Speaker Greiman: "Gentleman from Lake, Mr. Matijevich. Mr. Matijevich, on Senate Bill 1607."

Matijevich: "That's going to be with us till January 9th."

Speaker Greiman: "Alright. Out of the record. Thank you. On the Order of Senate Bills Third Reading, on Supplemental Calendar #2, appears Senate Bill 1610. Mr. Bowman, are we ready on that? Alright. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1610, a Bill for an Act making an

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appropriation to certain state agencies. Third Reading of the Bill."

Speaker Greiman: "And on that, Mr. Bowman, the Gentleman from Cook."

Bowman: "Thank you, Mr. Speaker. Leave of the House, please, to bring this Bill back to Third Reading... or to Second Reading for purposes of an Amendment."

Speaker Greiman: "Gentleman from Cook, Mr. Bowman, asks leave of the House to return the Bill to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? Gentleman has leave, and the Bill is on Second Reading."

Bowman: "Thank you. Mr. Speaker, Ladies and Gentlemen of the House, I offer Amendment #3..."

Speaker Greiman: "Well, Mr. Bowman, the Clerk will..."

Bowman: "Has to read the Bill."

Clerk O'Brien: "Amendment #3, Bowman - Hastert - Leverenz and Barnes."

Speaker Greiman: "Mr. Bowman, on Amendment #3."

Bowman: "Thank you. Amendment #3 to Senate Bill 1610 provides for supplemental appropriations to various agencies in the amount of 205 million dollars in General Revenue funds, 117 million dollars in other special purpose funds for a total of 323 million dollars. There are quite a large number of agencies involved here. These are all operating funds. There is no capital money in here. I would point out, because the number of Members have a keen interest in education matters, that Section 74 contains a 75 million dollar appropriation to the... from the Common School Fund to the various school districts throughout the state in conformance with an agreement reached on the tax... distribution on the tax amnesty monies. I now move adoption of Amendment #3."

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Speaker Greiman: "Gentleman from Cook moves for the adoption of Amendment #3 to Senate Bill 1610. On that, is there any discussion? The Gentleman from Kendall, Mr. Hastert."

Hastert: "Thank you, Mr. Chairman (sic - Speaker), Ladies and Gentlemen of the House. This Amendment has been crafted over many, many hours of negotiation. It keeps the budget of the State of Illinois in balance. The projected revenue balance at the end of the fiscal year with this appropriation is well over 200 million dollars. It was testified to by the Bureau of the Budget. I think we've done what we've had to do here, and I ask for a positive vote on the Gentleman's Motion."

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

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

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

Ropp: "Just one question. Isn't there, in this area, maybe one or two items that state if the state spends, let's say, a million dollars, we're able to pick up from the Federal Government 45 or 50 some million if we establish seed money?"

Bowman: "Wait. I... I only heard part of that. There's a lot of background noise.."

Speaker Greiman: "Would you repeat the question, Mr. Ropp?"

Bowman: "There's a lot of background noise. I'm sorry."

Ropp: "The question is, are the General Revenue funds that we are, in fact, using as seed money to secure sizeable grants from the Federal Government?"

Bowman: "Yes. In some lines there are, yes."

Ropp: "Okay. If, in fact, one of our major concerns in the economy of this country is to reduce the federal budget, would we, in fact, be saving the Federal Government 45 or 50 million dollars if we would not spend a million dollars as seed money?"

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Bowman: "Representative Ropp, I am Chairman of the Illinois Appropriations Committee, and I do not feel qualified to answer your question about the federal budget."

Ropp: "Well, the federal budget has some deficit, and we're all trying to assist in reducing that so that the total economy of the country will improve. And if the state has some part in contributing to that reduction, maybe we ought to consider it."

Bowman: "That's a statement..."

Ropp: "Would you think..."

Bowman: "That's not a question. There was not question mark at the end of that sentence."

Ropp: "Well, I'll put a question mark in it."

Speaker Greiman: "Mr. Ropp, are you... have you added the punctuation appropriately? Okay."

Ropp: "I just thought there might be answer as to whether or not..."

Speaker Greiman: "Further discussion?"

Bowman: "I think if the Gentleman would like to make a speech about the federal budget, he ought to ..."

Speaker Greiman: "Further discussion, Gentleman? Yes, Mr. Ropp, proceed."

Ropp: "One point in closing. I think really, and this is, I guess, no discouraging remark against any state or any Governor or any Legislature - the fact that whenever there is potential grants to be made by the Federal Government or even the State of Illinois everybody will attempt to get every swinging penny that they can get. And, as a result, we continue to add to that deficit both at the federal level and the state level."

Speaker Greiman: "There being no further discussion? The question is, 'Shall the House adopt Amendment #3 to Senate Bill 1610?' On that question, all those in favor signify

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by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Speaker Madigan, amends Senate Bill 1610 as amended by inserting immediately after Section 74 the following."

Speaker Greiman: "Mr. Leverenz."

Leverenz: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #4 to Senate Bill 1610 would provide a 480,500 dollar amount that comes from General Revenue funds and the Road funds. This is to implement the final phase of a pay plan set up for the Department of Law Enforcement. This money actually provides a five percent salary increase for sworn officers in the seventeen and a half year level of service. I would move for the adoption of Amendment #4."

Speaker Greiman: "Gentleman from Cook, Mr. Leverenz, moves for the adoption of Amendment #4 to Senate Bill 1610. On that, is there any discussion? There being none, the question is, 'Shall the House adopt Amendment #4?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #5, offered by Representatives Pullen and Parcell, amends Senate Bill 1610..."

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

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment affects only the Section concerning the 75 million dollars that are being appropriated in this Bill for education. And it changes it from distribution through the general state aid formula to line iteming of the appropriation to various categorical line items. It does that in the same proportions as those line items were

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appropriated in the budget, and it divides the 75 million dollars up accordingly. You know, many of these categorical line items in education are mandated programs by the General Assembly, and yet we've never really reached full funding on most of the mandates that we pass onto the schools. It seems to me that when we have a bunch of new money that we're trying to figure out what to do with, if we want to put it into education, it is more responsible to put it into education by fulfilling the promises that we have made in the past and by fulfilling mandates... mandate funding than it is to raise the base in the general state aid formula. Mr. Speaker, Ladies and Gentlemen of the House, I would urge the adoption of this Amendment, and I would ask for a Roll Call vote please, Mr. Speaker."

Speaker Greiman: "The Lady from Cook has moved for the adoption of Amendment #5 to Senate Bill 1610. And on that, is there any discussion? The Gentleman from Cook, Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Amendment. It is always nice to see a Legislator take the initiative in coming up with a creative solution to a vexing problem, but the fact is that hours and hours of negotiations have... have taken place involving the Governor of this state and Legislators over the question of the distribution of the tax amnesty monies. Now, the fact is if this Amendment goes on, the agreement that has been proved by the Governor and by the Legislative Leaders contained in this supplemental Bill will go up in smoke, and we'll be sitting around here probably through the weekend trying to repair the damage. Furthermore, although the Lady is creative and imaginative, she is not very careful in drafting Amendments in the course of which, by applying the monies proportionately to all of the lines, managed to

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overappropriate money in excess of the... well in excess of the expected claims because some of these lines have been already appropriated at a hundred percent of claims. And we will be wasting the money from the tax amnesty by overappropriating in those lines. Furthermore, she indicates that this raises the base for next year. I don't believe that's the case; that the arrangement is that these monies will be paid out in one lump sum rather than being spread out over the course of the year a little at a time in each of the school aid payments. So, it will be a one lump sum distribution clearly delineated as a distribution from a windfall gain, and I believe that she is in error on that point. So I believe that while this may be creative it is not well thought through. It will only complicate matters further if it is adopted, and I believe we ought to reject Amendment #5."

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

Stuffle: "Mr. Speaker and Members, I think Representative Bowman's hit the nail on the head in opposition to this particular Amendment. As some of us look at it, it's questionable whether or not we are bringing all of these categoricals up even to a hundred percent. In fact, it looks like some of them may even be above a hundred percent if you throw this money back in. And there's a question, if that's the case, in some of the formula like in Article XXVIII of the School Code if you can even distribute that money above the maximum amount. But the point is an agreement was reached to put the 75 million back into the school districts by the most commonly accepted and fairest formula and that is the school aid formula, although demeaned is probably the fairest method we have of distributing money in the state. I think downstaters ought

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to realize that the money goes back on the basis of that formula. And those who have said that most of it or much of it goes to Chicago are in error. In fact and indeed only about 31.7 percent would go back there. The rest would go outstate and downstate in the fairest formula. Representative Bowman is absolutely right when he says the agreement was made in principle on that issue on both sides. The point of it is if we now change that agreement at this hour, we may not see that money go to schools in any form. The distribution formula has to be the fairest possible. The agreement, if it breaks down now, may see no money or less money go to the schools or us come back here for several days in an effort to resolve the differences that exist or may now exist with the passage of this Amendment. So, as he said, we should stand in opposition to Amendment #5, proceed with the distribution of the 75 million dollars in funds that's agreed to, send it back to our strapped school districts and move on with the reforms that have been proposed in public education in the years to come."

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

Leverenz: "The Sponsor yield?"

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

Leverenz: "We both represent the suburbs. Our districts are probably not alike at all. Would you help me understand? Will this help the districts that have a poorer tax base? Is this going to help my schools or hurt my schools - Belwood, Maywood, Melrose?"

Pullen: "Well, of course it's going to help your schools to receive funding of the categorical line items that they are mandated to perform."

Leverenz: "How about Title I?"

Pullen: "Title I is not a mandate categorical line item. So,

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it's not in this category. It is not in here."

Leverenz: "Well, I get my money from the school aid formula, and that's where the money is currently. You want to reorganize the whole thing. Let me ask, are you under the same impression that transportation is funded at a hundred percent of all claims? Isn't that true?"

Pullen: "It is nearly one hundred percent. I am not..."

Leverenz: "It's at a hundred percent of the estimated claims for transportation. Is that... You concur."

Pullen: "This year, yes."

Leverenz: "Yes."

Pullen: "There's a lot of patching up to do..."

Leverenz: "You have in this Amendment how much additional millions to transportation? Isn't that on line 21, 22, 23, 24 on the second page?"

Pullen: "15 million."

Leverenz: "15 million additional, plus the eleven one directly under that - 11 million more. So, a 26 million dollar more than the reimbursement requests. Is that correct? Can they then..."

Pullen: "26 million more than what the budget currently is."

Leverenz: "What the budget is, and the budget is at a hundred percent..."

Pullen: "The 11 is for transporting handicapped students which you didn't mention."

Leverenz: "That's correct. In all areas of transportation, we fund it at a hundred percent of requests. You have this Amendment putting 26 million dollars over and above a hundred percent. Can any school district get more than the claim?"

Pullen: "I'm sorry. What is your question?"

Leverenz: "The question is, can a school district receive any more than a hundred percent on a transportation claim? Can

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they get a 125 percent back?"

Pullen: "Not under current law. They certainly were able to get a lot less than a hundred percent of their claim in previous years."

Leverenz: "Then why would you want to stick 26 million dollars additional over a hundred percent funding in transportation lines? Can you answer that?"

Pullen: "Because I believe that appropriating for categorical line items is a more fair way to give away this wonderful new money."

Leverenz: "Mr. Speaker, to the Amendment."

Speaker Greiman: "Proceed."

Leverenz: "We're in a posture here where we are a hundred percent funded in transportation lines. This Amendment would provide 26 million dollars additional funding to transportation alone. One of a few things might be happening. Here's where you pack money away so it never can be spent. In the current Bill I believe the appropriated money would be better spent. Or, second, this is where you can capture money that would be available for private school busing under a different Bill. That's a possibility here. But in no case can a school get more than a hundred percent of a claim. Therefore, this Amendment must be defeated. Thank you."

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

Hastert: "Thank... Thank you, Mr. Speaker, Ladies and Gentlemen of the House. For those people who have listened to the debate and think they're a little bit confused on here... here, I want to set the record straight so you would know what you're voting for. One of the things we did this last year was to fill up categoricals as much as we could. We're almost at a hundred percent on transportation. We're

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at 96 percent on a lot of the categoricals. You should know that. If you're from a school district that's a wealthy school district and you're on the Strayer-Haig formula, then this Amendment's for you. If you're a downstate school district or a school district that's not so wealthy or a unit district or a consolidated district, then this is not in your best interest. And I would ask that you'd vote accordingly."

Speaker Greiman: "Further discussion? There being none, the Lady from Cook, Ms. Pullen, to close."

Pullen: "You know, for years we've been underappropriating for these line items, Mr. Speaker, Ladies and Gentlemen of the House, and the school districts for years have been suffering from our telling them that they have to provide these programs and from our saying what a great idea this is and from our saying that we'll pay for it and then not paying for it. And we're paying certainly less than a hundred percent of the transportation costs of the school district in spite of the mandates involved in transportation. Under the spirit of the United Mandates Act, we ought to be paying all those costs, not only the costs that we have allowed them to beg us for. I believe that in the spirit of paying for mandated programs, we ought to be looking toward doing this sort of thing. And I apologize if I was in error about it raising the base. Let me just say that to put it into the general distributive... to put it out by the general distributive formula, whether it's lump summed or every month or however they get it, it raises the expectation, whatever the base, and, therefore, raises the effective base when we get around to the budget procedure next year in just a few months. I would like to point out also that it might be a good idea if now and then some of the Gentlemen who are

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involved... Ladies and Gentlemen who are involved in the negotiations on these matters might consider that some of the rest of us are elected from our district too, and we do have the right to comment on their arrangements, and we do have the right to change it if we so desire. Vote your own district. Vote your own conscience. Please vote 'aye' on my Amendment. Thank you."

Speaker Greiman: "Question is, 'Shall the House adopt Amendment #5 to Senate Bill 1610?' And on that question, all those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 21 voting 'aye', 89 voting 'no', and the Amendment fails. Further Amendments?"

Clerk Leone: "Floor Amendment #6, McPike, amends Senate Bill..."

Speaker Greiman: "Gentleman from Madison, Mr. McPike."

McPike: "Thank you, Mr. Speaker. Amendment #6 appropriates 60,000 dollars to the Department of Agriculture for commodities and building materials for the construction of a pavilion at the state fairgrounds to commemorate the contributions of Illinois workers to the well being of the state. The pavilion will be built with volunteer labor, and the 60,000 dollars will be used to purchase building and commodity materials. I move for the adoption of the Amendment."

Speaker Greiman: "Gentleman from Madison has moved for the adoption of Amendment #6 to Senate Bill 1619 (sic - 1610). And on that, is there any discussion? There being none, the question is, 'Shall the House adopt Amendment #6 to Senate Bill 1610?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendment?"

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Clerk Leone: "No further Amendments."

Speaker Greiman: "Third Reading. Gentleman from Cook asks leave to use the Attendance Roll Call so that this Bill may be heard at this time. Does the Gentleman have leave? The Gentleman has leave. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1610, a Bill for an Act making appropriations to certain state agencies. Third Reading of the Bill."

Speaker Greiman: "On that question, the Gentleman from Cook, Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Bill now appropriates 205 million dollars General Revenue, 118 million dollars in other funds for a total of 323 million dollars for supplemental appropriations. There is a 75 million dollar distribution of tax amnesty money through the Common School Fund, 89 million dollars in federal money to DCCA for various grants and 88 million dollars to the Department of Revenue for tax refunds. Those are the largest items in this Bill. I stand ready to answer any questions. I move... now move that the House pass Senate Bill 1610 as amended."

Speaker Greiman: "Gentleman from Cook moves for the passage of Senate Bill 1610. And on that, is there any discussion? Gentleman from Winnebago, Mr. Mulcahey."

Mulcahey: "A question of the Sponsor, Mr. Speaker."

Speaker Greiman: "Gentleman will yield for a question. Proceed, Sir."

Mulcahey: "Representative Bowman, regarding Amendment #3 which was the amnesty money, was it not?"

Bowman: "Yes, it was."

Mulcahey: "That's 75 million dollars based upon the school aid formula."

Bowman: "Yes, it is."

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Mulcahey: "How will the schools receive their payments?"

Bowman: "In one lump sum."

Mulcahey: "And that will be when?"

Bowman: "Approximately January."

Mulcahey: "Thank you."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall Senate Bill 1610 pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. The Lady from Cook, Ms. Braun, to explain her vote."

Braun: "Thank you, Mr. Speaker. I wanted this... the school aid... the tax amnesty money is in this Bill, and I encourage an 'aye' vote. I have a conflict of interest. That is one of the unfortunate circumstances of life so I have to vote 'present', personally, but it is a good Bill, and I encourage your support."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 106 voting 'aye', 4 voting 'no', 4 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Supplemental Calendar #2 appears Senate Bills Second Reading. And on that Order of Business appears Senate Bill 1113. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1113, a Bill for an Act to amend Sections of the Illinois Municipal Code and Sections of the Intergovernmental Cooperation Act. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #1, O'Connell, amends Senate Bill 1113..."

Speaker Greiman: "Gentleman from Cook, Mr. O'Connell. Is Mr. O'Connell in the chamber? Alright. Mr. O'Connell. The

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eyes of the chamber are upon you."

O'Connell: "Thank you, Mr. Chairman... Mr. Speaker. Amendment #1 is a ... basically a technical Amendment. The Bill that was passed and enacted into law dealing with this subject matter issue of take or pay, commonly referred to as take or pay, which is an outgrowth of the sale of bonds, was tacked onto the Bill which contained the authorization for the DuPage County Water Commission which is now the subject of a lawsuit. The issues were separate and apart and the DuPage County Water Commission matter was tacked on as a matter of expedition and convenience for a Bill that was available with the same subject matter toward the waning hours of the last General Assembly... last Session. This Amendment #1 takes out from under the Act which the DuPage County Water Commission is subject to and places it into a joint governmental action commission, and therefore, sets it apart from the subject matter of the lawsuit. It also creates an effective date upon becoming law. I would ask for its favorable vote."

Speaker Greiman: "Gentleman from Cook has moved for the adoption of Amendment #1 to Senate Bill 1113, and on that is there any discussion? There being none, the question is, 'Shall the House adopt Senate Amendment... House Amendment #1 to Senate Bill 1113?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Further Amendment?"

Clerk Leone: "No further Amendments."

Speaker Greiman: "Third Reading. On Supplemental Calendar #2, on the Order of Senate Bills Second Reading appears Senate Bill 1958. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1958, a Bill for an Act to revise the various Acts to resolve multiple Amendments or additions to

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correct technical errors and other patent errors and omissions and to revise cross-references and to delete obsolete or duplicative provisions. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Any Floor Amendments?"

Clerk Leone: "None."

Speaker Greiman: "Third Reading. Supplemental Calendar #2, on the Order of Conference Committee Reports appears House Bill 2657. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2657 amends the Capital Development Bond Act. Conference Committee Report #1."

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

Barnes: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2657 amended the Capital Development Bond Act and increased the bond authorization by 81.8 million. The increased bond authorization will fund the following projects: 3.5 million for conversion of the Dixon Development Center into correctional facility; 6 million to construct the Dixon Mental Health Center; 1.16 million to replace steam lines at the Illinois School for the Deaf in Jacksonville; \$900,000 to complete the consolidation of mental health centers due to closures at Galesburg and Manteno; 180,000 for military and naval department facilities in Beardstown, Marseilles and Chicago. These projects were discussed in detail in the Conference Committee Report analysis to Senate Bill 1586 sponsored by Senator Carroll in the Senate and Representative Nash in the House."

Speaker Greiman: "The Lady from Cook has moved that the House do adopt Conference Committee Report #1 to House Bill 2657, and on that is there any discussion? The Gentleman from Cook, Mr. Leverenz."

Leverenz: "I just had a technical inquiry. This covers Senate

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Bill 1586 and all the agreed upon projects that are in that Conference Committee Report, is that correct?"

Barnes: "That is correct, Representative Leverenz."

Leverenz: "Fine. Everything is okay on this side. Thank you. Let's go."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall the House adopt Conference Committee Report #1 to House Bill 2657?' And on that, all those in favor signify by voting 'aye', those opposed vote 'no'. This is final action. 71 votes required. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 105 voting 'aye', 4 voting 'no', none voting 'present', and the House does adopt Conference Committee Report #1 to House Bill 2657, and this Bill, having received the Constitutional Majority, is hereby declared passed. On Supplemental Calendar #3 on the Order of Conference Committee Reports appears Senate Bill 1067. Mr. Tate moves that the House suspend House Rule 79(d) so that this Bill may be considered at this time. Leave for the Attendance Roll Call. Does the Gentleman have leave? The Gentleman has leave. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1067, a Bill for an Act to amend the Illinois Public Aid Code. Conference Committee Report #1."

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

Tate: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, this Conference Committee Report basically deletes everything after the enacting clause, rewrites the piece of legislation. It's a very important piece of legislation right now. The Department of Public Aid presently has been only collecting about one percent of their total debt. This would authorize the Department to contract with collection agencies in an effort to, hopefully, remove

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about \$82,000,000 in delinquent or outstanding accounts. They hope, if this effort is successful, would probably increase collections to the neighborhood of up to ten to twenty percent is projected, which would, therefore, result in a substantial revenue for the state. I urge the adoption of the Conference Committee Report."

Speaker Greiman: "Gentleman from Macon has moved that the House adopt Conference Committee Report #1 to Senate Bill 1067. On that is there any discussion? Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, will the Gentleman yield for a question?"

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

Cullerton: "The... This Bill deals with collection agencies, is that correct, Representative Tate? Collection agencies? Do the collection agencies get a percentage of what they collect or do they get money regardless of whether they collect any?"

Tate: "Representative Cullerton, that language has yet to be worked out. However, in the Conference Committee Report, the Members have agreed that the collection agency fee cannot exceed over 25 percent."

Cullerton: "Okay, but what if no money is collected?"

Tate: "Then they would receive a contingency fee."

Cullerton: "They would receive some money, even though they didn't collect anything?"

Tate: "Or... If, in fact, they did make an effort to collect something, they would be... receive some compensation for their efforts, yes."

Cullerton: "Does the Bill specify how much money they can receive?"

Tate: "No."

Cullerton: "Who would determine that?"

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Tate: "That would be determined by the contract agreement written by the Department, in the language of the contract. Before entering into that agreement, that would be specified."

Cullerton: "And are there efforts... Are there employees right now in the Department of Public Aid who are trying to collect these funds?"

Tate: "Well, the answer is yes, Representative, and obviously the Department has not been very successful in that effort because that's... right now, we have \$82,000,000 that are outstanding or delinquent in that effort."

Cullerton: "So, does this piece of legislation then eliminate those positions from the Department of Public Aid?"

Tate: "The Department has no one that has been assigned full time to those responsibilities and it's obviously apparent in the work that they have demonstrated in the past. And so, I would imagine that..."

Cullerton: "They'll go back to do what they were doing before they were assigned trying to... Well, you could... Alright, thank you very much."

Speaker Greiman: "Lady from Cook, Ms. Braun."

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

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

Braun: "Representative Tate, this allows the Department, essentially, to contract out for collection of overpayments of public aid made by the Department of Public Aid, right? How are those overpayments determined? Is there any process involved with the determination of an overpayment or is it just going to have people dunned by a private collection group with no recourse?"

Tate: "A good question, Representative Braun. The staff here is indicating that the information that there are given excessive overpayments made, also wrongful payments that are made in that area. And fraud too."

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Braun: "Well, yeah, but we are talking... yeah, well, yeah, I understand, but you are talking about over... a determination of overpayments that occurs before any judicial process happens, right? Before a judgment has been entered or any kind of process to allow for both sides to be heard has happened, right?"

Tate: "I would... yes. All those records are computerized and the Department would have those records and, as I had mentioned before, there are several different categories that fall into the need for collections to be made back to the Department."

Braun: "Okay, now, doesn't the Attorney General do the collection in fraud type overpayments already that have gone through the courts?"

Tate: "Yes."

Braun: "Okay, so you already have the AG doing part of it, and we are talking about pre-judicially determined overpayments, you want to contract out to a private collection agency to do that?"

Tate: "Correct."

Braun: "Thank you. Thank you very much. I have no further questions."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. I believe this is a truly important piece of legislation and I would call the Members attention to the past record with the Illinois State Scholarship Commission, which some years ago we gave authority to to begin utilizing collection agencies to collect on past due payments for student loans under the Scholarship Commission's program. At the time that we gave that authority to the Commission, there was an enormous backlog of unpaid student loans. The effectiveness of the

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collection agencies in recovering on those loans has been truly amazing in recent years, and what that has permitted is a much higher rate of student loans than we would have otherwise been able to make because, as we recover that money, it can be reappropriated to the Scholarship Commission and let out to new students. Now, in the case of public aid, I don't believe anyone in this General Assembly condones or approves of public aid fraud or the failure to repay amounts due the Department. And what we can accomplish by utilizing an effective means of collecting debts to the Department is to make possible better aid and better support for those people who truly are deserving and who are legally entitled to get support. I believe that not only is this an efficient means for the Department to collect on past due debts, but I believe that it is a compassionate program. And I believe that anybody who is willing to vote against a measure of this nature is, in effect, saying that they would prefer to let people who are not legally entitled to the money have the money than to get that money into the hands of those people truly in need who are legally entitled to the money. For those reasons, I would strongly urge every Member in this chamber, regardless of what your philosophy might be on public aid, to vote for this particular measure. I would urge an 'aye' vote on the Gentleman's Motion."

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

Nash: "Question of the Sponsor, Mr. Speaker?"

Speaker Greiman: "Indicates he will yield for question."

Nash: "Representative Tate, how are these collection agencies going to be chosen? Are they going to be chosen by competitive bid or at random?"

Tate: "Yes, competitive bid."

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Nash: "Competitive bid. To the Bill... or the Report."

Speaker Greiman: "Proceed, Mr. Nash."

Nash: "Department of Public Aid has a large number of investigators that can do this collection that they want to give to collection agencies. Also, a person that gets a letter from the state or the Attorney General's Office will answer it or call in and pay their bill faster than if they get a letter from a collection agency. What these collection agencies do, they hire kids out of high school to work on the telephone to call and threaten the people. It's a bad piece of legislation. I urge a 'no' vote."

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

Brummer: "Yes, will the Sponsor yield?"

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

Brummer: "Representative Tate, I think you indicated this dealt with delinquent child support? Oh, okay. The... Are there any limits in the Bill with regard to the contingency fees that can be paid?"

Tate: "Representative Brummer, as I had mentioned in the previous questioning, the Conference Committee Members did agree that the collection agency would receive not in excess of 25 percent."

Brummer: "And where does it say that in the Conference Committee Report?"

Tate: "It has been agreed by the Department..."

Brummer: "No, my question is where does it say this in the Bill or the Conference Committee Report?"

Tate: "It doesn't. The Department..."

Brummer: "So, the answer is there is no limitation in here other than some agreement that the Conference Members themselves reached which is not in the Bill?"

Tate: "And the word of the Department."

Brummer: "Well, I'm not questioning the word of the Department."

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I'm just trying to determine whether there is limitation in here. If the Department personnel changed and they decided to enter into a 75 percent contingency, this Bill, at least, would not prohibit that. Is that correct?"

Tate: "That's correct."

Brummer: "Okay. Now, with regard to the amounts, our analysis indicates there is like \$82,000,000 in delinquent outstanding accounts with regard to the Department. Our analysis indicates that all of that is money that the Department paid out in error in the first place. Is that correct?"

Tate: "Correct."

Brummer: "So, we are going to issue contingency fee contracts to collection agencies and lawyers to collect money that the Department shouldn't have paid out in the first place?"

Tate: "Well, there were several different categories. Yes, you are correct, but there was also fraud that falls into this overpayment."

Brummer: "Well, the Department shouldn't have paid out money to fraudulent applicants."

Tate: "Yeah, that's correct."

Brummer: "Okay, thank you."

Speaker Greiman: "Gentleman from Kankakee, Mr. Pangle."

Pangle: "Will the Sponsor yield?"

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

Pangle: "I think it's a good concept. The thing that I question is what is your language or what makes a collection agency qualified? Do they have to be in business for ten years or can someone open up six months before? What is the qualifications or regulations as to what a collection agency is?"

Tate: "Representative Pangle, the Department, I'm sure will do... establish in-house rules that certainly would have the

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opportunity of scrutiny by this Body and can be established."

Pangle: "Do you have to be a lawyer?"

Tate: "Representative Pangle, there are presently other agencies, other Departments in state government. The Illinois State Scholarship Commission has already been cited as an example, which are presently operating this very same system that has turned out to be extremely successful. Their collections have been increased up to 30 percent with the Illinois State Scholarship Commission. Basically, all we are trying to do is right now has been proven to be a very ineffective, inefficient system in collecting or making an attempt to collect \$82,000,000."

Pangle: "Thank you."

Speaker Greiman: "Further discussion? Lady from Cook, Ms. Currie."

Currie: "Thank you, Mr. Speaker. Will the Gentleman yield to a question?"

Speaker Greiman: "Indicates he will."

Currie: "The original provisions of the Bill, as amended in the House, Representative Tate, are they no longer a part of the Conference Committee Report on Senate Bill 1067?"

Tate: "That's correct."

Currie: "My understanding, Representative Tate, is that without those provisions there would be a lack of uniformity between federal and state provisions with respect to property transfers and eligibility for public welfare. Is that accurate?"

Tate: "That is correct, however, there will be a Bill filed in the next Legislative Session to put us in conformance with the federal legislation."

Currie: "And that is a clear commitment on your part and the part of the Department so as to clean up this anomaly?"

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Tate: "That is correct."

Currie: "Thank you."

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

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

Speaker Greiman: "Gentleman from Cook, Mr. Vitek, has moved for the previous question. All in favor of the previous question being put say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Mr. Tate, to close."

Tate: "Well, Mr. Speaker and Ladies and Gentlemen of the House, obviously this piece of legislation has been thoroughly questioned. The facts are right in front of us. Presently, right now the Department has been operating and being able to recoup only one percent... less than one percent of the \$82,000,000 that had been for a variety of reasons an overpayment or fraudulent payments that have been made by the... and if you, as Legislators, certainly have a responsibility and a commitment to the taxpayers of this state. And if we are going to attempt to address this inequity, what we have already done... what this chamber has already done with collections in the Illinois State Scholarship Commission in raising those collections and hiring collection agencies that are qualified and professional at recouping these dollars, if we are going to be successful and bring dollars, recoup these dollars, I urge an 'aye' vote. Thank you."

Speaker Greiman: "The question is, 'Shall the House adopt Conference Report #1 to Senate Bill 1057 (sic - 1067)?' All those in favor signify by voting 'aye', those opposed vote 'no'. Final action. 71 votes required. Mr. Leverenz, to explain his vote, one minute."

Leverenz: "Yeah, Mr. Speaker and Ladies and Gentlemen of the House, I think with 82,000,000 outstanding and the agency

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can only collect one percent, I would be interested to find out how many collectors they have in-house and how much we are paying them to do the job. Further, for the 25 percent payment that we are going to make to a collection agency, who is going to make that difference up in what should go to the family and this allows, I think, in an emergency Session, just another way that we can give money away to people outside of government. I would suggest that we find out who ain't getting the job done and giving away the money in the first place that should never have been paid out."

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

Alexander: "Thank you, Mr. Speaker. I have experienced that where there is what is purported to be fraud or overpayment and in checking these cases, in many instances, it is a case where a case worker or a social worker has made an error. And it is an in-house error. When the recipient who has applied for the public aid services because of their needs are so informed that there has been an overpayment, the Department of Public Aid then stops all payments to them until they receive the overpayment back. And as to the error where the question was raised about fraud being perpetrated upon the state, those persons where the evidence is deep enough and where the evidence is provided, are usually indicted and serve their time in jail for fraud. This is a very bad Bill. What it is going to do is penalize those persons who unknowingly have accepted overpayment by errors that were committed by the Department themselves. Perhaps we should be thinking about looking into these cases and providing some form of amnesty to these persons who are sorely in need of trying to survive in this day and age. I'm voting 'no'."

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Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 77 voting 'aye', 20 voting 'no', 6 voting 'present', and the House does adopt Conference Report #1 to Senate Bill 1067, and this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of... On Supplemental Calendar #4 appears Conference Committee Reports... Mr. Clerk, appears Senate Bill 1586. Mr. Clerk, read the Bill. Excuse me, Mr. Clerk. Mr. Leverenz asks leave of the House to waive Rule 79(d) so that this Bill may be heard immediately. Does the Gentleman have leave for the... use the Attendance Roll Call? Gentleman has leave and the Bill may be... and 79(d) is hereby waived. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1586, a Bill for an Act making appropriations for certain officers and agencies. Conference Committee Report #1."

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

Leverenz: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The Conference Committee Report in Senate Bill 1586, this is the vehicle which was gutted entirely, provides for the administration requests and supplemental capital expenditures to the amount of 42,039,000. The request by fund is 8,500,000 from General Revenue, 32,000,000 from Capital Development and 1,200,000 in federal funds for 42,000,000 total. I would ask for your 'aye' vote to pass and accept the Conference Committee Report to 1586."

Speaker Greiman: "Gentleman from Cook, Mr. Leverenz, has moved that the House do adopt Conference Report #1 to Senate Bill 1586, and on that is there any discussion? There being none, the question is, 'Shall the House adopt Conference Committee Report to Senate Bill 1586?' All those in favor

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signify by voting 'aye', those opposed vote 'no'. Voting is now open. This is final action. 71 votes. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 100 voting 'aye', 4 voting 'no', 1 voting 'present', and the House does adopt Conference Committee Report #1 to Senate Bill 1586. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order... On Supplemental Calendar #2, on the Order of... of Conference Committee Reports appears Senate Bill 1524. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1524, a Bill for an Act relating to motor vehicles and motor fuel tax. Conference Committee Report #2."

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

Stuffle: "Mr. Speaker and Members of the House, Senate Bill 1524's Conference Committee contains a number of changes in the Illinois Vehicle Code and a number of motor vehicle laws that we have dealt with for the last nearly two years now in attempting to put together various changes in the law and clarifications in part necessitated by some technical mistakes that were made when we passed the gas tax, and in part because of problems that have arisen throughout the state. We have attempted in this particular Conference Committee to incorporate Amendments brought to us from both sides of the aisle, from the Senate and the House and, briefly, what it does is provide, number one, a change with regard to clarifying when a General Assembly Member may get a retired Member's license plate, with regard to 'scoff' laws in the City of Chicago. We passed a Bill, as you know, to allow suspension of license and driving privileges with ten or more outstanding tickets or two warrants. This provides notice be given to those

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people before there is an attempt to take the license. It provides a provision proposed by Representative Topinka that would require a local private commercial entity such as a mall that wants a change, an improvement in the highway or intersection or lighting going into that commercial facility to pay for that after January 1, '85. It provides changes and clarifications in motorcycle safety laws. It provides an exemption for large trucks on the fuel identification sticker law we passed where those trucks are being moved in the state for resale. It provides for a necessary exemption on garbage trucks to clarify and correct, if you will, a mistake we made when we passed the gas tax law that inadvertently provided a prohibition against the movement of certain garbage trucks on state highways. That was not intended. We cleared that up. We clarify language on the use of non-combination trucks. We provide for a provision to extend three months the implementation of a law we passed on the motor fuel identification program to save the state money and to prevent cheating by out-of-state truckers, if you will. We change and make flexible the penalty for non-compliance with that law, changing it from a flat \$75 fine to a petty offense. We increase - now, I don't want anybody to be misled - we increase by one cent the gasohol tax only because the federal government has increased the exemption by one cent. So, we make no real change in that. We just prevent the loss of revenue in the state. That particular change is worth \$12,000,000 to the state. We made the Bill effective the 1st of January so there will not be a period of a week or two or ten days where there are differential taxes and the need to change the taxes that are collected in the state. And we lastly provide reciprocity between states with regard to alcohol producers so that if Iowa

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gives us reciprocity on sales there, they... and we, in turn, will do it for them to the full degree of the exemption. If there are any questions, I would be glad to answer them. I submit this to you as a Bill that's been looked at by the trucking industry, by DOT, the Secretary of State, the State Police, Motor Vehicle Laws, the Democrats, Republicans and everyone, and ask for your 'aye' vote."

Speaker Greiman: "Gentleman from Vermilion has moved for the adoption of Conference Committee Report #2 to Senate Bill 1524. On that, is there any discussion? The Gentleman from DeWitt, Mr. Vinson."

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

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

Vinson: "Representative, it is a lengthy Conference Committee Report, and I believe you'll recall that I cooperated in getting it brought to the floor this afternoon. I have to ask you some questions about it because I don't understand all of the provisions. Can you tell me again, and I apologize for making you go through this, but can you tell me again what the major provisions are?"

Stuffle: "All of them? The major ones or the minor ones? The major one... the major ones, I guess you would say, are the provision Representative Topinka asked for and IDOT asked for that clarifies that if a commercial entity, let's say a private mall, wishes us to install, say, a light or do some intersection work, that after the first of the year that they would pay for it if they are the beneficiary of it."

Vinson: "They would pay directly for it?"

Stuffle: "Subject to being permitted by the DO... IDOT. The second major provision is that we grant, in the Motor Fuel Tax Identification Act that we passed, I believe, virtually

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unanimously, my Bill and Representative Woodyard's, we would provide that the entities be given another three months to gear up for that because we have to print those things and put the program in place. Other major changes that currently, as you know, the law provides that the Secretary of State can take a license where there are two outstanding warrants, traffic violations or ten tickets issued. There is no provision in that law for notice to the party. This would provide notice and that was requested by the Secretary of State. There was some question about whether or not a petty offense of a \$75 fine was too great or too little for violating the new I. D. law. But, we provided that it be a flexible offense, that they could set the fine on the basis of a petty offense and we provide, importantly, reciprocity between states. If our state is given reciprocity in another state for, let us say, in the situation of a non-Illinois alcohol producer sells here, we sell there. If they give us reciprocity on tax collection, we give it to them. The big thing is that the Federal Government, as you know, effective the first day of the year, has increased the exemption on gasohol to the gasohol buyer by a penny. We, in turn, increase back the gasohol tax here only a penny, so that we are not gaining any new revenue. We are not losing any revenue. We are trying merely to offset that because we agreed here, as you know, on what our standard would be, and that would be a \$12,000,000 savings to Illinois, in terms of revenue from that collection and... when compared with the federal situation because we are trading a one cent increase for the one cent federal exemption."

Vinson: "But it has no revenue impact in that sense, the gasohol change?"

Stuffle: "It shouldn't have because we are trading a penny

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federal exemption for a one cent state tax."

Vinson: "Okay, now in any of the other provisions of the Bill, does it affect revenues?"

Stuffle: "It does not in any way affect revenues except to enhance them in the sense that we have put the implementation in for the sticker identification to prevent cheating on that I. D. law. That's all."

Vinson: "Okay, now, does the... What is the position of the Department of Transportation on the Bill?"

Stuffle: "Well, they have added some of these provisions to the Bill. They have asked for two of them, in particular, that I understand... my understanding is that they are in support and no one...no one has come to us in opposition and as I enumerated in my opening remarks, the truckers and IDOT and Secretary of State, the local entities, the Motor Vehicle Laws Commission, as it continues to exist or did exist, support the Bill with the changes that are in it and the Petroleum Marketers Association."

Vinson: "And you have no reason to believe that the Secretary of State would be opposed to the Bill?"

Stuffle: "Well, my understanding is he gave us the provision on the notice with regard to the traffic tickets because there has been a problem and a lot of complaints that people receive a notice that the license has gone bye-bye and they have never been instructed that they had ten outstanding tickets, for example."

Vinson: "I have no further questions."

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

Levin: "Yes, I have some questions for the Sponsor."

Speaker Greiman: "He'll yield for a question, Mr. Levin."

Levin: "Calling your attention to page two, Section 6-306.1, that provision changes the requirements as far as notice to the Secretary of State on traffic tickets, as far as

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suspension. First, can you tell me what the need for this is?"

Stuffle: "Well, the problem that happens now, and we know of it is that the local authority may write the Secretary of State and tell him that so and so has ten tickets or two warrants out against him and the Secretary of State can proceed without noticing that party that they are going to take the license and the party doesn't know about that and doesn't have a chance, apparently, to pay those tickets or lose the license as a consequence."

Levin: "My understanding, Representative, is that the reason for this is different, that under the existing law, the requirement is for a Judge to issue a warrant, that the... which attests to the fact that there are ten unpaid parking tickets for which there were convictions. Once that is done, then notice of that warrant is given the Secretary of State, but that the Illinois Supreme Court recently concluded that a Judge could be personally liable for issuing a warrant and so the Judges have not wanted to issue a warrant. Is that correct?"

Stuffle: "I guess it's a confusing situation. What we know to be the case is that a city, in the case of ten tickets, may tell the Secretary the person is in violation, we want the license pulled. In the case of the warrant, it may be issued... the warrant may go simultaneous with the request to strip the person of the license. So, I guess it works out the same way from whichever point you want to argue it."

Levin: "At least under the existing law, you'd have to have a warrant. And to have a warrant, you have to have a conviction for ten tickets. And then you send notice that there was a warrant. Under this, you could have the situation where you got ten tickets but none of them have

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been adjudicated yet. They are all the policeman issued you ten tickets. They have not come up in court, and you have not had your day in court. They are not convicted, there are no convictions and yet, a notice goes to the Secretary of State that you were charged with ten parking violations and they can pull your license. I think this is unconstitutional. I think that we have got to look very carefully at this provision. I had problems with the old law, which we passed a couple years ago, because there is no requirement for an opportunity for a hearing before the Secretary of State. Well, we are not dealing with that issue today. We are dealing with the issue of, under this Bill, the Secretary of State can pull your license simply because you are charged with ten traffic tickets, not for moving violations, but simply parking violations that have not come up in court. You have not been convicted, but simply the fact that you are charged is adequate under the provisions of this Bill to pull your license. I suggest that this is unconstitutional and while the rest of the provisions in this... in this Conference Committee Report may be very good, that we are talking about every... every driver in the state being subject to very significant problems if we pass this in its form."

Speaker Greiman: "Yes, Calendar announcement."

Clerk Leone: "Supplemental Calendar #5 is now being distributed."

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

Cullerton: "I support the Conference Committee Report, specifically to the issue of the traffic tickets. What we have to understand is that the situation where a person has been issued a parking citation and they are given a court date and they fail to come to court on that date. And then they are sent a second notification of a second court date and they fail to do that and they do this ten times. Well,

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the problem is that right now Judges are issuing or Judges were issuing warrants for these ten violations but because of an interpretation that Judges have given a certain lawsuit, they feel that they will be personally liable for the warrants and, therefore, they are not signing the warrants. So, that's the problem and that's what we are trying to address here. So, what we are saying here is that the Clerk shall send another notice to the violator. So, this will be the... perhaps the twenty-first time they have been asked to come to court. They will have the opportunity to come to court and to have a hearing as to whether or not they were guilty of the parking violation. And so, as a result, I think that the due process protections are covered. Perhaps if we weren't talking about so much money in the City of Chicago, we wouldn't be as concerned about this, but there is an enormous amount of money that the City is losing to these 'scoff' laws, some of which don't even live in the City of Chicago, and it's important and it's only because of this quirk, if you will, this interpretation that Judges have been giving this one case, it's the only reason for this particular... this here particular legislation. So, I would appreciate your support and I feel that we have adequate protections in the law for the potentially... for the people who have potentially violated parking violations."

Speaker Greiman: "Lady from Cook, Ms. Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Every now and then, we see a piece... a good piece of Legislature (sic - legislation) run afoul on the shoals of misunderstanding, and I want to suggest that Representative Levin misapprehends problems with this Bill that don't exist. Representative Cullerton is correct. This legislation is an attempt to deal with a gap that was

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created by the Supreme Court decision and will... and has an important revenue effect in terms of local governments. I encourage your support for this legislation."

Speaker Greiman: "Lady from Marshall, Ms. Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Representative Stuffle, I believe there is a point of clarification that some have wanted to be cleared up for legislative intent with regard to the portion that deals with gasohol. If I might ask you, in order to clarify the proposed tax rate on the gasohol, is it the intent of this Legislature to increase the sales tax rate on gasohol from one percent to two percent on January 1st, 1985, to correspond with the federal excise tax exemption increase from five cents per gallon to six cents per gallon on that date, then add one percent to the gasohol sales tax rate for each one cent per gallon increase in the federal excise tax exemption thereafter? In other words, the sales tax exemption on gasohol will be three percent after January 1st, 1985 until such time as the federal law may be changed."

Speaker Greiman: "Mr. Vitek."

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

Speaker Greiman: "Gentleman from Cook, Mr. Vitek, has moved that the previous question be put. All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the previous question will be put. Mr. Stuffle, to close."

Stuffle: "I would only make two points, Mr. Speaker and Members. First of all, in answer to Representative Koehler, the answer is yes. The Bill is clear. The Conference Committee is clear. We are only adding a penny on the alcohol... gasohol tax at the state level January 1 and that corresponds exactly to the one cent exemption increase

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at the federal level. There would not be any increase in the alcohol gasohol tax in the future unless there was another reduction at the federal level and that's clearly the intent. The answer is yes. Secondly, and only, Representative Levin, had he read line 22 of the page he cited, he would see that the problem he raises is the current law. He may feel the current law and even this law continues to have flaws in his constitutional thinking, but the fact is the law now requires the immediate suspension of license without a notice on the ten tickets or the two warrants. This provides the notice must be given officially to the person, that they have the warrants or the tickets before he can act. So we are attempting to clean up what he's concerned about, not to make it worse, and he really talked about the current law, not what this does. And in fact, had some of it exactly the opposite, in my opinion. I would ask for your affirmative vote for the reasons cited here and would appreciate that you look at all the arguments on it. Thank you."

Speaker Greiman: "Question is, 'Shall the House adopt Conference Committee Report #2 to Senate Bill 1524?' On that question all those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. 71 votes. The Gentleman from McLean, Mr. Ropp, to explain his vote, one minute."

Ropp: "I was only going to ask a question that was dealing with motorcycles. Does that mean that you cannot, in fact, be a part of a thrill show like I have seen where they stand all over the motorcycles, where it says you just can't do that anymore? I mean, I'm going to vote 'yes', but I was going to ask that question."

Speaker Greiman: "Gentleman from Cook, Mr. Shaw, one minute to explain your vote."

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

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House. It seems as though to me that the court... what this Bill does, it seems as though that they are circumventing the court. Everybody know that when you issue a traffic summons, it says that you should go to court. But what they are doing here now, if the person does not go to court, no warrant, as one of the Representatives pointed out, no... the Judge will not issue a warrant, but what we are attempting to do here by passing this legislation is put the Secretary of State or make the Secretary of State the court. In other words, he is going to pass judgment up on you and I. And I think it's a bad Bill. I think that if the court is not going to face the responsibility, it's just... this summons is just like any other summons and the court should handle it accordingly. But what we are doing here is attempting to circumvent the court and I don't think it should be circumvented, and I think it's bad for the citizens of this state and it's similar to the quota system in terms of dealing with tickets not only in Chicago, all over Illinois. This Bill should be defeated. It's a bad Bill and it will take advantage of a lot of poor people around this state."

Speaker Greiman: "Mr. Preston, one minute to explain your vote.

Mr. Leverenz, one minute to explain your vote."

Leverenz: "Well, to explain my vote I would say I think in the main the opposite is true of the previous speakers comments. I would encourage you to vote 'green' and I would hope the Speaker would take the record."

Speaker Greiman: "Mr. Stuffle, one minute, do you want to explain your vote?"

Stuffle: "Just to reclarify. The people who talk about poor people being hurt by this Bill are the ones that are voting against poor people by voting 'no'. Currently, the statute says currently that if you send that notice to the

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Secretary of State, not to the offending party, he has to suspend your license without a hearing. This says you've got to notify that person, to let them have a chance to rectify the problem. It's just the opposite of what the two Representatives from Chicago said. If they want to vote 'no', that's fine, but they are the ones that are voting against their constituents, not the 'aye' voters."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 88 voting 'aye', 24 voting 'no', 1 voting 'present' and the House does adopt Conference Committee Report #2 to Senate Bill 1524, and this Bill, having received the Constitutional Majority, is hereby declared passed. Supplemental Calendar #1, on the Order of Motions, appears House Bill 3136. On the Motion, Ms. Barnes, the Lady from Cook. Barnes. Ms. Barnes, you are on."

Barnes: "Okay. Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3136 has to do with transportation for private schools. We had a meeting in the Governor's Office - Representative Keane and myself, the Cosponsors of House Bill 3136. The President of the Senate, Phil Rock, was in attendance, Speaker Madigan, the Lieutenant Governor, Father Quinn of the Catholic Conference in Chicago. It was agreed that we would not call the Bill tonight and that the private transportation Bill will become part of the reform appropriation educational reform package in the spring. I want to thank all of you that have always supported Representative Keane and myself, but I thought that you were entitled to an explanation. So, we'll see you in the spring with the Bill."

Speaker Greiman: "Alright. 3136 is out of the record. Mr. Dunn, for what purpose do you seek recognition?"

Dunn, J.: "Well, Mr. Speaker, just in connection with this

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briefly. On a point of personal privilege, I made remarks in a Democrat Caucus exactly in keeping with what the previous speaker just said, that I thought this Bill presented a dilemma which made it difficult to vote for for a lot of us who have supported parochial busing and that it needed to be reformed, needed to be considered next spring as part of the educational reform package. My remarks in Caucus were leaked to the lobbyist for the Illinois Catholic Conference who arranged to have all the nuns and priests in my legislative district call to tell them that I had abandoned them and, as a matter of fact, some of the word got back to them that I had double-crossed them. I didn't double-cross anybody. I don't double-cross anybody. My position is exactly consistent now as it was then and in complete accord with what we are doing tonight. This Bill should not be called. It's not ready for a vote and, perhaps, we can do the substance of this matter again next spring and address this matter properly. And I just wanted to make this a matter of public record so I could report to my people back home that my thoughts and views were in keeping with the majority of this... the Members of this General Assembly both in the House and in the Senate."

Speaker Greiman: "Thank you, Mr. Dunn. Supplementary Calendar #2, on the Order of Conference Committee Reports, appears Senate Bill 1024. Gentleman from Vermilion, Mr. Stuffle, moves that the House suspend... use the Attendance Roll Call to suspend Rule 79(d) so that this Bill may be heard at this time. Does the Gentleman have leave to use the Attendance Roll Call? The Gentleman has leave. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1524, a Bill for an Act relating... Senate Bill 1024, a Bill for an Act to amend the Illinois Industrial Development Authority Act. Conference Committee

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Report #1."

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

Stuffle: "Mr. Speaker and Members, I hadn't expected my last Bill would be one for the Republican Lieutenant Governor, but it is and I submit it to you in the form of the Conference Committee Report... guess we'll have to have Republican votes to pass this one. This particular Bill cleans up the provisions of the export law that we passed some time ago with bipartisan support and the sponsorship of Representative Mautino and Woodyard and myself. We have had some question in the developmental stages of this particular entity about its ability to market bonds. So, what this particular Conference Committee Report does is three-fold. First of all, we take DCCA out of the Export Authority. We leave it with the Board in place, Lieutenant Governor as the Chairman. We provide a clarification asked for by the Bond Council that the Export Authority can both deal with loans and the guarantees of loans through local banking institutions. And we use the same language with regard to conflicts of interest by members that exist now in the Housing Development Authority and the Development Finance Authority. We've worked this out with the people from DCCA who had some questions. They have withdrawn those. And with the Lieutenant Governor, the Board, Bond Council and the Members of both sides. And I would submit it to you and ask for an affirmative vote on Senate Bill 1024."

Speaker Greiman: "Gentleman from Vermilion has moved that the House do adopt Conference Committee Report #1 to Senate Bill 1024, and on that, is there any discussion? The Gentleman from Cook, Mr. Cullerton."

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

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

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Cullerton: "Representative Stuffle, with regard to the issue of conflict of interest, did you indicate that this Bill will make the conflict of interest provisions the same as the other two authorities that you mentioned?"

Stuffle: "They are not exactly identical, but almost identical to the Illinois Housing Development Authority, the Development Finance Authority and that's basically a seven and a half percent interest could be involved in which a Member has a direct or an indirect interest only if there is disclosure on that particular interest."

Cullerton: "Do you know what the differences are?"

Stuffle: "I think the one here is that the person could still serve as an officer or a member of a board of trustees of the private entity involved if he has no direct or indirect relationship and still act on a matter. I don't think that is specifically stated in the other statute."

Cullerton: "In other words, if you are the president of a bank and you abstain on the vote, you could still loan money to the Authority... or I mean the Authority can loan money to you?"

Stuffle: "We are talking about the entity that gets the loan, not the bank."

Cullerton: "The entity that gets the loan."

Stuffle: "The way this works, it's a guaranteed program. You are mirroring a loan situation. The local banking institution says we have an entity that wants a loan or a guarantee of a loan from you. Then they say, 'Do they meet the criteria in the statute?' Then that guaranteeor (sic - guarantor) or loan is sent back to the bank. It's local participation. A private entity makes the request for it. We are talking about the guy that might be trying to export something or pre-export something. That's the conflict of interest question."

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Cullerton: "Alright. Thank you very much."

Speaker Greiman: "Further discussion? Further discussion? There being none, the question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 1024?' And on that question, all those in favor signify by voting 'aye', those opposed vote 'no'. This is final action. 71 votes required. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 111 voting 'aye', none voting 'no', 2 voting 'present', and the House does adopt Conference Committee Report #1 to Senate Bill 1024, and this Bill, having received the Constitutional Majority, is hereby declared passed. On Supplemental Calendar #5 on the Order of Concurrence appears House Joint Resolution 190. Mr. Brummer, 190, will you handle that? Mr. Clerk."

Clerk Leone: "House Joint Resolution 190, creates a Joint Committee on Public Utility Regulation together with Senate Amendments #1 and 2."

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

Brummer: "Yes, we had a... This is a House Joint Resolution that we had previously adopted, sponsored by Representative Pierce and myself, establishing the Committee that the Clerk referred to, the exact name of which escapes me at the moment, but it's the Joint Committee on Utility Regulation. Included in the Members to be appointed in that Committee was the Chairman of the Commerce Commission. The Senate adopted two Amendments. The first one is technical in nature. The second one deletes the Chairman of the Commerce Commission as a member of that Joint Committee. It was felt that, as I understand it, that because the charge of the Committee is to examine the Illinois Commerce Commission and the whole Public Utilities Act that it was maybe inappropriate that the Chairman of

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the Commerce Committee be on that Committee. So, I suppose the appropriate thing is to move to concur with Amendments 1 and 2 to House Joint Resolution 190."

Speaker Greiman: "Gentleman from Effingham moves that the House concur in Senate Amendments #1 and 2 to House Joint Resolution 190, and on that, is there any discussion? The Gentleman from Lake, Mr. Pierce."

Pierce: "Yes, Mr. Speaker. The Gentleman is right. I'm sorry I was off the floor, but my hyphenated Cosponsor explained it exactly right. There was one technical error we made in not referring to the Senate in the Joint Resolution and that's covered by Amendment #2, which the Motion to Concur was made by Mr. Brummer, and Amendment #1 is the Amendment that removes the Chairman of the Commerce Commission which Senator Netsch wanted to do in the Senate as a Member of the Joint Committee on Public Utilities. We passed it out with the Chairman of the Commerce Commission as a Member. The Senate objected, but at this late date, there is nothing really to do but I think to concur in the Senate Amendments and I agree with Mr. Brummer and support the Motion to concur in Amendments #1 and 2 to House Joint Resolution 190."

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

Hastert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just rise to urge the Members on this side to vote with... for this Motion. It creates the Committee to look at utility reform. It's needed. It's not only needed, we are mandated to do it by law and it has to be done."

Speaker Greiman: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Joint Resolution 190?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. 60 votes required. Have

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all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 108 voting 'aye', none voting 'no', none voting 'present' and the House does concur in Senate Amendments #1 and 2 to House Joint Resolution 190. Mr. Pierce, is this your last matter of business before the House? Mr. Pierce."

Pierce: "Mr. Speaker, that was my last concurrence in a Senate Amendment to a House Joint Resolution. I'm still available January 9th to vote affirmatively on a pay raise."

Speaker Greiman: "Thank you, Mr. Pierce. On Supplemental Calendar #5 on the Order of Motions appears Senate Joint Resolution 142 on a Motion. Mr. Clerk, read the Motion."

Clerk Leone: "Motion. Pursuant to Rule 43(a), I move to bypass Committee and place on the Speaker's Table for immediate consideration and the Resolution... Senate Joint Resolution 142 has been reproduced and distributed on the Members' desk."

Speaker Greiman: "And on that, the Gentleman from Rock Island, Mr. DeJaegher."

DeJaegher: "Thank you, Mr. Speaker, Members of the Assembly. Without a doubt, you have read the contents of the Resolution. The Senate has already conferred for the extension of an addition three months on this particular program. I think that all of us realize that this was implemented at the waning Session of the last Session. Their work has not been truly resolved as yet and for this, hopefully, that you will concur and extend this Commission an additional three months, which is until March 15, 1985."

Speaker Greiman: "This is a Motion. Does the Gentleman have leave to use the Attendance Roll Call to bypass... on his Motion pursuant to Rule 43(a)? Does the Gentleman have leave? Yes, Ms. Nelson. You object? Alright. Is there any discussion? Gentleman from Sangamon, Mr. Curran. The

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question is, 'Shall the Motion with respect to SJR 142 to waive the provisions pursuant to Rule 43(a) pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. 71 votes required to bypass Committee. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 78 voting 'aye', 29 voting 'no', 2 voting 'present' and the Motion carries. Now, on the Order of Speaker's Table appears SJR 142. Mr. Clerk."

Clerk Leone: "Senate Joint Resolution 142 concerns the State Task Force on Hispanic Student Dropouts."

Speaker Greiman: "Gentleman from Cook, Mr. Berrios. Mr. DeJaegher."

DeJaegher: "Mr. Speaker, I think that all of the Members of the Assembly are knowledgeable of what the intent is. Hopefully, that we can have an affirmative vote on this. I, myself, am deathly against Commissions, but as I stated before, this particular one was established late in the Session. I think that there had to be additional information submitted to the Commission and, hopefully, that you will give this consideration. I think that all of us realize that if there is a tragedy in the school system it's that tragedy that's... pertaining to the Hispanic dropout and hopefully that we will have an affirmative vote for the extension of this particular task force until March of 1985."

Speaker Greiman: "The question is, 'Shall the House adopt Senate Joint Resolution 142?' And on that, the Lady from DuPage, Ms. Nelson."

Nelson: "Thank you very much, Mr. Speaker, Members of the House. I rise in opposition to this Resolution because I have been consistently opposed to the creation and the continuation of Commissions and because I do not believe, although the

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problem of Hispanic school dropouts is a serious one, that a Commission of this sort can do anything to solve that problem. So, I would urge 'no' votes."

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

Ropp: "Thank you, Mr. Speaker. I, in general, would support this. However, I think it's very restrictive. I don't think that Hispanics have a reason for dropping out of school any more than let's say black or white or Asians or anyone else. And I would hope that even though this particular concern deals with Hispanics, I hope that they take some consideration in also considering why blacks may drop out or any of the other students in the Chicago area or for that matter, even in the state, because that's the real crux of the matter of education throughout the state. And let's not just limit it to a particular class of people or race."

Speaker Greiman: "Mr. Nash."

Nash: "Mr. Speaker, Ladies and Gentlemen of the House, just a correction of some of the previous speakers. This isn't a Commission. This is a task force."

Speaker Greiman: "Further discussion?"

Nash: "I move the previous question."

Speaker Greiman: "There being none, the question is, 'Shall the House adopt Senate Joint Resolution 142?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. 60 votes. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 72... 73 voting 'aye', 33 'no', none 'present', and the House does adopt Senate Joint Resolution 142. Mr. Preston, for what purpose do you seek recognition?"

Preston: "For a point of personal privilege, Mr. Speaker."

Speaker Greiman: "Proceed."

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Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. It is somewhat appropriate that Aaron Jaffe is not present right now on the floor of the House since grown men and grown women don't usually say nice things about one another to one another. Certainly, that is true more so, perhaps, in the House of Representatives than maybe anywhere else on earth, unless, of course, if a colleague has passed away. Well, contrary to popular belief, Aaron Jaffe is alive and... Well, Aaron Jaffe is alive. With Representative Jaffe's departure from Springfield and with his elevation to the bench as a Judge of the Circuit Court of Cook County, I, for one, am losing a law partner. I'm losing a friend here in Springfield, a dinner companion, a listening post, a soul mate, a Pac Man instructor. I will, as many of us will, sorely miss Aaron in Springfield, sorely miss his wit and his wisdom, his ability, his knowledge, his leadership and his being. He is... has been, to those of us who have known him over a number of years, a decent, hard-working, able, fine and all the other accolades that I can think of giving to someone that I think very dearly of. I will miss the ability to poke fun at his rather unique style of walking, but more than that, I will sorely miss a cherished friend who I will not be able to converse with here in Springfield. But that... nonetheless, I wish him all the best and Godspeed in his new responsibilities."

Speaker Greiman: "Mr. Bullock, for what purpose do you seek recognition?"

Bullock: "Well, Mr. Speaker, I'll be very brief. I don't know where Aaron is and perhaps Lee can find out. Someone says in Skokie. But I think there is a tremendous irony here that this morning... or this evening we really listened to the testimonial for Justice Underwood and many of the

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remarks that were made this morning are probably fitting as we compare this afternoon the launching of a new career for Aaron Jaffe. I said to Aaron the other day that certainly the House will miss him and certainly miss his scholarly demeanor. But I think that Aaron Jaffe, when he reads this and perhaps some people tell him what we said, will realize that the Aaron Jaffes of the world are the kind of jurists that we need and I believe that Aaron Jaffe will go to the courts, that he'll bring about law, order, but more importantly, he'll bring about justice. And I think that's what we need in our judiciary today and I certainly think that Aaron Jaffe will make us all proud of him in his judicial career and I'm sure that many years from now, when he and others look back on his distinguished record as a jurist, that they will indeed say that Aaron Jaffe brought justice to the judiciary."

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

McCracken: "I just want to echo those remarks. I haven't known Representative Jaffe as long as the other speakers, and I have never agreed with him on the merits, but I have found him to be a very fair and good man and someone that we will miss. He added a lot to this Assembly and, even though I haven't known him very long, I know that we are all going to feel his absence."

Speaker Greiman: "Gentleman from Lake, Mr. Pierce, for what purpose do you seek recognition?"

Pierce: "Mr. Speaker, on this same order of business, sitting next to Aaron Jaffe the last three or four terms, I can tell you the strength of Aaron Jaffe is that he's a human being who cares about other human beings. He has time to talk to anyone, whether it be the lowliest page or the highest Leader, Aaron will take time to talk to that person

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about that person's problems. And they all know it and they all came to Aaron. You may have noticed, as his... and I can take pride in this as his seatmate, and it's appropriate that Aaron isn't here right now because Aaron's voting record was somewhat better when he wasn't here than when he was here, and as his seatmate, I take great pride in that. And also it kept my right arm limber and I can still throw a pretty good baseball from always reaching over to my right. And so we will all miss Aaron, and I'll have to join a health club now to limber, up my right arm here and keep my stretching exercises going."

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

Vinson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. My first Committee assignment when I came to the General Assembly was in the House Judiciary Committee, which many people have often regarded as an experience, having to appear before. During that period of time, I served with Representative Jaffe on that Committee and for at least one of those terms when I was on the Committee, Aaron was the Chairman of the Committee. I can, I think, in all honesty and with Aaron's full approval, say that, philosophically, we were about as far apart as it is possible to be. I can also say that he always acted as a gentleman, that he was an articulate spokesman for his point of view, that I will truly miss him because of the unique contribution he did make to this Assembly, even when I thought he was wrong. And I will miss Aaron. I am sorry he is not here. I do hope at some time to appear before him in court and if I, as a citizen, happen to be a defendant in a criminal action, he is certainly the Judge I'd want to have there."

Speaker Greiman: "Gentleman from Macon, Mr. Dunn, for what purpose do you seek recognition?"

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Dunn, J.: "Thank you, Mr. Speaker. I, too, rise to express my appreciation for the service Aaron Jaffe has rendered to the people of the State of Illinois. I feel I should rise as a downstater and thank Aaron for the outstanding service that he rendered as a Member of the Agriculture Committee. I doubt if there are very many of you here who know that Aaron did, in fact, serve on the Agriculture Committee and I'm not sure that Aaron requested that because, as Representative Pierce and some of the others who are around will remember, Aaron was one of the so-called 'embattled seventeen' who held out and did not vote for Bill Redman for Speaker in 1975 and some of them did not exactly get the Committee assignments they requested. One of my first and earliest memories here, coming in as a downstater, was expecting to see everyone from downstate on the Agriculture Committee and there sat Aaron Jaffe. And the charm of his intellect and his perspective and, as other speakers have said, the sensitivity which he displayed, even in that Committee, could do nothing but win you over. And I think everyone in this chamber, whether they agree or disagree with Aaron's philosophy, has been won over and is a friend and an admirer of Aaron. And I know that, as I look around this chamber, I like to size up people by just applying a simple test to them and thinking to myself, 'Would I be comfortable if that person were representing me?' Because I know a little bit about the legislative process now and I know the kind of person that I would like to have represent me and I say without any qualification or reservation of any kind or nature whatsoever that Aaron Jaffe is, without doubt, the kind of person I would like to have representing me in any capacity in this state or in this nation. And God bless you, Aaron, and good luck to you."

Speaker Greiman: "Thank you. The Chair will take it upon itself

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to deliver some of these kind words to Representative Jaffe. We live in the same community and have spent two and a half decades together, battling together, battling each other, loving each other. And as we say in my community, Aaron is a mensch, which means a fine, nice person and he is. Thank you. Mr. McPike, on the Adjournment Resolution. Mr. Clerk."

Clerk Leone: "Senate Joint Resolution 144. 'Resolved by the Senate of the 83rd General Assembly of the State of Illinois, the House of Representatives concurring herein, that when the two Houses adjourn on Wednesday, December 12, 1984, they stand adjourned until Wednesday, January 9, 1985 at 10:00.'"

Speaker Greiman: "Mr. McPike moves the adoption of the Adjournment Resolution. All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Mr. Clerk, Agreed Resolutions. Ladies and Gentlemen, there is... one of the Agreed Resolutions... after that a Death Resolution for a former Member. So, out of respect, if you would stay. Mr. Clerk, read the Resolutions."

Clerk Leone: "House Resolution 1318, Currie; 1319, Brunsvold; 1330, Brunsvold; 1331, McGann - Keane - Steczo; 1332, Keane; 1333, Keane; 1334, Ronan; 1336, Neff; 1337, McGann - Keane - Steczo; Senate Joint Resolution 138, Panayotovich; Senate Joint Resolution 139, Oblinger; and Senate Joint Resolution 140, Harris."

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

Matijevich: "Speaker, Ladies and Gentlemen of the House, by the way, Representative Pierce has not introduced any of these Resolutions. House Resolution 1318, Currie, congratulates Mary Jean Diamond Schulman on her 60th birthday. House Resolution 1319, Brunsvold, congratulates Augustana College

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football for their division title. 1330, Brunsvold, commends Ron Nelson, most valuable player at Augustana. House Resolution 1331, McGann - Keane, congratulates Richard Brennan, President of Evergreen Plaza Bank. 1332, Keane, honors Mrs. Daniel Carey (sic - Casey)... Mr. and Mrs. on their golden wedding anniversary. 1333, Keane, congratulates John Hertel on his 96th birthday. House Resolution 1334, Ronan, encourages community education programs. House Resolution 1336, Neff, recognizes Mr. Homer Gordon on receiving his bachelor's degree at the age of 68. House Resolution 1337, McGann, congratulates John Thode, Vice Chairman of the Evergreen Plaza Bank. Senate Joint 138, Giglio, congratulates Anna Adams on her retirement. House Joint... Senate Joint 139, Oblinger, commemorates the 150th anniversary of Abraham Lincoln having entered the General Assembly. Senate Joint Resolution 140, Harris, congratulates Thomas Junior High School in Arlington Heights on earning the National Excellence in Education Award. Speaker, Ladies and Gentlemen, I move the adoption of the Agreed Resolutions."

Speaker Greiman: "Gentleman from Lake has moved for the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Resolutions are adopted. General Death Resolutions."

Clerk Leone: "Senate Joint Resolution 141, Vitek, with respect to the memory of Edward Nihill."

Speaker Greiman: "Gentleman from Lake, Mr. Matijevich, moves adoption of the Resolution. All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it."

Matijevich: "Jaffe is here."

Speaker Greiman: "This is the death of a former Member so that

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when the Resolution is adopted, the House will then stand adjourned. Mr. Clerk."

Clerk Leone: "House Resolution."

Speaker Greiman: "Yes, Mr. Matijevich."

Matijevich: "Before we go into that, could we just hear a few words from Aaron? We are not going to see him again."

Speaker Greiman: "The... Aaron. Alright. Representative Jaffe has arrived. Many good words have been said. Aaron, it was a once in a lifetime opportunity and you missed it."

Jaffe: "No, no, the truth of the matter, Mr. Speaker, is that I did not miss it. I was in my office packing up and having heard all those good things, I was afraid to come over for fear that they would stop, you see. My appointment came about rather quickly, as most of you know, and really was somewhat surprising to me. And it's with mixed feelings actually that I do leave the House of Representatives. I have had many fond days here. I have many, many fond memories here and I have very, very many good friends here. So, I'm moving on, I think, to a new career, which I'm looking forward to. I thank everybody for their friendship and their kindnesses which they have given to me over the years. And I hope that the General Assembly, I will be back at the General Assembly from time to time to visit with you. I'm not going to give you any great messages today, you know, or anything else to that effect. I just want to say I'll probably be back on the 9th for a moment in the closing days of that Assembly. I will not take my oath in the 84th, and I hope to see all of you. And thank you, thank you very much for your friendship."

Speaker Greiman: "The Gentleman from Marion, Mr. Friedrich."

Friedrich: "Mr. Speaker, I just want to inquire if the Gordon Kerr Death Resolution was also there? He is also a former Member and it should have been considered at this time

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too."

Speaker Greiman: "Yes, it will be considered right now."

Clerk Leone: "House Resolution 1335, Dwight Friedrich - et al.
'Whereas it is with profound sorrow that this Body learns of the recent passing of our distinguished former colleague, Gordon E. Kerr, of Brookport, Illinois, at the age of 72; whereas, Gordon Kerr served with honor and distinction in the Illinois General Assembly for sixteen years, where he served four terms as a Member of the House of Representatives before being elected to the Senate in 1958 and reelected in 1962; whereas, a lifelong resident of Massac County where he was born on February 13, 1912, and received his formal education. Mr. Kerr was, throughout his lifetime, active in all phases of politics and government, having served on the Brookport City Council and as Massac County Commissioner and Chairman of the Massac County Republican Committee; and whereas, his exemplary citizen of his community, Mr. Kerr selflessly served for 34 years on the Brookport School Board and was Director of the Brookport National Bank and he was a devout member of the Church of Christ in Brookport; and whereas, Gordon Kerr leaves a proud heritage to mourn his passing in the persons of his loving wife, Lorraine, one daughter, Carolyn Sue Brinker, five grandchildren, 7 great-grandchildren and many admiring friends and fellow public servants in his community and in the state which he served so well; therefore, be it resolved by the House of Representatives of the 83rd General Assembly of the State of Illinois that we mark with sadness the death of our esteemed former colleague, the honorable Gordon E. Kerr, whose sense of devotion and dedication to the betterment of the citizens of Brookport and this state continues to inspire every endeavor and whose very life exemplified the finest traits

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of the tools of statesmen; and be it further resolved that a suitable copy of this Preamble and Resolution be presented to his widow, Mrs. Lorraine Kerr, and with our heartfelt sympathy, as a further gesture of our respect, the House now stands adjourned."

Speaker Greiman: "And on that Resolution, the Gentleman from Marion, Mr. Friedrich."

Friedrich: "Mr. Speaker, I doubt that there are many of you who knew Gordon Kerr. He was my friend. He came to the Senate when I was serving there. He came from Brookport. Probably not many of you know where Brookport is. It's right across the river from Paducah, and I'll tell you it's three hundred miles closer to Memphis than it is Chicago, in case you don't know that. But he was a southern gentleman, very slow to talk and very slow to anger. I never heard him say an unkind word about anybody. But he was a good Legislator and he represented his district and he is part of the history of this House. So, I move the adoption of this Resolution in memory of Gordon Kerr."

Speaker Greiman: "The question is on the adoption of Resolution #1335. All those... and with leave to add all of the Members as Cosponsors. Leave is hereby granted. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Resolution is adopted. House will stand adjourned."

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