

STATE OF ILLINOIS
84th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

46th Legislative Day

May 23, 1985

Speaker Giorgi: "The House will be in order. The Members will be in their chairs. The Chaplain for today will be Pastor Norman T. Remmers of St. John's Lutheran Church of Bloomington. Reverend Remmers is a guest of Representative John Countryman. Will the guests in the galleries please rise for the invocation?"

Reverend Remmers: "Heavenly Father, we would ask that You would preserve our nation in justice and honor, that we may lead a peaceable life of integrity. Grant health and favor to all who bear office in our land, especially to the President of the United States, the Governor of this state and all those who make, administer and judge our laws. And help them to serve this people according to Your holy will. Bless the schools, the colleges, the universities and centers of research and those who teach in them. Bestow Your wisdom in such measure that people may serve You and serve the state and serve each other, that our common life may conformed to Your rule, a rule of truth and justice. By the spirit of affection and service, unite the members of all families in this state that they may show Your praise in our land and in all the world. And let Your blessing rest upon our seed time and harvest, the commerce and industry, the leisure and rest, the arts and culture of our people. Take under Your special protection those who work in difficult and dangerous jobs and be with those who lay their hands to any useful task. Comfort with Your grace all who are in sorrow or need, sickness or adversity. All these things and whatever else You see that we need, grant us, Father, for the sake of Him who now lives and rules with You, one God forever. Amen."

Speaker Giorgi: "Representative Røpp will lead us in the Pledge of Allegiance."

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

Speaker Giorgi: "Call for Attendance. 118 answering the call, there is a quorum present. Reading of the Journal."

Clerk O'Brien: "Journal for the 28th Legislative Day, April 23, 1985."

Speaker Giorgi: "Representative Matijevich, on the reading of the Journal."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, I move that we dispense with the reading of the Journal and that the following Journals be approved: #28 of April 23rd, #29 of April 24th, #30 of April 25th, #31 of April 30th and #32 of May 1st."

Speaker Giorgi: "The Gentleman moves to dispense with the reading of the Journals of the following dates and ask that they are approved as read. Are there any objections? Hearing no objections, all in favor say 'aye', all opposed 'nay'. The Motion carries. Agreed Resolutions."

Clerk O'Brien: "House Resolution 420, offered by Representative Panayotovich. 421, Washington and Brookins. 422, Virginia Frederick. And 424, by Representative Countryman. And House Joint Resolution 55, by Representative White."

Speaker Giorgi: "Representative Matijevich, on the Agreed Resolutions."

Matijevich: "Speaker, Ladies and Gentlemen of the House, House Resolution 420, Panayotovich, congratulates Anthony 'Musselein'. House Resolution 421, Washington - Brookins, recognizes the Chicago Defender. House Resolution 422, Virginia Frederick, commends Betty Russell. House Resolution 424, Countryman, honors Delbert Davis. And House Joint Resolution 55, White, lauds the Pfizer, Inc.

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Move the adoption of the Agreed Resolutions."

Speaker Giorgi: "The Gentleman moves the adoption of the Agreed Resolutions. Is there any discussion? All those in favor signify by saying 'aye', those opposed 'nay'. The 'ayes' have it and the Agreed Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Resolution 425, offered by Representative Pullen and Richmond."

Speaker Giorgi: "Committee on Assignment. Death Resolution."

Clerk O'Brien: "House Resolution 423, offered by Representative Brookins, with respect to the memory of Andrew L. Thomas."

Speaker Giorgi: "Representative Matijevich moves for the adoption of the Death Resolution. All in favor signify by saying 'aye', opposed 'no' and the 'ayes' have it. Senate Bills First Reading."

Clerk O'Brien: "Senate Bill 50, Mulcahey, a Bill for an Act in relation to blasting operations. First Reading of the Bill. Senate Bill 301, Cullerton, a Bill for an Act to amend the Illinois Insurance Code. First Reading of the Bill. Senate Bill 954, Woodyard and Ryder, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill. Senate Bill 939, Levin, a Bill for an Act to amend the Guardianship and Advocacy Act. First Reading of the Bill. Senate Bill 940, Levin, a Bill for an Act to amend the Illinois Occupational Therapy Practice Act. First Reading of the Bill. Senate Bill 941, Levin, a Bill for an Act to amend the Guardianship and Advocacy Act. First Reading of the Bill. Senate Bill 1245, McAuliffe, a Bill for an Act to amend an Act in relation to regional port districts. First Reading of the Bill. Senate Bill 1388, Oblinger and Woodyard, a Bill for an Act to amend the Illinois Public Aid Code. First Reading of the Bill."

Speaker Giorgi: "On page 37 of your Calendar, there is a Special

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Consent Calendar consisting of 123 Bills. We are going to read them for the Third time, but we will delay a vote until later in the day so people... Members can peruse the list and be recorded as they want to be recorded on those 123 Bills. Clerk, read the Bills."

Clerk O'Brien: "Special Consent Calendar, page 37 on the Calendar. House Bill 54, a Bill for an Act to amend an Act concerning unidentified bodies. Third Reading of the Bill. House Bill 308, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill. House Bill 375, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 431, a Bill for an Act to amend the State Fair Act. Third Reading of the Bill. House Bill 434, a Bill for an Act to amend the Illinois Notary Public Act. Third Reading of the Bill. House Bill 450, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 451, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 486, a Bill for an Act to amend an Act in relation to the county and multi-county public health departments. Third Reading of the Bill. House Bill 493, a Bill for an Act to amend the Hearing Aid Consumer Protection Act. Third Reading of the Bill. House Bill 522, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. House Bill 715, a Bill for an Act to amend the Pharmacy Practice Act. Third Reading of the Bill. House Bill 782, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill. House Bill 793, a Bill for an Act to amend an Act in relation to natural resources, research, data collection and environmental studies and relates to Environmental Protection Act. Third Reading of the Bill. House Bill 838, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practice Act. Third Reading

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of the Bill. House Bill 874, a Bill for an Act to amend the Illinois Trust and Payable on Death Accounts Act. Third Reading of the Bill. House Bill 892, a Bill for an Act to amend the Election Code. Third Reading of the Bill. House Bill 968, a Bill for an Act to amend the Pharmacy Practice Act. Third Reading of the Bill. House Bill 1000, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. House Bill 1006... House Bill 1006, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 1045, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. House Bill 1047, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. House Bill 1058, a Bill for an Act to amend the Illinois Administrative Procedure Act. Third Reading of the Bill. House Bill 1102, a Bill for an Act to amend the Election Code. Third Reading of the Bill. House Bill 1109, a Bill for an Act to amend the Election Code. Third Reading of the Bill. House Bill 1142, a Bill for an Act to amend the Illinois Funeral and Burial Funds Act. Third Reading of the Bill. House Bill 1178, a Bill for an Act authorizing the Kane County Forest Preserve District to sell certain lands at public sale. Third Reading of the Bill. House Bill 1192, a Bill for an Act to amend an Act in relation to juveniles. Third Reading of the Bill. House Bill 1184, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. House Bill 1197, a Bill for an Act to create the ward... create wards in election districts. Third Reading of the Bill. House Bill 1198, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill. House Bill 1207, a Bill for an Act to amend an Act in relation to employees of elected county officers in Illinois. Third

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Reading of the Bill. House Bill 1249, a Bill for an Act to amend the General Obligation Bond Act. Third Reading of the Bill. House Bill 1251, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill. House Bill 1270, a Bill for an Act in relation to the sale and rental of video movies. Third Reading of the Bill. House Bill 1294, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill. House Bill 1295, a Bill for an Act to amend the Illinois Administrative Procedure Act. Third Reading of the Bill. House Bill 1301, a Bill for an Act relating to functions of various state departments, agencies and entities. Third Reading of the Bill. House Bill 1330, a Bill for an Act to amend the Liquor Control Act. Third Reading of the Bill. House Bill 1370, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill. House Bill 1371, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 1411, a Bill for an Act to amend the Physical Fitness Service Act. Third Reading of the Bill. House Bill 1417, a Bill for an Act in relation to State Comptroller. Third Reading of the Bill. House Bill 1464, a Bill for an Act in relation to forest preserve districts. Third Reading of the Bill. House Bill 1517, a Bill for an Act to amend an Act to revise the law in relation to counties. Third Reading of the Bill. House Bill 1520, a Bill for an Act to amend the County Home Act. Third Reading of the Bill. House Bill 1568, a Bill for an Act to amend the Illinois Enterprise Zone Act. Third Reading of the Bill. House Bill 1571, a Bill for an Act relating to the Department of Central Management Services. Third Reading of the Bill. House Bill 1577, a Bill for an Act to amend an Act to revise the law in relation to clerks of courts. Third Reading of the Bill. House Bill 1624, a

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Bill for an Act to amend the Liquor Control Act. Third Reading of the Bill. House Bill 1643, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill. House Bill 1645, a Bill for an Act to concerning missing children. Third Reading of the Bill. House Bill 1671, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill. House Bill 1677, a Bill for an Act to amend an Act relating to the solicitation of legal business for remuneration. Third Reading of the Bill. House Bill 1680, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill. House Bill 1683, a Bill for an Act to amend the Asbestos Abatement Act. Third Reading of the Bill. House Bill 1688, a Bill for an Act relating to the allocation of industrial development bonds. Third Reading of the Bill. House Bill 1717, a Bill for an Act to amend the Agricultural Areas Conservation and Protection Act. Third Reading of the Bill. House Bill 1755, a Bill for an Act to amend an Act in relation to State's Attorneys Appellate Service Commission. Third Reading of the Bill. House Bill 1756, a Bill for an Act to amend the Radiation Protection Act. Third Reading of the Bill. House Bill 1765, a Bill for an Act to amend the Illinois Credit Card Act. Third Reading of the Bill. House Bill 1785, a Bill for an Act to amend an Act in relation to custodians of public monies. Third Reading of the Bill. House Bill 1801, a Bill for an Act to amend the Civil Administrative Code. Third Reading of the Bill. House Bill 1828, a Bill for an Act to amend an Act in relation to the regulation of underground petroleum storage tanks. Third Reading of the Bill. House Bill 1833, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 1867, a Bill for an Act to amend an Act relating to the Department of Conservation. Third Reading of the Bill.

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House Bill 1889, a Bill for an Act to amend an Act in relation to forest preserve districts. Third Reading of the Bill. House Bill 1901, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 1914, a Bill for an Act to enlarge the corporate limits of the Metropolitan Sanitary District of Greater Chicago. Third Reading of the Bill. House Bill 1915, a Bill for an Act in relation to lost and abandoned boats. Third Reading of the Bill. House Bill 1919, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of the Bill. House Bill 1924, a Bill for an Act relating to the Department of Conservation. Third Reading of the Bill. House Bill 1928, a Bill for an Act relating to the identification and use of motor vehicles of the state of... Third Reading of the Bill. House Bill 1929, a Bill for an Act to amend the Water Well and Pump Installation Contractors License Act. Third Reading of the Bill. House Bill 1933, a Bill for an Act to amend an Act relating to the Department of Mines and Minerals. Third Reading of the Bill. House Bill 1937, a Bill for an Act to amend the Vital Records Act. Third Reading of the Bill. House Bill 1943, a Bill for an Act to amend the Recreational Area Licensing Act. Third Reading of the Bill. House Bill 1944, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 1949, a Bill for an Act to amend the Illinois Controlled Substance Act. Third Reading of the Bill. House Bill 1953, a Bill for an Act in relation to the operation of gasoline stations. Third Reading of the Bill. House Bill 1959, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill. House Bill 1961, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of

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the Bill. House Bill 1967, a Bill for an Act to amend an Act relating to the Department of Central Management Services. Third Reading of the Bill. House Bill 1970, a Bill for an Act in relation to telecommunications services provided by the Department of Central Management Services. Third Reading of the Bill. House Bill 1974, a Bill for an Act to amend the Illinois Highway Code. Third Reading of the Bill. House Bill 1975, a Bill for an Act to amend an Act concerning Quincy Veterans' Home. Third Reading of the Bill. House Bill 2015, a Bill for an Act to amend an Act relating to working cash fund in certain counties. Third Reading of the Bill. House Bill 2020, a Bill for an Act in relation to sanitary districts and railway right of ways and public easements. Third Reading of the Bill. House Bill 2023, a Bill for an Act to revise the law in relation to counties. Third Reading of the Bill. House Bill 2032, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill. House Bill 2054, a Bill for an Act to amend the Farms Management Program Act. Third Reading of the Bill. House Bill 2067, a Bill for an Act to amend an Act in relation to the office of Lieutenant Governor. Third Reading of the Bill. House Bill 2079, a Bill for an Act to amend an Act relating to Southern Illinois University. Third Reading of the Bill. House Bill 2089, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill. House Bill 2097, a Bill for an Act to amend the Election Code. Third Reading of the Bill. House Bill 2103, a Bill for an Act to amend the Bill of Rights for Victims and Witnesses of Violent Crimes Act. Third Reading of the Bill. House Bill 2104, a Bill for an Act to amend an Act relating to the Department of Children and Family Services. Third Reading of the Bill. House Bill 2108, a Bill for an Act to amend

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the School Code. Third Reading of the Bill. House Bill 2125, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill. House Bill 2190, a Bill for an Act to amend the Alcoholism and Substance Abuse Act. Third Reading of the Bill. House Bill 2181, a Bill for an Act to amend the Collection Agency Act. Third Reading of the Bill. House Bill 2213, a Bill for an Act to amend the Illinois State Auditing Act. Third Reading of the Bill. House Bill 2261, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. House Bill 2266, a Bill for an Act to amend an Act in relation to natural resources, research, data collection and environmental studies. Third Reading of the Bill. House Bill 2276, a Bill for an Act to amend the Juvenile Court Act. Third Reading of the Bill. House Bill 2278, a Bill for an Act to amend the Grade A Pasteurized Milk and Milk Products Act. Third Reading of the Bill. House Bill 2296, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 2349, a Bill for an Act creating the Illinois Addictions Research Institute. Third Reading of the Bill. House Bill 2378, a Bill for an Act to amend the Election Code. Third Reading of the Bill. House Bill 2407, a Bill for an Act to amend the Illinois Drainage Code. Third Reading of the Bill. House Bill 2429, a Bill for an Act creating the Mautino Veterans' Home. Third Reading of the Bill. House Bill 2436, a Bill for an Act relating to easements and access rights. Third Reading of the Bill. House Bill 2439, a Bill for an Act in relation to monies received from the sale of fishing and hunting license. Third Reading of the Bill. House Bill 2440, a Bill for an Act in relation to boiler and pressure vessels certification fees. Third Reading of the Bill. House Bill 2442, a Bill for an Act to amend the Private Sewage

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Disposal License Act. Third Reading of the Bill. House Bill 2449, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 2452, a Bill for an Act in relation to persons with developmental disabilities. Third Reading of the Bill. House Bill 2454, a Bill for an Act in relation to transportation. Third Reading of the Bill. House Bill 2472, a Bill for an Act to amend the Environmental Educational Facilities Authority Act. Third Reading of the Bill. House Bill 2487, a Bill for an Act to amend an Act to establish the Illinois Clean and Beautiful Program. Third Reading of the Bill. House Bill 2515, a Bill for an Act to amend an Act in relation to food, drug and cosmetics. Third Reading of the Bill. House Bill 2517, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 2521, a Bill for an Act to amend an Act relating to custody and disposition of certain property possessed by enforcement agencies. Third Reading of the Bill. House Bill 2525, a Bill for an Act relating to various Acts to resolve multiple Amendments or additions to correct technical errors and other patent errors and omissions. Third Reading of the Bill."

Speaker Giorgi: "The procedure be following on the Special Consent Calendar just read is going to be... first of all, there will be a long print out on that entire list of Bills. That Bill was compiled... those Bills were compiled by the Leadership. Every one of those Bills left Committee without a dissenting vote. There will be a Roll Call in about an hour and a half on those Bills, but the Roll Call will be left open for three or four hours so that Members can be recorded as being opposed or 'present' on those Bills also. Does that clear it up for everyone? Mr. Clerk, read the appropriation Bills for a second time and

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they will be held on Second Reading in the Calendar."

Clerk O'Brien: "House Bills Second Reading, Appropriation Bills. House Bill 24, a Bill for an Act making appropriation of the Board of Regents and regency universities. Second Reading of the Bill. House Bill 143, a Bill for an Act making an appropriation to the State Comptroller. Second Reading of the Bill. House Bill 219, a Bill for an Act making appropriation to the State Board of Education. Second Reading of the Bill. House Bill 342, a Bill for an Act making an appropriation to the Capital Development Board. Second Reading of the Bill. House Bill 362, a Bill for an Act making an appropriation to the Department of Revenue. Second Reading of the Bill. House Bill 413, a Bill for an Act making an appropriation to the Metropolitan Fair and Exhibition Authority. Second Reading of the Bill. House Bill 526, a Bill for an Act making additional appropriation to the Secretary of State. Second Reading of the Bill. House Bill 529, a Bill for an Act making an appropriation to the Illinois Development Finance Authority. Second Reading of the Bill. House Bill 530, a Bill for an Act making appropriation to the State Board of Elections. Second Reading of the Bill. House Bill 583, a Bill for an Act making appropriation to Secretary of State. Second Reading of the Bill. House Bill 641, a Bill for an Act making appropriation to the Capital Development Board. Second Reading of the Bill. House Bill 651, a Bill for an Act making appropriation for the ordinary and contingent expense of the Office of Commissioner of Savings and Loan. Second Reading of the Bill. House Bill 652, a Bill for an Act making appropriation for the ordinary and contingent expense of the Prisoner Review Board. Second Reading of the Bill. House Bill 653, a Bill for an Act making appropriation for the ordinary and contingent expense of

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the Local Governmental Law Enforcement Officers Training Board. Second Reading of the Bill. House Bill 654, a Bill for an Act making appropriation for the ordinary and contingent expense of State Employees Retirement System. Second Reading of the Bill. House Bill 655, a Bill for an Act making appropriation for the ordinary and contingent expense of the Teachers Retirement System. Second Reading of the Bill. House Bill 656, a Bill for an Act making appropriation for the ordinary and contingent expense for the Pollution Control Board. Second Reading of the Bill. House Bill 657, a Bill for an Act making appropriation for the ordinary and contingent expense of the Illinois Educational Labor Relations Board. Second Reading of the Bill. House Bill 658, a Bill for an Act making appropriation for the ordinary and contingent expense of the Illinois Local Labor Relations Board. Second Reading of the Bill. House Bill 659, a Bill for an Act making appropriation for the ordinary and contingent expense of the Human Rights Commission. Second Reading of the Bill. House Bill 660, a Bill for an Act making appropriation for the ordinary and contingent expense of the Department of Human Rights. Second Reading of the Bill. House Bill 661, a Bill for an Act making an appropriation for the ordinary and contingent expense of the Medical Center Commission. Second Reading of the Bill. House Bill 662, a Bill for an Act making appropriation for the ordinary and contingent expense of the Guardianship and Advocacy Commission. Second Reading of the Bill. House Bill 663, a Bill for an Act making appropriation for the ordinary and contingent expense of the State Emergency Services and Disaster Agency. Second Reading of the Bill. House Bill 664, a Bill for an Act making appropriation for the ordinary and contingent expense of the Department of Children and Family

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Services. Second Reading of the Bill. House Bill 665, a Bill for an Act making appropriation for the ordinary and contingent expense of the Military and Naval Department. Second Reading of the Bill. House Bill 666, a Bill for an Act making appropriation for the ordinary and contingent expense of the Illinois Commerce Commission. Second Reading of the Bill. House Bill 667, a Bill for an Act making appropriation for the ordinary and contingent expense of the Liquor Control Commission. Second Reading of the Bill. House Bill 668, a Bill for an Act making appropriation for the ordinary and contingent expense of the Department of Revenue. Second Reading of the Bill. House Bill 669, a Bill for an Act making appropriation for the ordinary and contingent expense of the State Labor Relations Board. Second Reading of the Bill. House Bill 670, a Bill for an Act making appropriation for the ordinary and contingent expense of the Illinois Racing Board. Second Reading of the Bill. House Bill 671, a Bill for an Act making appropriation for the ordinary and contingent expense of the Property Tax Appeal Board. Second Reading of the Bill. House Bill 672, a Bill for an Act making appropriation for Department of Public Health, Governor's Council on Health and Physical Fitness and the Board of Trustees of the University of Illinois Division of Services for Crippled Children. Second Reading of the Bill. House Bill 673, a Bill for an Act making appropriation to the Department of Employment Security. Second Reading of the Bill. House Bill 674, a Bill for an Act making appropriations for the Department of Energy and Natural Resources. Second Reading of the Bill. House Bill 675, a Bill for an Act making appropriations for the Department of Conservation. Second Reading of the Bill. House Bill 676, a Bill for an Act making appropriations to

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the General Assembly Retirement System. Second Reading of the Bill. House Bill 677, a Bill for an Act making appropriations to the Judges Retirement System. Second Reading of the Bill. House Bill 678, a Bill for an Act making appropriations to the Department of Rehabilitations Services. Second Reading of the Bill. House Bill 679, a Bill for an Act making appropriations to the Department of Mental Health and Development Disabilities. Second Reading of the Bill. House Bill 683, a Bill for an Act making appropriations to the Illinois State Historical Library. Second Reading of the Bill. House Bill 693, a Bill for an Act making appropriation to the State... State Attorneys Appellate Service Commission. Second Reading of the Bill. House Bill 721, a Bill for an Act making appropriations to the Office of the State Appellate Defender. Second Reading of the Bill. House Bill 902, a Bill for an Act making appropriation to the Illinois Department of Public Aid. Second Reading of the Bill. House Bill 946, a Bill for an Act making appropriations to the Attorney General. Second Reading of the Bill. House Bill 947, a Bill for an Act making appropriations to the Attorney General. Second Reading of the Bill. House Bill 993, a Bill for an Act making appropriation to the State Board of Education. Second Reading of the Bill. House Bill 994, a Bill for an Act making appropriation to the State Board of Education. Second Reading of the Bill. House Bill 1011, a Bill for an Act making appropriation to the Law Enforcement Merit Board. Second Reading of the Bill. House Bill 1040, a Bill for an Act making appropriation... appropriating money to the State Board of Education. Second Reading of the Bill. House Bill 1070, a Bill for an Act making appropriation to the State Board of Education. Second Reading of the Bill. House Bill 1097, a Bill for an Act

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making appropriation to the Supreme Court. Second Reading of the Bill. House Bill 1110, a Bill for an Act making an... to appropriate funds for the Administrative Office of Illinois Courts. Second Reading of the Bill. House Bill 1125, a Bill for an Act making appropriation to the Capital Development Board. Second Reading of the Bill. House Bill 1247, a Bill for an Act making appropriation to the East St. Louis Developmental Authority. Second Reading of the Bill. House Bill 1304, a Bill for an Act making appropriation to the Environmental Protection Agency. Second Reading of the Bill. House Bill 1697, a Bill for an Act making appropriation to the State Board of Education, the Board of Trustees of State Community Colleges of East St. Louis. Second Reading of the Bill. House Bill 1736, a Bill for an Act making appropriation to the Department of Transportation. Second Reading of the Bill. House Bill 1737, a Bill for an Act making appropriation to the Department of Transportation. Second Reading of the Bill. House Bill 1777, a Bill for an Act making appropriation to the Department of Transportation. Second Reading of the Bill. House Bill 1911, a Bill for an Act making appropriation to the Department of Mental Health and Developmental Disabilities. Second Reading of the Bill. House Bill 2110, a Bill for an Act making appropriation to the Environmental Protection Agency. Second Reading of the Bill. House Bill 2201, a Bill for an Act making appropriation to the State Board of Education. Second Reading of the Bill. House Bill 2239, a Bill for an Act making appropriation relating to Members of the General Assembly. Second Reading of the Bill. House Bill 2240, a Bill for an Act to provide for expenses of the General Assembly. Second Reading of the Bill. House Bill 2243, a Bill for an Act making appropriation to the Department of

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Mental Health and Developmental Disabilities. Second Reading of the Bill. House Bill 2316, a Bill for an Act making appropriation to the Department of Mental Health and Developmental Disabilities. Second Reading of the Bill. House Bill 2334, a Bill for an Act making appropriation to the Capital Development Board. Second Reading of the Bill. House Bill 2456, a Bill for an Act making appropriation to the Department of Central Management Services. Second Reading of the Bill. House Bill 2470, a Bill for an Act making appropriation to the Capital Development Board. Second Reading of the Bill. House Bill 2499, a Bill for an Act to make appropriation to the Department of Commerce and Community Affairs. Second Reading of the Bill."

Speaker Giorgi: "Those appropriation Bills will be held on Second Reading. Page 16 of your Calendar, Special Order of Business, House Bills Third Reading - Labor. Mr. Clerk, read the House Bill 1262."

Clerk O'Brien: "House Bill 1262, a Bill for an Act to amend the Workers' Compensation Act. Third Reading of the Bill."

Speaker Giorgi: "Representative McPike, on House Bill 1262."

McPike: "Yeah, I'd like leave to return this Bill to Second Reading for an Amendment."

Speaker Giorgi: "The Gentleman Requests Leave. Any objections? Leave is granted. House Bill 1262 is on Second Reading."

Clerk O'Brien: "Amendment #3, offered by Representative McPike and Tuerk, amends House Bill 1262..."

Speaker Giorgi: "Representative McPike..."

Clerk O'Brien: "Excuse me. Amendment 2. Amendment 2, by McPike."

McPike: "Amendment #2 deletes everything and becomes the Bill. Amends the Local Government and Government Employees Tort Immunity Act. Authorizes local public entities to levy taxes to provide for self-insurance and to pay costs of

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defending against liability under Workers' Comp. Move for the adoption."

Speaker Giorgi: "Is there any discussion? Gentleman moves for the adoption of the Amendment. All in favor signify by saying 'aye', those opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative McPike and Tuerk."

Speaker Giorgi: "Representative McPike, on Amendment #3."

McPike: "Amendment #3 is a technical Amendment, just to clarify Amendment #2. I move its adoption."

Speaker Giorgi: "Gentleman moves for the adoption of Amendment #3. Is there any discussion? There being no discussion, all in favor signify by saying 'aye', and those opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further amendments."

Speaker Giorgi: "Third Reading. Does the Gentleman request leave to hear the Bill immediately? Is there any objections? There being no objection, the Attendance Roll Call will be used. Third Reading. Would you please read the Bill, Mr. Clerk?"

Clerk O'Brien: "House Bill 1262, a Bill for an Act to amend Sections of the Workers' Compensation Act. Third Reading of the Bill."

Speaker Giorgi: "Representative McPike, on House Bill 1262. Representative McPike."

McPike: "Thank you, Mr. Speaker. Representative Tuerk and I met with the various employer groups and the various labor groups and reviewed the Bills that were... that dealt with Workers' Compensation that had been introduced in the House and we came to agreement on two concepts and we embodied them in Amendment #2 and 3 into this Bill. Number one, we

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replenished the second injury fund at the request of the Governor's Office. It was agreed to by both parties. And number 2, we authorized local public entities to levy taxes to provide for self-insurance and to pay the cost of defending against liability under Workers' Comp. And with those two provisions in the Bill, I move for its passage."

Speaker Giorgi: "Is there any discussion? There being no discussion, the question, 'Shall this Bill pass?' All those in favor will signify by voting 'aye' and those opposed by voting 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? On this question there are 117 'ayes'... 118 'ayes', no 'nays', none voting 'present' and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1263."

Clerk O'Brien: "House Bill 1263, a Bill for an Act to amend the Unemployment Insurance Act. Third Reading of the Bill."

Speaker Giorgi: "Representative McPike, on House Bill 1263."

McPike: "Thank you, Madam Speaker. I ask to return this to Second Reading... or Mr. Speaker, for purpose of Amendments."

Speaker Giorgi: "The Gentleman asks leave. Is there any objection? Leave is granted. The Attendance Roll Call will be used as the vote. Representative McPike."

Clerk Leone: "Amendment #1, McPike - Tuerk, amends House Bill 1263."

Speaker Giorgi: "Representative McPike, on Amendment #1."

McPike: "Thank you, Mr. Speaker. If the Body will recall, two years ago, there was an agreement reached at the mansion that covered a three and a half year span. The purpose of this Amendment is to extend that agreement for six more months until December 31, 1986. So, it will be a... nearly a four year, two billion dollar plus agreed Bill. And

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that's what Amendment #1 does. I move its adoption."

Speaker Giorgi: "Is there any discussion? The Gentleman moves for the Amendment... There will be no discussion. The Gentleman moves for the adoption of Amendment # 1 to House Bill 1263. All in favor signify by saying 'aye', those opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, McPike - Tuerk, amends House..."

McPike: "I would withdraw Amendment #2."

Speaker Giorgi: "The Gentleman requests leave to withdraw Amendment #2. No objection, leave granted. Any further Amendments?"

Clerk Leone: "Floor Amendment #3, McPike - Tuerk, amends House Bill 1263."

Speaker Giorgi: "Representative McPike, on Amendment #3 to House Bill 1263."

McPike: "Thank you, Mr. Speaker. Amendment #3, again, Representative Tuerk and I sat down with organized labor and management and tried to come to agreement on the Bills that had been introduced into the House Labor and Commerce Committee and we reached agreement in about five different areas. They are embodied in Amendment #3. I'd be glad to answer any questions on the Amendment. Move for its adoption."

Speaker Giorgi: "Representative McCracken, on this Amendment #3. Representative McCracken."

McCracken: "Is the Gentleman referring to what we have marked as Floor Amendment #2?"

Speaker Giorgi: "Would you repeat the question, Mr. McCracken?"

McCracken: "Is there a third?"

McPike: "Amendment #3 is McPike - Tuerk."

McCracken: "Alright."

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McPike: "Thank you."

Speaker Giorgi: "Is there any discussion on the Amendment? There being no discussion, the Gentleman moves for the adoption of the Amendment. All in favor signify by saying 'aye', those opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Giorgi: "Third Reading."

McPike: "I'd move for immediate consideration on the Bill."

Speaker Giorgi: "The Gentleman moves for the immediate consideration. Any objections? The Attendance Roll Call will be used then for the immediate consideration. Third Reading. Mr. Clerk, read House Bill 1263."

Clerk Leone: "House Bill 1263, a Bill for an Act to amend the Unemployment Insurance Act. Third Reading of the Bill."

Speaker Giorgi: "Representative McPike, on House Bill 1263."

McPike: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, as I said, there are five or six minor provisions that have been incorporated into this, but the major provision is the extension of the UI agreement that was reached two years ago in the Governor's Mansion, extends it until December 31, 1986. It's... It helps the state. It helps business and I think, in the long run, it's good for the labor organizations of the state also. So, I would move for the passage of the Bill."

Speaker Giorgi: "Is there any discussion on House Bill 1263? There being no discussion, the question is, 'Shall House Bill 1263 pass?' I'm sorry. Representative Tuerk, on House Bill 1263."

Tuerk: "Well, Mr. Speaker, Members of the House, just very briefly, what the Sponsor of the Bill says is absolutely true. The extension is going to help the State of Illinois to the extent of about \$29,000,000 in penalties for

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interest payments if this were not adopted, plus the fact that employers are going to benefit to some degree, and as he indicated, in the long run, the employees will likewise. I think it's a good arrangement, good compromise and I would move for the passage of the Bill."

Speaker Giorgi: "The question is, 'Shall House Bill 1263 pass?' All those in favor signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 116 'ayes', 1 voting 'no' and none voting 'present'. And House Bill 1263, having received the Constitutional Majority, is hereby declared passed. On the same Special Order of Business, House Bill 1324. Read the Bill, Mr. Clerk. Representative Breslin in the Chair."

Clerk Leone: "House Bill 1324, a Bill for an Act concerning certain elected officials. Third Reading of the Bill."

Speaker Giorgi: "Representative Brunsvold, on House Bill 1324. Giorgi back in the Chair. 1324. Go ahead, Brunsvold."

Brunsvold: "You didn't leave the Chair... You didn't leave the Chair, did you, Mr. Speaker?"

Speaker Giorgi: "I'm jumping around."

Brunsvold: "House Bill 1324 has passed out of this Assembly twice already, this House twice. It simply deals with allowing elected officials of units of local government or school districts to be given time off for official meetings and that will be without pay."

Speaker Giorgi: "Is there any discussion to House Bill 1324? There being no discussion, the question is, 'Shall House Bill 1324 pass?' All those in favor will signify by voting 'aye' and those opposed by voting 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question there are 109

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'ayes', 5 voting 'no', none voting 'present'. House Bill 1324, receiving the Constitutional Majority, is hereby declared passed. Take the Roll Call, Mr. Clerk. Representative Breslin in the Chair."

Speaker Breslin: "House Bill 1342, Representative Panayotovich. Clerk..."

Clerk Leone: "House Bill 1342, a Bill for an Act to amend the Illinois Public Labor Relations Act. Third Reading of the Bill."

Speaker Breslin: "Representative Panayotovich."

Panayotovich: "Thank you, Madam Speaker. House Bill 1342 is a Bill that amends the Illinois Public Relations Labor Act to delete the provision which exempts units of local government employing less than twenty-five employees from the provisions of the Illinois Public Laborers' Relation Act. What it's saying here is that we want to have collective bargaining for areas that have less than twenty-five employees. And I move for passage of the Bill."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1342, and on that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker. Will the Gentleman yield for a question?"

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

McCracken: "Representative, are there certain types of employees of units of local government who are not counted now, for purposes of the Act?"

Panayotovich: "Yes, there are because of a State Board decision, police and firemen are not covered."

McCracken: "And what types of persons are those or what types of employees are those?"

Panayotovich: "Policemen and firemen are not covered."

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McCracken: "Alright. Are part-time workers covered now?"

Panayotovitch: "In the head count for the collective bargaining,
no."

McCracken: "Right. Are they counted now?"

Panayotovitch: "No, not for collective bargaining purposes."

McCracken: "Are supervisors counted now?"

Panayotovitch: "Management is not... supervisors are not."

McCracken: "Are there other types of employees who are not
counted now for purposes of being under the Bill?"

Panayotovitch: "No."

McCracken: "Now, what is the net effect of this Bill? Would
it... Would it result in more units of local government
being subject to the Bill than are now subject to the
Bill?"

Panayotovitch: "It would."

McCracken: "Do you know how many more units would be included as
a result of this?"

Panayotovitch: "No, not at this time, we don't know exactly how
many units it would be throughout the state."

McCracken: "Okay."

Panayotovitch: "What we are trying to do with the Bill is bring it
into conformity."

McPike: "Okay, to the Bill, Madam Speaker."

Speaker Breslin: "Proceed."

McCracken: "This Bill originally was an attempt to delete the
exemption arrived at on the collective bargaining Bill of
last Session wherein units of government which employed
fewer than twenty-five workers of a specified type were not
to be included under the collective bargaining mandate.
That Bill, apparently, was not palatable and an Amendment
was put on by Representative Greiman which merely changed
the manner of counting who was an employee for purposes of
determining the twenty-five employee exemption. The net

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effect, I submit to you, is not very different than the original intent of the Bill. The Sponsor was very candid and forthright in telling you that employees now not subject to the counting requirements are going to be included and the net effect being that more units of local government will be made subject to the Collective Bargaining Act. The Collective Bargaining Act was bad to begin with and to extend its coverage, I think, would be a mistake. The reason the units of government with fewer than twenty-five workers were exempted was because of the havoc that could be wreaked by such a small number of persons relative to the importance of the service they provided. It was a wise exemption. It did not include part-time employees. I think that's a very wise exclusion. It did not include supervisors, for obvious reasons, because it's a management versus labor Bill. And I think it's a...an unwise proposition at this time to change those exemption counting requirements and I stand in opposition."

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

Greiman: "Thank you, Speaker. I come to the General Assembly with my... my head in my hands... or my... instead of my hat in my hands and confess to you a perhaps error in drafting. I was, as you may recall, the Sponsor and, I guess, the author of the collective bargaining Bill two years ago. A dubious distinction sometimes. In the last minutes of the negotiation, the Municipal League asked that this be put in... asked that a provision for twenty-five employees be put in. I agreed to that, but said that the count for the twenty-five should be based on all of the employees that the village or community had, not supervisory, obviously, but all of the employees that they would have which would have... so that the count would have

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been for water people and sanitary people and clerks who would normally be under 536, as well as the police and fire, because it wasn't until the last minutes of the negotiations that the police and fire were out. They were in until the... until that time. So that the intent was that the count be made on the basis of all of those employees rather than just the employees under the Act. Now, my drafting, I guess, was not clear enough. I believed and I said at the time and the transcript, I think, probably bears it out that this applies to a full count of all the employees. The Labor Board has had a case from the City of Robinson and the hearing officer, I believe, not the Board at this point, has taken a contrary view of what I meant. I don't have any special legislative intent the minute a Bill is passed... but in this case, I know what I meant. I know what the agreement was. This Amendment merely responds to the agreement and it overrules the hearing officer in the Robinson case. That's why the Amendment has been put in. I didn't put the Bill in initially, but I did see the problem and I think that the Bill should be passed to conform to the original intent and the original understanding that I had with the Municipal League. Thank you."

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

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen of the Assembly. Madam Speaker, I believe that this particular Bill is highly controversial and we have gone through a series of non-controversial Bills and I believe it's important that you establish order in the Assembly so that everybody understands what we are voting on in this case. Members of the Assembly, we have just voted on a series of labor Bills that were either agreed Bills or

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inconsequential Bills. Now we face one of the most important labor local government issues of this General Assembly Session. What the Gentleman proposes in this Bill is to apply the collective bargaining law for governmental units to the smallest governmental units in the State of Illinois. You have heard from the small units of government that this Bill would apply to, how their property tax funds are declining because property tax assessments are declining. You have heard from them what they think of their ability to govern when this General Assembly keeps imposing costly mandates on them. You know what the frightening fiscal impact of this kind of legislation is on tiny, small local governmental units. Not only... Not only do you jack their personnel costs skyhigh, but beyond that, you compel them to hire numerous lawyers. You compel them to become expert in collective bargaining. You compel them to go through endless litigation before state regulatory agencies and in the courts. The legal costs of this alone are frightening for the local governmental units involved. But beyond that, there is something else about what this kind of legislation can do to a small local governmental unit. When you deal with a little town, the concept of collective bargaining is wrong and I generally believe in the concept of collective bargaining and have so voted. But when you are dealing with a tiny, small town, it's wrong to inflict the divisions and the rancor of collective bargaining and public strikes on that kind of community. It tears the community apart and those local towns have a good feeling for the justice and the fairness with which they treat their employees. It is not the kind of situation you have with the City of Chicago or Rockford or even a Lincoln. With those little bitty towns, people know what's going on.

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Everybody in town understands that justice or the injustice of the compensation of the employees in those towns, the working conditions and so forth. You do not need to impose on them the same kind of system that you impose on the City of Chicago or Springfield or Lincoln for regulating collective bargaining. That's what this Bill would do. It would impose enormous costs on them and it would tear apart the very social fabric of a small community. I strongly urge a 'no' vote. I request a verification should this appear to get the requisite majority and I plead with you to think about what you are doing in this particular case, whatever your general view of collective bargaining is. I urge a 'no' vote."

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

Davis: "Well, it's a pretty tough act to follow, Madam Speaker and Ladies and Gentlemen of the House. However, I think Representative Vinson was absolutely correct. Those of us that live outside of the metro areas in this state and represent any portion of our district that has a town of a thousand, two thousand, three thousand people, better watch this very carefully. I don't blame organized labor for bringing this Amendment back. It's going to be a tough Roll Call for those who support labor and try to support their local districts at the same time. But, by George, you better listen to what Representative Vinson said. I can't imagine anybody in Moweaqua or Shelbyville or in southern Illinois in a little town of three thousand people. We trust our city fathers to run those villages in ever increasingly difficult times, but I can't imagine them sitting down across from a professional labor organizer to take in mowers, part-time summer labor, managers and supervisors that happen to be exempted under this clause that I believe was the agreement and the Sponsor of 536 now

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says his intent was otherwise, but it certainly was not clear that night. The intention was very clear that these very units should be excluded because of the awesome costs that these poor little villages will face. I don't think anybody outside of the six metro-county area in the Chicago area and even some of those ought to be on this Roll Call."

Speaker Breslin: "The Gentleman from Dupage, Representative Barger."

Barger: "Thank you, Madam Chairman. Members of the Assembly, during the time I served as Mayor of the City of Wheaton, I spent six years on the Board of Directors of the Illinois Municipal League. And in that particular capacity, I served not only the people of my city, which is a large one, but I also served the people of the small towns of Illinois. We helped them with their... solve their problems. There are towns in Illinois where the mayor, the police chief get out and help the director of public works when they are doing a road project. There is a cross-over absolutely necessary from one department to another in order to keep the cost of running these small towns down to one that can be managed by the taxpayers. As the size of a city increases, the formality of their government also can increase. Larger cities can handle the problems inherent in dealing in collective bargaining. The small cities are very, very informal. Some of them are nothing but a large extended family. These people don't fit that mold, and we are trying to force them into a mold they don't fit. We are going to cause havoc and in almost every one of our district, we have more towns under 4,000 than we have over. So, the problem is are we going to support most of our cities or are we going to support the labor leaders who would like to organize? I think this is a very, very bad policy for us to be following, and I hope all of you will

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consider the impact on the people of your district when you vote on this Bill. Thank you very much."

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

Hastert: "Thank you, Madam Speaker. Would the Sponsor yield?"

Speaker Breslin: "Proceed."

Hastert: "Would the Sponsor yield?"

Speaker Breslin: "Yes, he will yield for a question."

Hastert: "Sam, I might not have heard this clearly before, but are elected... let's say I have a small county, okay, and we have twenty, twenty-three deputy sheriffs and the people that work in the sheriff's office and this type of thing, would the sheriff, elected officer make the twenty-fifth person?"

Panayotovich: "All employees of the township. If he's an employee of the township, he would be included."

Hastert: "He would be an employee of the county in this case."

Panayotovich: "Of the county. He would be included."

Hastert: "Alright, so... Well, it doesn't make any difference..."

Panayotovich: "It would put him at the... Yeah, it would put him the twenty-fifth."

Hastert: "If he's an elected official or not elected official."

Panayotovich: "If he's employed by the county, he's then counted in as the twenty-fifth..."

Hastert: "So that is whether he draws a paycheck or doesn't draw a paycheck from the county."

Panayotovich: "I would imagine so if he... Yeah, an employee."

Hastert: "Okay. Thank you. To the Bill."

Speaker Breslin: "Proceed."

Hastert: "You know, certainly not as eloquent as the four or five previous speakers that we have had talk on this issue, but you know this is a gut issue. And if you represent small towns, you represent counties and if you represent

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townships where, you know, you have a small number of people, where you deal with people on a personal basis day in and day out as I do, you get back in the district and you start talking to those people. And the gut issue is the people don't... they don't want this. They don't want to have to deal with the unions and collective bargainings when you have two or three people in a unit. When you talk about a small town police force or the guy who runs the water tank and maybe the garbage truck and the three or four other things in those small communities, you know, it doesn't work. If you represent ten or the ten or the fifteen big cities in the State of Illinois, it's a different way. It's a different way of life. But this is not something that's suited to small town Illinois or the townships of Illinois or the counties of Illinois. And we will be pushing something down somebody's throat that the people say, 'No, we don't want this.' Sometimes, you know, we hear the arguments from labor and we hear the arguments from management and we hear the arguments of the Municipal League and we hear the arguments of all those people who knock on the doors down here, but sometime, someplace, we have to listen to the arguments of the people at home. And the people that I represent say no to this proposition."

Speaker Breslin: "There being no further discussion, Representative Panayotovich, to close. Representative Panayotovich. Would you use the mike next to you, Sir?"

Panayotovich: "Thank you, Madam Speaker. What we are doing here today is fighting a battle or talking about a battle that was fought two years ago when we came up with the collective bargaining agreement. If you look at the old language and you look at the new language, we have... really have no change. All we are doing here is making it clearer as to what passed two years ago. We are taking out

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the firemen and the police which was not in the original Bill. The intent, basically, is to clear this Bill up and make it a workable Bill. We are looking... and as it was said here, it is a gut issue. It is a gut issue and we had the guts two years ago to put this legislation in. What we need is we need guts now to come back again and say it's something that's needed. We want to have fairness and conformity to all employees throughout this state and I look for a favorable vote."

Speaker Breslin: "The question is, 'Shall House Bill 1342 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Peoria, Representative Tuerk, one minute to explain your vote."

Tuerk: "Madam Speaker and Members of the House, the people on my side of the aisle have done an excellent job of explaining why you should not pass this Bill, both from a philosophical and a nuts and bolts standpoint. I just want to speak very briefly to the issue of the principal Sponsor of two years ago. He made the statement that his intent was thus and so and that may be true. However, on something as important as this Bill was two years ago, it was a bad idea then. He should have made it clear as to his intent in the language of the Bill. He did not do that. The understanding was that it would not apply to local units of local government with fewer than twenty-five. The collective bargaining concept was a bad idea two years ago. It was a bad idea ten years ago. And this just makes it a worse idea and I would ask for your support to defeat this Bill."

Speaker Breslin: "The Gentleman from Knox, Representative McMaster, one minute to explain your vote."

McMaster: "Thank you, Madam Speaker. I want the people on the floor to know that I deeply resent the people from the big

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city area, the metropolitan area, coming down to our small units of government downstate and telling us what we should do. I resent that very much and I want them to know that and I resoundingly vote 'no' and I encourage more 'no' votes on the board."

Speaker Breslin: "The Gentleman from Livingston, Representative Ewing, one minute to explain your vote."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, the Sponsor of this Bill has indicated that this is something we negotiated out two years ago, and it just makes me wonder in voting 'no' on this why we ever listened to any compromise that we pass here because it is immediately trying to take it away from us the next Session. Is it that you can't trust any compromise? If it was a good compromise two years ago, then it should still be good today."

Speaker Breslin: "Is there any further discussion? There being no further discussion, have all voted who wish? Representative Greiman, you spoke in debate."

Greiman: "Yes, I did. I have never... I have never stood up on this floor in eleven year... in eleven years to... on a point of personal privilege, but I will at this moment."

Speaker Breslin: "Proceed."

Greiman: "I will because Representative Davis thought that he could go into the recesses of my mind when I said exactly what the truth was, exactly what the agreement was, exactly what the understanding was. And as far as Representative Ewing's comments was agreement... no, there wasn't an agreement. We accepted the things that they said. There was no agreement. Mr. Ewing didn't vote for that Bill. He never agreed to it and neither did most of the others over there. They never agreed to it. We gave them a charity gift. That's what it was. It was to give them respect

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because they should have input into it because it's a major public policy measure. But no agreement was made. None at all. This merely brings the intent of the original drafters into... into conformity with what we believe we were doing then. Now, if the Gentleman wishes to take advantage of 'Scriveners' error, fine, let him take advantage of it. I thank you. I apologize for rising on a point of personal privilege. I haven't done it in eleven years. I hope not to do it for another eleven years."

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

Rice: "Good morning."

Speaker Breslin: "Good morning."

Rice: "I'm voting because I'm from the big city and that's the way I felt about mandatory insurance yesterday. The small towns had no business talking about what the poor folks in Chicago needed. Now, I'm voting 'aye'. I hope everybody else does too."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 50 voting 'aye', 60 voting 'no' and 7 voting 'present'. Representative Panayotovich."

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

Speaker Breslin: "I'm sorry, Representative. I could not hear what you said. Representative Panayotovich, what..."

Panayotovich: "I'd like this Bill placed on Postponed Consideration, please."

Speaker Breslin: "The Gentleman asks that this Bill be put on the Order of Postponed Consideration. Representative Vinson, for what reason do you rise?"

Vinson: "I request a Verification of the Affirmative Roll Call."

Speaker Breslin: "The Gentleman is within his rights to request a

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Verification of the Affirmative Roll Call. Mr... At this point, Mr. Clerk, would you poll the affirmative votes?"

Clerk Leone: "Poll of the Affirmative. Alexander. Berrios. Bowman. Braun. Brookins. Bullock. Capparelli. Cullerton. Curran. Currie. DeJaegher. DeLeo. Farley. Flowers. Giglio. Giorgi. Greiman. Huff. Johnson. Keane. Krska. Kulas. Laurino. LeFlore. Leverenz. Levin. Matijevich. Mautino. McGann. McPike. Nash. Panayotovich. Phelps. Preston. Rea. Rice. Richmond. Ronan. Saltsman."

Speaker Breslin: "Excuse me. Members should be in their seats and should rise when their name is called and signal to the person doing the verification. That is Representative Vinson. The Gentleman cannot see people in their seats because people are standing up in the aisles and blocking people. Representative Sutker has asked for leave to be verified, Representative Vinson. Is that okay... as does Representative Nash, Representative Shaw, Representative Soliz. Representative Leverenz, for what reason do you rise?"

Leverenz: "Just an inquiry of the Chair. Have we determined whether the Republicans can walk up and down the center aisle, blocking Representative Vinson's view, using these sheets with the pictures on them yet?"

Speaker Breslin: "I don't know about the sheets with the pictures on it, but we would ask all Members to sit down so that we can clear the view for Representative Vinson. Gentleman, be in your seats... and Ladies. Representative Dunn, for what reason do you rise?"

Dunn: "Well, Madam Speaker, I'm not really for this Bill, but I'm sure going to help my colleague put it on Postponed Consideration, so change me to 'aye'."

Speaker Breslin: "The Gentleman changes his vote from 'no' to

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'aye'. Proceed with the..."

Clerk Leone: "Continuing with the Poll of the Affirmative. Shaw. Soliz. Sutker. Terzich. Turner. Vitek. Washington. White. Wolf. Anthony Young. And Mr. Speaker."

Speaker Breslin: "Representative Steczko asks leave to be recorded as voting 'aye'. There are, therefore, 52 voting 'aye' and 60 voting 'no'. Representative Vinson, do you have any questions of the Affirmative Roll? Representative Wojcik, for what reason do you rise? We are verifying the affirmative. You are voting 'no'. Proceed, Mr. Vinson."

Vinson: "Representative Farley."

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

Vinson: "Representative Laurino."

Speaker Breslin: "Representative Laurino. Is the Gentleman in the chamber? He is."

Vinson: "Representative Levin."

Speaker Breslin: "Representative Levin is in his chair."

Vinson: "Representative Mautino."

Speaker Breslin: "Representative Mautino. Representative Mautino. Is the Gentleman in the chamber? Remove him. Representative Satterthwaite, for what reason do you rise?"

Satterthwaite: "Madam Speaker, I'm not in favor of the Bill either, but again, in order to help my colleague only put the Bill on Postponed Consideration, I change my vote to 'aye'."

Speaker Breslin: "The Lady votes 'aye'. Representative Younge, for what reason do you rise? The Lady from St. Clair, Representative Younge, votes 'aye' also. There are, therefore, 54 voting 'aye'."

Vinson: "Representative Phelps."

Speaker Breslin: "Representative Phelps. Representative Phelps. The Gentleman is not... the Gentleman is in his chair."

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Vinson: "Representative Rea."

Speaker Breslin: "Representative Rea is in his chair.
Representative Dunn asks leave to be verified."

Vinson: "Representative Richmond."

Speaker Breslin: "Representative Richmond is in his chair."

Vinson: "Representative Van Duyne."

Speaker Breslin: "Representative Van Duyne is in the chamber."

Vinson: "Representative Giglio."

Speaker Breslin: "Representative Giglio. Representative Giglio
is not in the chamber. Remove him. Representative Wolf
asks leave to be verified."

Vinson: "Representative Brunsvold."

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

Vinson: "Representative DeJaegher."

Speaker Breslin: "Representative DeJaegher is in his chair."

Vinson: "Representative Giorgi."

Speaker Breslin: "Representative Giorgi. Representative Giorgi.
Is the Gentleman in the chamber? He is not. Remove him.
The Gentleman has returned to the chamber. Add him to the
Roll Call."

Vinson: "Representative Johnson."

Speaker Breslin: "Representative Johnson is not in his chair.
Remove him."

Vinson: "Representative Breslin."

Speaker Breslin: "The Lady is not voting 'aye'. Are there any
further requests? Mr. Clerk, what's the call? On this
question there are 50 voting 'aye', 59 voting 'no' and 5
voting 'present'. The Gentleman has requested leave to put
this Bill on the Order of Postponed Consideration and it
shall be so placed. House Bill 1448, Representative
Bullock. Clerk, read the Bill."

Clerk Leone: "House Bill 1448, a Bill for an Act relating to
collective bargaining agreements. Third Reading of the

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Bill."

Speaker Breslin: "Representative Bullock."

Bullock: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 1448 provides for collective bargaining agreement and what is called 'successor clause'. This agreement is binding upon and enforceable against successor employers. The Bill applies in the situation where a business is sold or transferred or signed to another owner and under present law, the purchasing employer is under no obligation to honor that collective bargaining agreement negotiated between the first employer and his employees. House Bill 1448 would, in fact, require that the successor employer comply with the existing collective bargaining agreements. The successor employer would, in fact, be required for three years, assuming that's the longevity of the contract, after the official day of the collective bargaining agreement. We believe and I believe and supporters of this Bill believe that it's the affirmative duty of the employer to honor and certainly to disclose successor clause provisions within the collective bargaining agreement. The Bill is strongly supported by the state AF of L - CIO and other organized labor groups in the state. This legislation has passed the House before. We are asking for no more than what is obligated under existing financial institutions. We have financial institution transaction taking place. The depositors are held harmless and certainly in cases of insurance, individuals are protected. We are asking for the same protection for the working men and women of the state. Madam Speaker and Ladies and Gentlemen of the House, I would urge an 'aye' vote. Be delighted to answer any questions that may arise."

Speaker Breslin: "The Gentleman has moved for the passage of

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House Bill 1448, and on that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "To the Bill, Ladies and Gentlemen of the Assembly.

As I read subsection (b) of the Bill, this would also include asset sales where the business is continued in substantially the same form as well as stock sales. So that a person purchasing the assets who continues a substantially same or similar line of business could be bound by this successor agreement. Now, I don't know if that's the intent of the Sponsor, but I think that's only one of the deficiencies of this Bill. This bargaining agreement or successor clause that the Gentleman refers to has obvious appeal to the labor community. They want to be protected in the event of a sale of a business and I can understand that, but I don't think that that policy is a policy, one, which is within the jurisdiction of this state to enact and ,two, is a policy which is very counter-productive to labor's real needs. And that is a market which provides jobs. Illinois is in the throes of a problem which it has yet to recover from and that is a transition from an industrial to a service oriented economy. Attorney General Hartigan wants to turn the Southworks into an employee owned operation. Well, it is conceded in a May 19th, 1985, Sunday Suntimes Business and Finance Section that that plan could not meet the requirements of this Bill. In that plan, there would be a wage cut required in order to financially make that plan work. Now, what is the result? The result is if this is law and the Southworks plan were adopted as proposed, it would not be in compliance therewith. It would not be followed. Now, the successor clause has another problem which I think is a very substantial problem which, if this Bill becomes law, the courts will not take long to act

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upon, and that is federal preemption. The National Labor Relations Board has held that federal law preempts in this area. Federal law does not require the honoring of successor clauses. Federal law requires a successor employer to bargain and recognize that union. However, federal law specifically is on point relative to this issue and it does not require to honor the successor clause, only to recognize the union, only to bargain with the union. This Bill is well-intended. I understand its appeal to the other side of the aisle. I respectfully submit that it is absolutely counterproductive to what it's Sponsor intends it to accomplish. The Southworks plan can't be done with this Bill in effect. The federal law preempts this area of regulation. This is a Bill which we must stand in opposition to."

Speaker Breslin: "The Gentleman from Livingston, Representative Ewing."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, those who might feel that this is legislation which would benefit the workers, I would implore them to consider the adverse effect on the business climate and on... the adverse effect on the possibility of some businesses which may go out of business or could be sold and having to take the option of going out of business and eliminating jobs. It isn't that we don't... by opposing this Bill that we don't want workers to keep their jobs. It's just the opposite. We feel this will hinder workers in keeping their jobs and I would certainly ask them to look very seriously at this before anybody puts a 'yes' vote on it."

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

Bullock: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. If you note, in the course of debate, none of

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the individuals that spoke in opposition to the Bill asked the Sponsor a question, so one has to infer that we heard (a) a fillibuster, (b) we heard the canned speech. Now that we have heard the fillibuster and the canned speech, let's hear the facts. The fact of the matter is in Section (c) of this Bill and I quote, 'This Section shall not apply to a receiver or trustee in bankruptcy of any contracting employer who has gone into receivership or bankruptcy or to any employer who acquires a business from a receiver or trustee in bankruptcy.' So, clearly, the first opponent of this Bill either did not read that Section or chose to disregard it and ignore it. The fact of the matter is many businesses have chosen to use existing law as a ruse in which to relieve themselves from their obligations to the employers, and in so doing, have displaced many workers in our state. The example cited of the steelworks on the south side, of which Attorney General Hartigan is to be commended and lauded for taking an effort to negotiate a reasonable settlement, they know that this Bill would in no way mitigate against that settlement. The facts are, if you are for protecting the men and women of the great state of Illinois and preventing corporations from using loopholes to avoid their obligation you'll support the Bill. If you believe in the in the... concept, worker be damned, then you'll vote against the Bill. I urge an 'aye' vote. Thank you, Mdamam Speaker."

Speaker Breslin: "The question is, 'Shall House Bill 1448 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from DuPage, Representative McCracken, one minute to explain your vote."

McCracken: "Just to request a verification if it appears to receive the requisite number of votes."

Speaker Breslin: "Have all voted who wish? The Gentleman from

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Cook, Representative Sutker, one minute to explain your vote? The Gentleman waives his minute. Have all voted who wish? The Clerk will take the record. Representative Bullock... On this question there are 59 voting 'aye', 50 voting 'no' and 3 voting 'present'. Representative Bullock requests a Poll of the Absentees. Representative Van Duyne requests leave to be voted 'aye'."

Clerk Leone: "Poll of the Absentees. Flinn. Flowers. Mautino. McNamara. And Oblinger. No further."

Speaker Breslin: "Representative Flowers asks leave to be voted 'aye'. There are, therefore, 61 voting 'aye', 50 voting 'no' and 3 voting 'present'. Representative McCracken has requested a Poll... has requested a Verification of the Affirmative Roll Call. Would you poll the affirmative, Mr. Clerk?"

Clerk Leone: "Alexander. Berrios. Bowman. Braun. Breslin. Brookins. Brunsvold. Bullock. Capparelli. Christensen. Cowlshaw. Cullerton. Curran. Currie. DeJaegher. DeLeo. Dunn. Farley. Flowers. Giglio. Giorgi. Greiman. Hannig. Hartke. Hicks. Keane. Krska. Kulas. Laurino. LeFlore. Leverenz. Levin. Matijevich. McGann."

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

Ronan: "I want myself and Representative Kulas to be verified so we can go eat."

Speaker Breslin: "Representative Ronan and Kulas request leave to be verified, as does Representative Youngue and leave is granted. And Representative Dunn. Leave is granted. Wyvetter Youngue. Proceed, Mr. Clerk."

Clerk Leone: "Continuing with the poll of the affirmative. McPike. O'Connell. Panayotovitch. Pangle. Phelps. Preston. Rea. Rice. Richmond. Ronan. Saltsman.

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Satterthwaite. Shaw. Soliz. Steczo. Stern. Sutker.
Terzich. Turner. Van Duyne. Washington. White. Wolf.
Anthony Young. Wyvetter Younge. Zwick. And Mr. Speaker."

Speaker Breslin: "Representative Zwick, for what reason do you rise? The Lady wishes to change her vote from 'aye' to 'no'. Representative Cowlshaw, for what reason do you rise?"

Cowlshaw: "Madam Speaker, how am I recorded, please?"

Speaker Breslin: "You're recorded as voting 'aye'."

Cowlshaw: "Please change my vote to 'no'."

Speaker Breslin: "The Lady changes her vote from 'aye' to 'no'. Mr. Clerk, how many votes are there? Representative Bullock, there are 59 'aye', 52 'no' and 3 voting 'present'. Representative Giglio has returned to the Roll Call. There are, therefore, 60 voting 'aye'. Oh, you didn't. Excuse me. Representative Giglio was not taken off. We have not begun... You were taken off the last Roll Call, not this Roll Call. Okay. So there are 59 voting 'aye'. Representative Bullock."

Bullock: "Well, I told Representative Nash, who is my good friend, that I want to put this Bill over in the Senate, and I'll put an Amendment on it. Nash, I need a vote. Alright, Madam Speaker, put it on Postponed Consideration."

Speaker Breslin: "The Gentleman asks leave to put this Bill on the Order of Postponed Consideration, which is... and that is where it shall be placed. On this... House Bill 1529, Representative Matijevich. Clerk, read the Bill."

Clerk Leone: "House Bill 1529, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, I'm going to ask leave to... of the Body to return this Bill back to the Order of Second Reading for the purpose of an Amendment and let me explain

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what we're doing. I've discussed this with the other side of the aisle. This Bill, as originally drafted, was a collective bargaining Bill for downstate firefighters. We are amending the Bill so that it is strictly a shell Bill. And we are continuing to negotiate. Al Greiman's been negotiating with firefighters, police, the Municipal League, the attorneys for everybody; and, if we do have a collective bargaining Bill, we do have a vehicle. We may not end up with a collective bargaining Bill, but there are many firefighters and policemen who feel, now that there is collective bargaining for public employees, if they don't work on something soon, that they may be at the end of the... bottom of the totem pole, because some mayors are saying, 'We're not going to deal with you. You don't have collective bargaining.' So, I'd ask leave now to return this Bill to the Order of Second Reading."

Speaker Breslin: "The Gentleman has asked leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. The Gentleman have leave? Hearing no objection, the Gentleman has leave. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1529, on the Order of Second Reading. Amendment #1, Greiman, amends House Bill 1529."

Speaker Breslin: "Representative Greiman, on Amendment #1."

Greiman: "Amendment #1 strips the Bill, makes a percentage change and would not be pursued by anybody unless there is an understanding."

Speaker Breslin: "The question is, 'Shall Amendment #...' The question is, 'Shall Amendment #1 to House Bill 1529 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Matijevich now asks leave for immediate consideration of this Bill. Is there any objection? Hearing no objection, the Gentleman has leave. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1529, a Bill for an Act to amend the School Code. Third Reading of the Bill"

Speaker Breslin: "Representative Matijevich."

Matijevich: "Ladies and Gentlemen of the House, the Bill now is strictly a vehicle Bill in case the negotiations do develop by the end of the Session. I would urge the Members of the House to vote this Bill out so there is that vehicle available in case something develops."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1529. And on that question, is there any discussion? The Gentleman from Adams, Representative Mays."

Mays: "My only question and point is that the Bill, as amended now, as I understand it, reduces the number of people required to vote for recognition. Is that correct? From 30 percent down to 25 percent?"

Matijevich: "It does that. That was just... They had to do something, I guess."

Mays: "I'd feel a lot more comfortable. To the Bill as it stands, I'd feel a lot more comfortable voting on a vehicle Bill that did absolutely nothing on this case. As it stands right now, it is a change in the law in terms of the number of people required for the recognition. And so, for that point, I'm going to have to vote 'no'."

Speaker Breslin: "There being no further discussion, the question is, 'Shall House Bill 1529 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk

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will take the record. On this question there are 83 voting 'aye', 30 voting 'no'. Representative Countryman wishes to be voted 'aye'. Okay, 'aye'. And Representative McCracken wishes to be voted 'aye'. There are, therefore, 85 voting 'aye', 29 voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1531, Representative Matijevich. Clerk read the Bill"

Clerk Leone: "House Bill 1531, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Yes, Madam Speaker, Ladies and Gentlemen of the House, the genesis of House Bill 531 (sic - 1531) was a lawsuit by the Illinois Police Association and the City of Bartonville. What happened in that City was that the City had promoted a policeman from sergeant to lieutenant, and then shortly thereafter, the chief of police had a reorganization of the police department and that lieutenant, even though he had 17 years of service, was eliminated from the force altogether. This Bill would provide that officers reduced in rank or removed shall be considered furlowed without pay from their positions at the rank from which they were reduced or removed and would prohibit the department or district from reducing an officer or member more than one rank in a reduction of force and specifies that reductions and removals shall be in strict compliance with seniority. This, as I said, would prevent something like that happening, and that lieutenant would be allowed to stay on the force in the next reduced rank. I would urge the Members to vote for and support House Bill 1531."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1531."

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Speaker Madigan: "Speaker Madigan in the Chair. And, Ladies and Gentlemen, before we proceed to the Roll Call, let me have your attention. We are very honored today to have with us a very distinguished guest who is traveling through Illinois on his way to Colorado. We are joined by Mr. Peter Uberroth, the person who was the leading figure in the development of the Los Angeles Olympics and today serves as the Commissioner of Major League Baseball. So let me give you Peter Uberroth."

Peter Uberroth: "Thank you very much. Mr. Speaker, Members of the House, I'm just stopping by informally. I couldn't stop by without saying thank you. Thank you from the people of southern California, 29 cities that took part in the Olympic games. About this time last year, millions of people from your state went along the roadside to honor the Olympic Torch and to raise money for your own charities. And it worked. It was a concept that worked, especially in this state. Tom Bradley and I started that Torch in New York, and it really caught the imagination of the people when it came into the City of Chicago. And I'd like to additionally say that... thank you in the form of there was more corporate support for the Olympic games out of the State of Illinois than any other state in the United States. It's not often talked about, but it was more than my own home state of California, more than any other state in the Union. Companies like Motorola and McDonalds and United Airlines and many others supported the games that were entirely done privately. And, as you know, privately we did have a quarter of a million dollars... a quarter of a billion dollars, 250 million dollars left over and that's called a surplus, which is the opposite of a word deficit. And it all goes to kids and a lot in your own state, kids in your own cities and counties in Illinois. So, it's my

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pleasure to stop by and say hello to you and wish the Cubs and the White Sox and, for some of you a little farther south, the Cardinals a good year this year. Thank you very much."

Speaker Breslin: "We were in the middle of a Bill, Ladies and Gentlemen. The question was, 'Shall House Bill 1531 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Representative O'Connell, the Gentleman has already closed debate. You may speak one minute to explain your vote. Representative O'Connell. Have all voted who wish? The Clerk will take the record. On this question there are 90 voting 'aye'... Representative Brookins wishes to be recorded 'aye', and Representative Mautino wishes to be recorded 'aye', as does Representative Klemm, and Representative Weaver, and Representative Washington, and Representative Laurino, and Representative Huff and Representative Tate. Representative Mays wishes to be recorded as voting 'no'. Do you have that, Mr. Clerk? We do. And what is the count, Sir? Representative Mays has changed his mind and wishes to be recorded as voting 'aye'. Representative Huff, for what reason do you rise?"

Huff: "On a point of personal privilege, Madam Speaker."

Speaker Breslin: "Let us get the... Let's finish this Roll Call, okay? Representative Ewing wishes to be recorded as voting 'aye', as does Representative Kirkland and Representative Mulcahey. Representative Harris wishes to be recorded as voting 'aye', also. There are, therefore, 103 voting 'aye', 10 voting 'no' and 1 voting 'present'. Representative Huff, state your point."

Huff: "Yes, the point is simply this. I'd like to suggest that a transcript of Mr. Uberroth's presentation be sent to John Kramer, underlining that he financed the Olympics with private funds."

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Speaker Breslin: "House Bill 1539, Representative Curran. Clerk, read the Bill. Representative Curran."

Clerk Leone: "House Bill 1539, a Bill for an Act to amend certain Acts in relationship to civil rights of municipal employees. Third Reading of the Bill."

Speaker Breslin: "Representative Curran."

Curran: "Thank you, Madam Speaker. House Bill 1539 grants political rights to local policemen, local firefighters, members of fire protection districts and civil service employees. It's essentially what we did yesterday with House Bill 761 with state police officers. It simply grants these people the same political rights that anybody else has and doesn't designate them to the classification of second class political citizens. I ask for an 'aye' vote."

Speaker Breslin: "There being... The question is, 'Shall House Bill 1539 pass?' And on that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Parliamentary inquiry. How many votes does this Bill take for passage?"

Speaker Breslin: "The Clerk's Office has called down and indicated that I announced the Roll Call on House Bill 1531, but did not actually declare it passed. I will repeat that the Roll Call was 103 voting 'aye', 10 voting 'no' and 1 voting 'present'. And the Bill, having received the necessary Constitutional Majority, is declared passed. Representative Wojcik, do you wish to discuss this Bill? For what reason do you rise?"

Wojcik: "It's a point of personal privilege, I might say. I was out of the House and inadvertently my light was cast on a vote, House Bill 1529. I did not want to vote 'aye' on it."

Speaker Breslin: "How did you wish to be recorded?"

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Wojcik: "I wanted to be recorded as 'no'."

Speaker Breslin: "The transcript will reflect that."

Wojcik: "Thank you."

Speaker Breslin: "We are in the middle of a Bill. That Bill is House Bill 1539. We have read the Bill, Representative McCracken, and the Bill requires 60 votes for passage. Is there any further discussion? There being no further discussion, the question is, 'Shall House Bill 1539 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 39 voting 'aye', 15 voting 'no' and 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Dunn, for what reason do you rise?"

Dunn: "Madam Speaker, I rise on a point of personal privilege on the order of consideration of world's fair questions, since that was brought up. I'd just like to point out to the Members that a meeting was held, a rally, in support of the 1992 World's Fair here in Springfield this week. The meeting and rally was promoted by, sponsored by and held on the... held in the facilities of the Southern Illinois University School of Medicine. I can't imagine what that facility has to do with promotion of the 1992 World's Fair, but I think it was a very improper use of taxpayer monies for the School of Medicine and its officials to promote and host a meeting for the World's Fair. And I think especially all downstaters ought to be made aware of this."

Speaker Breslin: "House Bill 1665, Representative Panayotovitch. Clerk, read the Bill. Representative... excuse me. Representative Brunsvold, for what reason do you rise?"

Brunsvold: "Parliamentary inquiry."

Speaker Breslin: "What is your inquiry?"

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Brunsvold: "I'd like the Chair to rule if it's a violation for me to announce that my freshman seatmate, Cal Sutker, is 62 today, and he has a cake here that he would like everyone to have a piece of. And he's... stand up. Would that be a violation, Madam Speaker? Stand up, Cal."

Speaker Breslin: "Representative Brunsvold, I am advised that it is not a violation as long as the Member admits his correct age. House Bill 1665. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1665, a Bill for an Act to amend an Act concerning public purchases. Third Reading of the Bill"

Speaker Breslin: "Representative Panayotovich. Representative Matijevich in the Chair."

Panayotovich: "Thank you, Mr. Speaker and Members of the House. You're all invited over to have a piece of Representative Sutker's American cake, if you'd like to come over. House Bill 1665 is a Bill almost exactly like we sent out of here a couple of years ago. It made it to the Governor's desk and amendatory vetoed back to just a Steel Procurement Act. We talked earlier today, some Representatives have talked about gut issues, people have talked about jobs, people have talked about what's happening in the state. House Bill 1665 is that Bill again that comes back to put jobs back in the State of Illinois, back in America. What we're trying to do here, what we're trying to do here with this Bill is get it in the right order. We are... as like I said, the Governor last year... two years ago, made it just steel. We are going back and asking for all purchases and all contracts now have to be made or manufactured here in America. I ask for immediate passage of this Bill, and I'll answer any questions."

Speaker Matijevich: "Panayotovich has moved for the passage of House Bill 1665. On that, the Gentleman from McLean, Representative Gordon Ropp."

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

Speaker Matijevich: "Indicates he will. Proceed."

Ropp: "Representative Panayotovich, does this Bill still include the fact that American... that local units of government or state units of government could purchase up to 15 percent more of the bid if it is an American company compared to an out-of-the-country company offering merchandise for sale?"

Panayotovich: "Yes, Sir."

Ropp: "Fifteen percent more. This means that the taxpayers in the State of Illinois would have to pick up 15 percent more of the costs of major construction or the purchase of equipment throughout the State of Illinois. To the Bill, Ladies and Gentlemen, one of the biggest opportunities we have in this country is to export products that we have. America is one of the greatest countries in regards to developing ingenuity and the ability to sell. We have tremendous efficiency, not only in agriculture, but in our own technology. Should this Bill pass, we are, in effect, telling foreign countries, many of whom are our greatest buyers, particularly Japan, and soon to become China and Europe and other countries will now say, 'It looks like Illinois does not want to be a trading partner. It looks like Illinois will, in fact, place a barrier around the borders. Therefore, we choose not to trade with the State of Illinois.' Ladies and Gentlemen, the greatest thing we have going for Illinois and the United States is the fact that we can sell. We're tremendous merchandisers, and this is how we solve the problem that the Representative is attempting to deal with - salesmanship, merchandising the products that we have here. Let me say, many countries, at least one that I am extremely familiar with, is in the very verge of setting brand new construction plants in the State of Illinois. Should this Bill pass, that potential 2,000

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to 4,000 new jobs in Illinois, what you are attempting to increase would be out the window. You're telling this particular country that we do not want to trade with you, that we do not want your business in our state. Ladies and Gentlemen, I urge a 'no' vote on this Bill. It is not good for developing international trade throughout the world."

Speaker Matijevich: "Gentleman from Cook, Representative Anthony Young."

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill. I think that in response to some of the comments just made about opportunities to export, that we have an obligation to 'Buy America'. We have an obligation to the citizens of this state to try to put our people to work. Our ingenuity, our technology have not solved problems of unemployment throughout the state, particularly in urban areas. Our ingenuity and technology have not prevented us from being underbid in the automobile and steel industry. And our ingenuity and technologies have not seen this state acquire the necessary resources to improve the quality of life. I dare say the quality of life has been decreasing these last years due to our ingenuity and technology. So, I urge an 'aye' vote on this issue. I think it's our obligation as government to lead the way to the people of this state to 'Buy America', to support American industries and to stop sending money overseas to the detriment of the workers of this state."

Speaker Matijevich: "The Lady from Cook, Representative Parcels, Margaret Parcels."

Parcels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill. House Bill 1665, which amends the Steel Products Procurement Act, passed a couple of years ago. It's probably the most

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detrimental Bill to the State of Illinois that will come before us this year. The original Act hasn't created any new jobs. It hasn't saved any money, and this Bill just makes it worse. The Sponsor is well-intentioned, and his idea may sound good, but the backlash from this enactment of this Bill could set our state back fifty years. If you care about your cities and villages, your park districts, counties, townships, fire districts and all of your school districts, you can't vote for this Bill. All of our great universities, as well as Central Management Services, and all of our local governments are adamantly opposed to this Bill. It will cost them a fortune. How can we dare exempt this Bill from the State Mandate's Act? It may be the most expensive piece of legislation we have ever hung on the necks of our local governments. When our own House Speaker, Michael Madigan, just last month told Mayor Houston of Springfield that he is renewing a five point program to ease this growing problem of enacting legislation, which is so costly to local governments without the state reimbursing the increased costs, the Speaker said, and I'm quoting directly, 'The Mandate's Act was created to provide protection to local governments and taxpayers so that costly programs were not forced on them without state funding. This is an important function, and we should do everything possible to see that it is accomplished.' How can we ignore that pledge made by our Speaker? Furthermore, our Minority Leader, Lee Daniels, felt so strongly about mandates that he has introduced a Constitutional Amendment to avoid this problem and make sure that all mandated programs passed by the General Assembly are adequately funded. Are we going to listen to the leaders that we have elected, or are we going to treat their words as empty rhetoric? And costly it will be. The

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State Mandate's fiscal note on this Bill estimates it should cost a city of 100,000 people one and a half million dollars per year just in additional costs for products. I hope you Legislators from Chicago are listening carefully, because this could cost your wonderful city millions and millions yearly just in products and that doesn't include the large additional staff that must be hired to figure out the bureaucratic mess of deciding what is domestic and what is foreign. If the parts are made in Japan and assembled and packaged here, is it foreign? If the parts are made here and shipped to Germany for finishing, is it foreign or domestic? And those are the easy ones. How about oil and gasoline? All of your cities and state cars and trucks use gasoline and oil. How will we know which gasoline came out of a Texas oil well and which from a foreign source, especially when they're both sent to the same AMNACO refinery where they're mixed? What a bureaucratic nightmare. This will certainly create more government jobs if that's what your intention is, but it won't be popular with your constituents who will pay the higher taxes to pay for those jobs. On the lighter side, those of you who voted two days ago to allow the sale of liquor and beer in the new State of Illinois Building will not be able to buy a fine imported wine or a Heineken's beer. Those are foreign imports, you know. The fiscal note filed on House Bill 1665 stated that one and a half billion dollars are spent annually by agencies under the Governor's control, the universities and the Office of Education. This Bill could cost 225 million additional tax dollars, and that's just in products. That's before the foreign countries eventually drop out of the bidding, knowing they can't compete in this unfair system, and that will allow the U.S. companies to raise their prices ever higher than the 15

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percent already allowed by this law. Two days ago DCCA held a conference for new Members of both sides of the aisle to meet with the directors of the Illinois foreign trade offices. When I told them of this Bill, they nearly fell off of their chairs. After sending our Governor to China and Europe to create good will and open trade offices, suddenly we aren't going to trade with these countries. We want to export our goods, but we won't buy theirs. How long do you think that will last before these foreign countries retaliate? 'Bart Smitt' of our European office in Belgium said this would be a terrible thing for Illinois, and it's a very bad example to set. He stated that this country became isolationist in the 1920's and 30's and that helped to lead to the Depression. He said we could change the name of this Act to the Illinois Isolationism and Protectionist Act, because that's what it is. Mr. 'Smallwood' of our trade office in Brazil pointed out that Illinois is the chief agricultural exporter in the U.S. Just a month ago, on this floor, we had to lend a helping hand to our Illinois farmers. And now, with this legislation, their agricultural products will be refused by countries from whom we refuse to import goods. Ask your farmers how they like that idea. And ask Caterpillar Tractor, who has just started to come back, how they feel about losing all or part of their 455 million dollars worth of exports each year. Ladies and Gentlemen, Illinois is just pulling out of the doldrums. Don't set our great state back fifty years by closing the door on the free enterprise system and offending our friends with whom we would like to trade throughout the world. I urge your 'no' vote."

Speaker Matijevich: "Gentleman from Kankakee, Representative Pangle."

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

Speaker Matijevich: "Representative Pangle has moved the previous question. The question is, 'Shall the main question be put?' Those in favor say 'aye', opposed 'nay', and the main question is put. Gentleman from Cook, Representative Sam Panayotovich, to close."

Panayotovich: "Well, first of all, I want to thank Representative Parcels for putting Amendment #1 on which made the Bill a lot stronger. I thank her for that. I guess yesterday she saw a good Bill, and today she doesn't think it's so good. The difference a day makes. We have had federal 'Buy American' since 1930. We have 18 states today who have 'Buy American' legislation in place and none have repealed the laws. We're talking about putting people back to work. We're talking about taking people away from unemployment. We're talking about putting money in their pockets to pay for their house mortgages. We're talking about food on the table. We're not talking about when Representative Ropp mentioned 15 percent. It could go as high as 15 percent, but we're going to create competition here within the state so it does not go to no 15 percent. If it costs government a little bit more money, we're putting people back to work. That will come back to us in the form of taxes. Go back to your district and tell them you didn't vote for a Bill that's going to put them back to work to help them make their house payments and put food on their table. I urge an 'aye' vote."

Speaker Matijevich: "Representative Panayotovich has moved for the passage of House Bill 1665. Those in favor signify by voting 'aye', opposed by voting 'no'. Gentleman from Marion, Representative Friedrich, one minute to explain his vote."

Friedrich: "Mr. Speaker and Members of the House, a couple of

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years ago the steel workers came down here and wanted me to vote for a Bill to be sure we bought U.S. steel, and I said, 'Well, I'll make you a deal. I'll go on your parking lots at your steel mills. If I don't find any foreign-made cars, I'll vote for your Bill.' And they said, 'Well, what do you mean?' I said, 'I think we're talking about the same thing'. I can tell you this - this will not put men to work. It will put them out of work, because Illinois is an export state, both of farm products and manufactured goods. And if we just trade with ourselves, I can assure you there will be a lot less jobs, not more jobs. Actually, it's amazing to me that union members are for this Bill, because actually they are the biggest buyers of foreign-made goods that I know of. And I see them driving around in foreign-made cars. If they all just drove American-made cars, it would make a big impression on industry in this country and that..."

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

Friedrich: "So I think this is a bad Bill. It's going in the wrong direction."

Speaker Matijevich: "Gentleman from Cook, Representative Shaw, one minute to explain your vote."

Shaw: "Thank you, Mr. Speaker. I think this is a good Bill. And somebody mentioned the Governor and what's going to happen to the foreign trade, but the Governor should move into my district and see all of the unemployed people in my district. You know, I represent one of those districts where a lot of those steel mills have been displaced and people are unemployed. The Governor should come up there and see about the... and look at the high unemployment and the foreclosures on homes. It's interesting that the other side of the aisle will talk about this is a bad Bill. What do you have to replace this Bill with? What programs have

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you come up with? What programs has the Governor come up with? Tell the Governor to come on up with some other programs and let's..."

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

Shaw: "... see it in the Legislature here. And I urge you to vote 'aye' for this Bill."

Speaker Matijevich: "Let me remind everybody we've got a lot of work today. Representative Hastert, one minute to explain his vote."

Hastert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just want to remind the Sponsor of this Bill that a couple days ago when he voted for the Lekotek Bill, the Lekotek toys for autistic and mentally retarded children, technology and something that was performed in Sweden, toys that were made in Sweden - they voted for it. It is a piece of legislation that might be an exception, but it's exceptions that make the difference to people. And if we don't have the ability to look at exceptions and use good judgement in government and pass legislation that we can vary from sometimes policy that we've set, then we're hogtying this General Assembly..."

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

Hastert: "Thank you."

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

Mays: "I would just like to point out, when this Bill came up two years ago for our discussion, we brought out the fact that these Bills have been on the books at the federal level since 1930. Several other states have enacted similar legislation and not one new job can be attributed to any of them. I would even suspect that we can't attribute one new job to the 'Southwards' Steel Plant because of the procurement Bill that we passed two years ago. I would also

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like to point out that more than 89,000 people in this state are employed in the export business. One out of every three agriculture jobs in this state is dependent upon exports. And one out of seven manufacturing jobs are dependent upon exports."

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

Mays: "I would simply point out the downside is much more likely than the upside on this measure, and that's why I'm voting 'no'."

Speaker Matijevich: "The Gentleman from McHenry, Representative Klemm, one minute to explain his vote."

Klemm: "Thank you, Mr. Speaker. Last year my wife and I had the privilege of traveling up around Europe, and we stopped at London and I happened to turn on the local television set on BBC. And one of the articles... or one of the programs they had was interviewing one of the people in Parliament and he was talking about 'Buy America'. And it was funny, because obviously I stopped listened, turned it up a little bit more. They were saying that there was such a movement of trying to 'Buy America' that they themselves are starting to look about buying Britain. And I was wondering myself, as an exporting company that I own and other businesses that I know of who create jobs because we have the free and open trade, if, in fact, we will really be saving jobs by having this type of protection that we're trying to do today. I don't think so..."

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

Klemm: "I think we're making a mistake in voting in favor of this Bill. Thank you. And I vote 'no'."

Speaker Matijevich: "Gentleman from DuPage, Representative Barger, one minute to explain his vote."

Barger: "Thank you, Mr. Speaker. The restriction of trade can cause all kinds of problems that we wouldn't hardly

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believe. In my district, there is a company called Chicago Blower. They manufacture air conditioning equipment, and they weren't even allowed to bid on a job that was... because it was restricted to only companies that manufacture similar equipment from either Ohio, New York or England. And this bid was to supply the air condition equipment for the McCormick Place expansion program. I think this type of legislation causes us nothing but problems. The best supplier who can supply the best equipment at the best price should be the person who is chosen."

Speaker Matijevich: "Bring your remarks to a close. The Lady from Cook, Representative Parcels, has explain.... spoke in debate. For what purpose do you seek recognition?"

Parcells: "Did you speak to me, Mr. Speaker? Yes. Point of parliamentary inquiry. I wondered how many votes this would take?"

Speaker Matijevich: "One moment. We're checking..."

Parcells: "And, Mr. Speaker, if it should get the requisite, I would like a verification, please."

Speaker Matijevich: "Alright. We're checking it out."

Parcells: "Thank you."

Speaker Matijevich: "Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question there are 58 'ayes', 58 'nays', 2 answering 'present'. And this... Representative Panayotovich."

Panayotovich: "Poll the 'present'. Could we put this on Postponed Consideration, please?"

Speaker Matijevich: "Gentleman asks leave to place this Bill on the Order of Postponed Consideration. Does he have leave? Leave and House Bill 1665 is placed on the Order of Postponed Consideration. House Bill... Representative Parcels, since it's on Postponed, we will not respond to

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your inquiry, if you don't mind. House Bill 2283, Breslin. Clerk, read the Bill"

Clerk Leone: "House Bill 2283, a Bill for an Act to amend the Illinois Wage Payment and Collection Act. Third Reading of the Bill"

Speaker Matijevich: "The Lady from LaSalle, Representative Breslin, on House Bill 2283."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, we have something in Illinois called the Illinois Wage Payment and Collection Act. At the present time, it allows people in the private sector to gain access to collect their wages that are due in owing when they do not have a contract as an employee. This Bill includes employees of the state and any political subdivision thereof, including school districts. So what it does is it includes... it affords to public employees in Illinois the same rights as people have in the private sector to gain their... their wage payments. I move for passage of House Bill 2283."

Speaker Matijevich: "Representative Breslin has moved for the passage of House Bill 2283. Being no discussion, the question is, 'Shall House Bill 2283 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 105 'ayes', 4 'nays'. Bob Piel 'aye'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Ryder 'aye'. McCracken 'aye'. House Bill 2437, Mays. The Clerk will read the Bill. And Representative Peg Breslin in the Chair."

Clerk Leone: "House Bill 2437, a Bill for an Act to repeal certain Acts herein named. Third Reading of the Bill."

Speaker Breslin: "Representative Mays."

Mays: "Thank you very much, Madam Speaker, Ladies and Gentlemen

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of the Assembly. This Bill is a simple Bill. It repeals two Acts in which both cases the Federal Government have more stringent... more comprehensive requirements. In both cases, the Federal Government preempts these two state laws. It was suggested by Phil Calahan of the NFIB, Department of Labor and the administration, and I would urge its approval."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2437. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 2437 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final action. Have all voted who wish? The Clerk will take the record. On this question there are 116 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2473, Representative Stange. Clerk, read the Bill."

Clerk Leone: "House Bill 2473, a Bill for an Act to amend the Child Labor Law. Third Reading of the Bill."

Speaker Breslin: "Representative Stange."

Stange: "Thank you, Madam Speaker, fellow Members of the House. This Bill is an Amendment of the Child Labor Law to allow children under 16 to model and act in motion pictures."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2473. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 2473 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Hower? Have all voted who wish? The Clerk will take the record. On this question there are 112 voting 'aye', 1 voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is...

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Representative Braun wishes to be recorded as voting 'aye'. There are, therefore, 113 voting 'aye', 1 voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2512, Representative Soliz. Clerk, read the Bill."

Clerk Leone: "House Bill 2512, a Bill for an Act to amend an Act relating to Illinois Youth Employment Program. Third Reading of the Bill."

Speaker Breslin: "Representative Soliz."

Soliz: "Madam Speaker, Ladies and Gentlemen of the House, I'd like to request leave to consider this Bill under Second Reading for purposes of an Amendment."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Is there any objection? Hearing no objection, the Gentleman has leave? Read the Bill on Second Reading, Mr. Clerk."

Clerk Leone: "House Bill 2512, which amends an Act relating to the Illinois Youth Employment Program, on the Order of Second Reading. Next Amendment is Amendment #2, Soliz, amends House Bill 2512."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment... Oh, excuse me. Representative Soliz, on Amendment #2."

Soliz: "Thank you, Madam Speaker. You may recall that when we had a previous presentation on this Bill, there were some concerns very eloquently raised by Representative Vinson concerning the funding for this particular youth employment project. At that time, the concern was that the monies utilized or used for this Program would be derived from the unclaimed properties which normally go to pension funds. After discussing this matter with the Illinois Education Association, I've amended this particular Bill to

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provide that the funding come from General Revenue funds.
And I'd like..."

Speaker Breslin: "The Gentleman has moved for the adoption of
Amendment #2 to House Bill 2512. And on that question, the
Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Madam Speaker. Will the Gentleman
yield for a question?"

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

Mays: "With... If Amendment #2 is adopted, it would eliminate the
funding provision from the sale of unclaimed property, is
that not correct?"

Soliz: "That's correct."

Mays: "Thank you very much."

Speaker Breslin: "The Gentleman from McDonough, Representative
Slater."

Slater: "Representative, your Amendment removes pension funds, is
that correct?"

Speaker Breslin: ""Representen... Turn on Representative Soliz."

Soliz: "Thank you, Madam Speaker. What this Bill does... or the
Amendment does, it provides that the funding be derived
from General Revenue funds as opposed... as was originally
presented from the Unclaimed Property Fund which is
normally used for pensions. That's correct."

Slater: "Further question. Will you add back the provision in
the Senate as it relates to pension funds, or do you plan
to leave it General Revenue funds?"

Soliz: "Absolutely not. I would not do that."

Slater: "Will you table this Bill in the House if, in the Senate,
the pension funds are added back in as the funding source?"

Soliz: "I would move not to concur and discuss it in Conference
Committee."

Slater: "Sir?"

Soliz: "I would move not to concur with the Senate provision and

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discuss it in Conference Committee."

Slater: "Thank you."

Speaker Breslin: "The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Madam Speaker. I would rise in support of Representative Soliz's Amendment in that it does not take money from pension funds now, but from General Revenue funds and ask for your support on the Amendment."

Speaker Breslin: "The question is, 'Shall Amendment #2 to House Bill 2512 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Soliz now asks leave of the Body for this Bill to be heard immediately on Third Reading. Is there any objection? There being no objection, the Gentleman has leave. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2512, a Bill for an Act to amend an Act relating to the Illinois Youth Employment Program. Third Reading of the Bill."

Speaker Breslin: "Representative Soliz."

Soliz: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I simply would like to just reiterate what I've said previously. This is a noble but modest effort to try to alleviate some of the chronic unemployment in the... chronic youth unemployment in our communities throughout the State of Illinois. And I'd like to ask for a favorable Roll Call on this."

Speaker Breslin: "The ..."

Soliz: "Thank you."

Speaker Breslin: "The question is, 'Shall House Bill 2512 pass?'"

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All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from DuPage, Representative McCracken, one minute to explain your vote. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 74 voting 'aye', 41 voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we are changing the Order of Business to House Bills Third Reading - Land Acquisition. It appears on page 26 on your Calendar. The first Bill is House Bill 1540, Representative Cullerton. With leave we will come back to this Order... or to this Bill since Representative Cullerton is not in the chamber at this moment. The next Bill is House Bill 1935, Representative Daniels - Koehler. Clerk, read the Bill"

Clekr Leone: "House Bill 1935, a Bill for an Act to amend an Act in relationship to the Department of Energy and Natural Resources. Third Reading of the Bill."

Speaker Breslin: "Representative Koehler".

Koehler: "Thank you very much, Madam Speaker and Ladies and Gentlemen of the House. House Bill 1935 is an Act that authorizes the Illinois Department of Energy and Natural Resources to acquire land for the superconducting supercollider and to sell or transfer the land to the United States Department of Energy. It creates the Superconducting Supercollider Fund which may be used to deposit grants or donations for project work on the collider. This particular Bill is very important for the future of Illinois and our developing as a high technology state and attracting those industries that use the high technology that we have to offer. This legislation would allow the State of Illinois to proceed with our attempts to... to attain the federal contracts for the

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superconducting supercollider. That would mean a four billion dollar investment in the State of Illinois by the Federal Government. It would help us to bring back to Illinois some of the federal dollars that we have been sending out to Washington, D.C. and mean a tremendous investment in Illinois, not only presently, but for the future of our state. I would be glad to answer any questions."

Speaker Breslin: "The Lady has moved for the passage of House Bill 1935. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 1935 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 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 116 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2202, Representative McMaster. Clerk, read the Bill."

Clerk Leone: "House Bill 2202, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative McMaster."

McMaster: "Thank you, Madam Speaker. This Bill was generated by the deannexation of a part of a school district from one district and the annexation to another district. There is no current law in regard to situations such as this. It has been a difficult process to go through it and allow these people to go to school where they wanted to. For that reason, we introduced a Bill and it has been amended since then by Representative Satterthwaite from the Elementary and Secondary Education Committee to take care of future annexations. And I think that we realize what the trend and desire for larger schools; that we will in

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the future, perhaps, have reason to need laws such as this."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2202. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 2202 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 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 106 voting 'aye', 7 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2434, Representative Tate. Clerk, read the Bill."

Clerk Leone: "House Bill 2434, a Bill for an Act relating to the Department of Transportation. Third Reading of the Bill."

Speaker Breslin: "Representative Tate."

Tate: "Yes, I'd like to ask leave to bring this Bill back to Second for the purpose of an Amendment."

Speaker Breslin: "Representative Tate asks leave to bring this Bill back to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? Hearing no objection, the Gentleman has leave. This Bill is on the Order of Second Reading. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2434, which is a Bill for an Act relating to the Department of Transportation, now on the Order of Second Reading. Amendment #1, to amend House Bill 2434 on page one and so forth."

Speaker Breslin: "Amendment #1, Representative Tate. Representative Ewing. Excuse me."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, the Pontiac sewage treatment plant is built on property that we found out when we went to get our bond money was partially owned by the Department of Corrections back about the turn

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of the century and never transferred to the city. The city provides sewage treatment for the correctional institution and there is an agreement between the city and the Department to buy this ground for 500 dollars so that the city can continue with their expansion of the sewage treatment plant and issue their bonds. And I would ask for the adoption of this Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 2434. And on that question, the Gentleman from Kankakee, Representative Pangle."

Pangle: "Thank you, Mr. (sic - Madam) Speaker. Would the Sponsor yield, please?"

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

Pangle: "How much is that property worth? Do you have any idea?"

Ewing: "Well, I really don't know. It's down in the river bottom, and it does flood. I suppose if the state wants to operate a sewage treatment plant, it would be worth quite a bit. I would say that if they don't, it's not worth over 500 dollars."

Pangle: "What we are doing is actually the state is turning over some property to a local municipality, is that..."

Ewing: "That's correct."

Pangle: "And it's on the river. How many acres of property are we talking about?"

Ewing: "I think two acres."

Pangle: "Okay. I appreciate the response. Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall Amendment #1 to House...' Excuse me. The Gentleman from Madison, Representative McPike. No, he does not seek recognition? The question is, 'Shall Amendment #1 to House Bill 2434 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment's adopted.

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Are there any further Amendments?"

Clerk Leone: "Floor Amendment #2, Hallock - Giorgi, amends House Bill..."

Speaker Breslin: "Representative Hallock."

Hallock: "Thank you, Madam Speaker, Members of the House. Along Highway 20, which is East State Street in Rockford, Illinois on the east side of the city, we have a development going up there, a major shopping center. This Bill would allow the transfer of the easement rights for access only. The appraisal price is 70,800 dollars, and we are, by this legislation, conveying from the state to the developer for the amount of 70,800 dollars for that property. I'd ask for your support."

Speaker Breslin: "The Gentleman has moved for the passage of Amendment #2... or adoption of Amendment #2 to House Bill 2434. And on that question, the Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Madam Speaker, I don't have a copy of the Amendment, but let me ask for clarification. Are we talking in any portion of this Bill about conveying land to individuals, or are we only talking about conveying land to other public bodies?"

Hallock: "This is actually a conveyance to both. The property... the amount of property being conveyed is only a very slight amount for ingress and egress to the property itself. That has been appraised at 70,800 dollars. The developers are going to pay that amount to the state for that property."

Satterthwaite: "That is in Amendment #2."

Hallock: "Yes."

Satterthwaite: "I think I really need to ask Representative Ewing, in regard to the property in the main Bill. Is it being conveyed to individuals or to ... to public bodies?"

Hallock: "Well, we're discussing now Amendment #2 which really

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doesn't deal with other subjects beyond this one aspect in Rockford. So I would ask that we adopt Amendment #2 and then perhaps we can entertain your question."

Satterthwaite: "Okay."

Speaker Breslin: "There being no further discussion, the question is, 'Shall Amendment #2 to House Bill 2434 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments".

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

McPike: "Thank you, Madam Speaker. Before the Bill is advanced to Third Reading, I would inquire whether or not the appraisals that deal with the original Bill and the appraisals that are needed for Amendment #2 have been filed with the Clerk."

Speaker Breslin: "Mr. Clerk, can you advise us as to that? Excuse me. Representative Tate, for what reason do you rise?"

Tate: "The Gentleman's question. The Department has filed the appraisals on the original Bill and..."

Speaker Breslin: "Well, the Clerk can tell us that, Mr. Tate. Mr. Clerk, tell us what's on file. Representative Tate, we do not have appraisals on file in the Clerk's Office. We would like to hold this Bill on the Order of Second Reading while we check with the Committee file to see that it is on file. The rule of the House provides that Bills should not come out of Committee without the appraisal filed, and in the event that it does, it should not move from Second to Third until it is on file. Representative Mays, for what reason do you rise?"

Mays: "Just on that point. When the Bill itself came before the

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Transportation Committee, we, both the Chairman and myself, were assured by the Department of Transportation that appraisals where pertinent were filed on the Bill itself. The question really comes down to these two Amendments in my mind, and it's my understanding that in Representative Ewing's case the Amendment did not require one because it was transferred to a local unit of government. In Representative Hallock's case, there was an Amendment filed... or..."

Speaker Breslin: "When those appraisals are shown to the Clerk, we will certainly come back to this and move it to Third Reading and have it heard. Okay? Representative Ewing, for what reason do you rise?"

Ewing: "You didn't... weren't expecting an appraisal on the first Amendment."

Speaker Breslin: "No, we were not. Representative McPike."

McPike: "Thank you, Madam Speaker. Amendment #2 changes the title and; therefore, the Bill should be moved to Second Reading First Legislative Day."

Speaker Breslin: "You are within your rights to request that, so the Bill will remain on ... will be moved to Second Reading First Legislative Day. Ladies and Gentlemen, we are changing the Order of Business with the agreement of both sides. Oh, excuse me. Representative Cullerton is back now. So we can go back to his Bill that was on this Order of Business of Land Acquisition and that is House Bill 1540. Representative McCracken, for what reason do you rise?"

McCracken: "Point of order. I don't believe that #2 does change the title. It may add a title, but it doesn't change the title."

Speaker Breslin: "Representative, we are on a different Bill. We will look at that and get back to you if that is the case."

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The Bill that has been called is House Bill 1540, Representative Cullerton. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1540, a Bill for an Act to amend an Act to permit certain municipalities to utilize quick-take eminent domain procedures. Third Reading of the Bill."

Speaker Breslin: "Representative Cullerton".

Cullerton: "I would ask to bring that Bill back for Second Reading for purposes of an Amendment."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. And on that question, is there any discussion? There being no discussion, the Bill is on Second Reading. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1540, a Bill for an Act to amend an Act to permit certain municipalities to utilize quick-take eminent domain procedures, on the Order of Second Reading. Floor Amendment #3, Cullerton, amends House Bill 1540."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Has Amendment #2 been adopted or withdrawn?"

Speaker Breslin: "Mr. Clerk, can you advise us?"

Cullerton: "If it's been withdrawn, that's fine. I want to withdraw it. So we can just go to Amendment #3."

Speaker Breslin: "Amendment #2 was withdrawn, Representative Cullerton. So, proceed with Amendment #3."

Cullerton: "Yes, Amendment #3 was recommended by the Realtors' Association, and its' agreed, to limit the area in which this quick-take power may be exercised. It's now limited to the area that would be covered by the Southwest Rapid Transit Line. So, I move for the adoption of Amendment #3."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to House Bill 1540. And on that question, is there any discussion? There being no discussion, the

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question is, 'Shall Amendment #3 to House Bill 1540 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Cullerton now asks leave to for immediate consideration of the Bill. Are there any objections? Representative McCracken, for what reason do you rise?"

McCracken: "Point of order. I believe this changes the title, and I ask that it be returned to Second Reading First Day."

Speaker Breslin: "Representative McCracken, do you seek recognition? Representative Cullerton, for what reason do you rise?"

Cullerton: "Yes, just to clarify for Representative McCracken. Amendment #1 changed the title. That was adopted in Committee, and that's been on the Calendar for three days. Amendment #3 did not change the title, because Amendment #1... it's consistent with Amendment #1. So, for that reason... And I... I know you're..."

Speaker Breslin: "Representative McCracken."

McCracken: "Representative Cullerton is correct."

Speaker Breslin: "The Gentleman withdraws his objection. The Bill can, therefore, be moved to the Order of Third Reading. And Representative Cullerton asks leave to have this Bill heard immediately. There being no objection, this Bill will be heard on Third Reading immediately. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1540, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill"

Speaker Breslin: "Representative Cullerton."

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

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the House. This Bill, House Bill 1540, simply gives the CTA quick-take eminent domain authority for the Southwest Rapid Transit Line. Move for the passage of House Bill 1540."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1540. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 1540 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? The Gentleman from Winnebago, Representative Hallock."

Hallock: "Madam Speaker, Members of the House, I'd just like to say that if this is an important issue to Representative Cullerton. We on this side of the aisle are happy to help him out in his district."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 102 voting 'aye', 13 voting 'no' and none voting... and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative McCracken, in response to your inquiry with regard to House Bill 2434, the Amendment that was adopted to that Bill added to the title. The rule provides that should the title be amended, any Member may request that it be moved back to Second Reading First Legislative Day. So, the Gentleman was within his rights for making that request. Ladies and Gentlemen, we are now going to the Order of Business dealing with Gasohol. It appears on page 23 on your Calendar. House Bills Third Reading. House Bill 753, Representative Steczo. Clerk, read the Bill."

Clerk Leone: "House Bill 753, a Bill for an Act in relationship to the taxation of gasohol and amending certain Acts herein named. Third Reading of the Bill."

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Speaker Breslin: "Representative Steczo."

Steczko: "Thank you, Madam Speaker, Members of the House. House Bill 753 has been the product or the subject, rather, of intensive discussions over the past three to four weeks on the question of a continued four percent subsidy for gasohol sales in the State of Illinois. And as we all know, that four percent subsidy comes directly from the General Revenue Fund in terms of lost revenues to that Fund. Over the past three weeks, this subject has been discussed for many an hour, and the result of those discussions is before us today as Amendment #6 on House Bill 753. In its present form, House Bill 753 provides that upon the Governor signing the Bill, that the subsidy on gasohol will be reduced by one percent. This will mean approximately an additional one million dollars per month to the General Revenue Fund. The Bill also provides that on June 1, 1986, the subsidy will again be decreased by another one percent, leaving the state subsidy at two percent. The Bill also provides that the Department of Revenue shall maintain records on the amount of gasohol sold in the State of Illinois so we can get a proper perspective of the market share. It was brought out during the discussions that we had had that gasohol and ethanol production, a once burgeoning industry in the State of Illinois, now enjoys a 25 percent market share. The reason for the Department of Revenue maintaining records is to keep track of that market share and to determine whether or not that market share would increase and decrease, and it's a factor really complicated by the federal lead ban and the legislation on the lead ban that's been proposed here in Illinois. We then would have a better means by which to keep track of the market share advantage that gasohol and ethanol enjoys. The one percent that would be effective as

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of the signing of this legislation actually represents that one percent, we feel, that was supposed to have been taken off last year when the Federal Government raised their exemption by one cent. House Bill 753 right now is a product of the discussions that have taken place. Representative Ewing had indicated yesterday that not everybody was happy so; therefore, it must be good. I guess we will suggest that that's the case, but I think right now House Bill 753 is in the posture where it's the best that anybody could get. And I would move for its passage at this time and would answer any questions, Madam Speaker."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 753. And on that question, the Gentleman from Coles, Representative Weaver."

Weaver: "Will the Sponsor yield?"

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

Weaver: "Representative, who are the parties involved in this negotiation?"

Steczo: "Representative Weaver, the parties involved were... were parties from the Ethanol Producers, from the Corn Growers, from the Petroleum Marketers and from the major oil companies and also from the less than major oil companies."

Weaver: "Was the Farm Bureau involved?"

Steczo: "The Farm Bureau was not, but my understanding is, and I know for a fact that the Farm Bureau was consulted every step along the way."

Weaver: "Okay. Well, I've been getting a lot of inquiries from my Farm Bureau members back home, and I was wondering if they were a party to this and exactly how much I'm going to have to answer to them when I get back to the district."

Steczo: "Representative, I will... I think you could take this to the bank that, with the Bill in its present form, that your

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Farm Bureau, as well as the Corn Growers and others, would accept what's provided here. The Bill in its original form was opposed by the Farm Bureau."

Weaver: "Are there any projections as to the impact it's going to have on corn producers and also the relationship to the deleading or the demanding of leaded gas in the U.S.? Is that..."

Steczo: "Representative Weaver, the reason that the schedule is as such is because it's difficult to quantify exactly what effect that's going to have. It's our feeling that that lead ban would, in fact, enhance the market for ethanol because producers and marketers, petroleum marketers, would need to have some kind of an octane boost, etcetera, and ethanol provides an opportunity for them to do that. So we feel that the market for domestic corn products would, in fact, be enhanced. Because of the inability to be able to quantify that, it was our feeling that the second percentage should be taken off somewhere in the middle of the time the federal requirement goes to .01 next January and the time the lead credits would end in January of 1988. June 1, 1986 was the compromise that was put forth, and that's what's contained in the Bill."

Weaver: "I understand that. Madam Speaker..."

Speaker Breslin: "The Gentleman..."

Weaver: "... to the Bill."

Speaker Breslin: "Proceed."

Weaver: "This is, I think, another indication of the best of a bad situation. We have seen several warning factions actually brought together and formulate in agreement, and I hope there are some provisions within this agreement that they will be able to get together and reevaluate the situation in the near future, next year. But I think this is a very worthwhile effort, and I think Representative

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Steczo is to be congratulated on getting these parties together."

Speaker Breslin: "The Gentleman from Fulton, Representative Homer."

Homer: "Thank you, Madam Speaker and Ladies and Gentlemen. I also would join in support of the measure. There are actually two Bills under consideration. There will be this, House Bill 753, which will be followed by House Bill 1090 and which Representative Hanniq is the Chief Sponsor. The two Bills together really represent, I think, the best thinking on what we can do to promote the ethanol industry in the State of Illinois without giving an unfair advantage to that industry over the competing concerns. I think maybe some of us aren't aware of the importance of the ethanol business to the State of Illinois and our economy. I'm aware of it because I have in my district some ethanol producers, Pekin Energy, Midwest Solvents and ADM, and so I know of the direct jobs that are created through this industry. But it affects much more than just those areas who have ethanol plants, and there are really very few industries, new industries in Illinois which are as promising and have as many offshoots and side beneficial effects as the ethanol business. And I might mention, I notice the Order of Business is Gasohol. That's sort of an antiquated term. We're now calling it ethanol. And the ethanol industry is very important. Just to give you just a very specific example of what it's doing for the economy of the State of Illinois, currently, under current production, in the ethanol business we're consuming 120 million bushels of Illinois corn per year. That's ten percent of the entire corn produced in the State of Illinois. That has been estimated to result in an increase in the price per bushel of corn of 15 cents per bushel. It

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really should be more, but at least it's an increase of 15 cents per bushel of corn. It also employs this business 3400 workers in the State of Illinois, either directly or as in an allied industry. We consumer, and this is important for those Representatives who are in coal producing parts of the state, this industry is consuming 350,000 tons of Illinois coal per year are used in the manufacture of ethanol. That's Illinois coal. This business has generated 68 million dollars in new wages in Illinois, in payrolls in the State of Illinois. So, everyone in this room is impacted by the ethanol business. And I believe that the agreement that's been reached on the phaseout of the exemption of the ethanol sales tax exemption is one that meets with the industry expectations. It's an agreement between the diverse parties and that, along with the Bill that Representative Hannig is about to present, certainly is a step in the right direction and is one that is going to benefit the entire economy in the State of Illinois in a substantial manner. So, I would join in asking for your support for this Bill and the next Bill."

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

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

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

Steczko: "Thank you, Madam Speaker, Members of the House. I appreciate the comments of those who expressed their support of House Bill 753. And just let me indicate to the Members, as I move for passage, that when our subsidy on gasohol was first approved by the General Assembly a few

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years back, it was estimated that the cost to the State General Revenue Fund would be approximately six million dollars. And the justification was to assist to establish a new industry for the State of Illinois. That subsidy has worked. And the projected losses to the General Revenue Fund next year are approximated to be approximately 50 million dollars. Everybody agreed that the subsidy at its current level is too high. What Repre... What is presented to you here in House Bill 753 reflects that opinion and, under the circumstances, was the best that we could get, and I move for its passage."

Speaker Breslin: "The question is, 'Shall House Bill 753 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Gentleman from Livingston, Representative Ewing, one minute to explain your vote."

Ewing: "Madam Speaker, everything has been said that probably needs to be on this Bill. It is, I think, an agreed Bill, and I was told by Farm Bureau's representatives down here that they were certainly not opposed to this compromise."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 104 voting 'aye', 8 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1090, Representative Hannig. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1090, a Bill for an Act to amend an Act relating to gasohol. Third Reading of the Bill."

Speaker Breslin: "Representative Hannig."

Hannig: "Yes, thank you, Madam Speaker and Members of the House. This Bill is the second part of the gasohol package that was agreed to by all the various parties. Basically, as Representative Steczo has said, it is important that we

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make some change in the exemption that we had given to gasohol. Two years ago, this Body came forward and provided the incentive for Illinois to become the largest producer of gasohol in our country. We provided the tax incentives for the gasohol business to grow and prosper in Illinois. Since that time, the Federal Government has come forward and they have put in place incentives to help gasohol. We've seen a change in the market for gasohol; and, as a result, we now find that the market is becoming distorted and that we really don't need to give the gasohol producers as much an incentive as they had in the past. All we're trying to do here is fine tune the Act to try to provide the right amount of incentives and not distort the free market system to allow our gasohol people to compete, to make a profit, to grow, to produce more jobs for our state and, yet, let the conventional gasoline companies continue to compete as well. The Bill also benefits our Illinois farmers because it prohibits gasohol produced in a foreign country from receiving the benefits of the subsidy. What's happening at this time is we're seeing Brazil, which manufacturers a large amount of gasohol, come to Illinois and put that gasohol in the market and be eligible for that subsidy. We're saying by this they can bring that gasohol here if they want to from Brazil and they can compete with us, but we're not going to give them the benefit of our tax subsidy. So that provision is in the Bill. It also has a reciprocity agreement that says when other states give tax exemptions to Illinois when we sell gasohol there, we will do that for those firms, but we will not allow them to bring in their gasohol from other states and receive the benefit of Illinois tax dollars if they won't do the same for us. So, those are the three main provisions. The Bill is agreed to by all parties. It is a good thing for

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Illinois business, for Illinois farmers, and I move for its adoption."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1090. And on that question, the Gentleman from Cook, Representative Leverenz."

Leverenz: "Sponsor yield?"

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

Leverenz: "Would you draw me a nice mental picture so I can understand? You brought up the fact that it's imported from Brazil. Is that methanol or ethanol? Columbian red."

Speaker Breslin: "Representative Hannig."

Hannig: "Yes. What we're trying to do in the Bill is to only provide the subsidy, that is, only make this subsidy available to grain products that are manufactured here in the United States because some of the big oil companies are bringing in or trying to bring in Brazilian gasohol and we're not wanting to use Illinois tax dollars to subsidize that product."

Leverenz: "Are they bringing in Brazilian gasohol, or are they bringing in methanol or ethanol? And who is getting the advantage? Is it not true then that what you are doing is placing ADM and maybe one or two other competitors in that business of blending in the drivers seat, and a distributor that may want to blend with Brazilian methanol will be at a disadvantage? Is that correct?"

Hannig: "They're bringing in the ethanol, to answer the first part of you question. What we're saying is 'ethanol', which is made from Illinois corn primarily here in the midwest is the crop... is the product that we're trying to encourage. We're not trying to encourage foreign people to bring in ethanol in Brazil or from wherever and sell it here in Illinois. We're trying to encourage Illinois farmers to work with the Illinois business community to

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produce and manufacture and sell ethanol from Illinois."

Leverenz: "So the Brazilians are bringing in ethanol."

Hannig: "Yes."

Leverenz: "And they are blending... There are distributors that are blending ethanol."

Hannig: "In Brazil, ethanol is produced and used in that economy, and it's highly subsidized by that country, and they're trying to make an effort to bring it into this country and qualify for our incentive for gasohol for ethanol here."

Leverenz: "With the retail gasoline station, then, if it is supposedly selling ethanol, an ethanol mixed gasohol, or is there a difference between that and methanol blended gasohol?"

Hannig: "Methanol generally comes from, like, wood or products of that nature, where ethanol is primarily from the cereal kind of grains like corn."

Leverenz: "But there is a difference."

Hannig: "That's correct, yeah. And my point... "

Leverenz: "And if they sell it as one type of gasohol, it is taxed less than the other type of gasohol. Is that correct?"

Hannig: "Yeah. That's correct."

Leverenz: "And that... There are people in the marketplace that are selling it as methanol mixed, and they're really using ethanol, and they, in fact, are ripping the state, because the Department of Revenue is going to start holding people criminally responsible at the retail gasoline station level. Did you know that?"

Hannig: "We're trying to ensure that ethanol produced in Illinois receives the subsidy and not ethanol or methanol produced in Brazil."

Leverenz: "What is the break, then, in actual dollars and cents, that your Bill 1090 will provide in actual dollars and

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cents, so many cents on the dollar break? And then, what does that equal annualized?"

Hannig: "Well basically, this agreement provides for what Representative Steczko has in his Bill, which was my Bill... Let me just say that the agreement provides for what we already passed, what Representative Steczko... "

Leverenz: "What's the dollars and cents? How many pennies on the dollar are we then going to give a break to an Illinois business?"

Hannig: "I believe that it's one cent... one percent immediately after or 30 days after the Governor signs it and another one cent June 30 or June 1 of next year."

Leverenz: "Is that a penny a gallon?"

Hannig: "I believe it's one cent or roughly a penny."

Leverenz: "And annualized, how much money does it amount to? Representative Steczko says it's something different."

Speaker Breslin: "Excuse me. Excuse me, Representative Leverenz. Representative Ewing, for what reason do you interrupt?"

Ewing: "Well, Madam Speaker, I'm interested in this Bill. There's a lot of noise in the House. The Sponsor is mumbling to the Gentleman behind him, and nobody's getting any of it. I might learn something about it if I could hear them."

Speaker Breslin: "That is a good point, Representative Proceed, Representative Leverenz."

Leverenz: "Thank you. I simply ask the Sponsor to tell the Members of the Assembly what type of price advantage an Illinois entity is going to receive. Is it a penny, and how much is it totally? Is it a two million dollar break, a three billion dollar break to those manufacturers?"

Speaker Breslin: "Excuse me, Representative Leverenz. Representative Steczko indicates that he believes he can answer your question, so Representative Steczko."

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Steczo: "Thank you, Madam Speaker. Under the provisions of the Bill that was just passed, the schedule of the phase out of the subsidy would be one percent immediately, one percent January '86, two percent to stay on until the expiration date of the subsidy in... on January 1, 1993. Cost-wise, it's estimated that next year, the cost to the State General Revenue Fund, with the four percent subsidy that we have now, is approximately 48 million dollars. So you can say that it's about a million dollars per month per percent. So under the provisions of House Bill 753, immediately upon signing of the Bill, the state will increase its coffers by a million dollars per month. The subsidy to the industry would be approximately 36 million dollars, or three million dollars per month."

Leverenz: "So it's a 48 million dollar subsidy? Is that what you said?"

Steczo: "Under the laws, it presently is, today."

Leverenz: "And it will increase, or decrease?"

Steczo: "Well, the sales tax will increase, which means the subsidy will decrease by one percent immediately, which will be a savings to the state of approximately a million dollars per month, or 12 million dollars per year."

Leverenz: "And is that a gasohol blended with ethanol or methanol?"

Steczo: "Ethanol."

Leverenz: "Ethanol only."

Steczo: "My understanding is ethanol."

Leverenz: "Do you know... Well, to the Bill, Madam Speaker. I think we should do away, first of all, with the tax advantages of this to an Illinois entity. In the first place, I don't know that it's necessary, but in the second place, it is totally unruly in terms of trying to make a retailer, and there is three or four cases - I think one is

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in Representative Davis' district - where the person is selling a methanol blended gasohol, asking then, it to be recognized as an ethanol and getting a break of a couple of pennies or a penny per gallon, and if you go through the number of gallons, you'll find the amount of tax advantage to one and loss to another, and there is no way to adequately apply the law from the Department of Revenue's standpoint. I talked with Director Johnson this morning. He indicated that specifically. The retailer, if he has one and think it is the other, he is criminally responsible for what he pumps, so there is broad implications here as well as the tax break or the untax break to the other guy, and I'm really confused about the thing, but if we passed one, maybe we don't have to pass this one. Thank you."

Speaker Breslin: "The Gentleman from Edgar, Representative Woodyard."

Woodyard: "Thank you, Madam Speaker. Question of the Sponsor, please."

Speaker Breslin: "He will yield for a question. Representative Hannig will yield for a question."

Woodyard: "Representative, I... a little like the last speaker, I'm a little confused as to exactly what the posture of the Bill is. We adopted an Amendment on this Bill yesterday."

Hannig: "No, we did not."

Woodyard: "We did not adopt the Amendment?"

Hannig: "That's correct."

Woodyard: "Then, there's no diesel differential in the Bill."

Hannig: "That's correct."

Woodyard: "Okay. Then, a question on the Bill. Are you saying that the ethanol has to be, or the alcohol has to be distilled in the State of Illinois, within the Bill?"

Hannig: "We're saying a couple of things. One is that we will... we will give to states outside of Illinois a reciprocity

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when they bring gasohol into Illinois for sale. That is, if they give us a break on gasohol that we sell in Indiana or Ohio, we will do the same for them. Okay?"

Woodyard: "Now, in that same area of the alcohol distilled in Illinois, from cereal grains or byproducts, does that have to be produced in Illinois?"

Hannig: "We give all Illinois productions the tax break. We give tax breaks to production from any other state which gives it to us. Now, we're not saying that the grain has to be grown in Illinois, I suppose, but..."

Woodyard: "It almost looks to me like, in the Bill, that you're saying that the grain has to be produced also in Illinois. And if that is the case, I don't know how you could determine whether the ethanol or the alcohol was distilled from grain produced in Illinois."

Hannig: "No, we're talking about the manufacture of the alcohol, although I think it's fair to say that most of the grain will be purchased within a reasonably local area."

Woodyard: "Well yes, I agree with that, but in the case of distillers who are close to the state line, there's no way on earth you could tell if that was... whether that was produced in this state or not."

Hannig: "We're simply trying to say that it has to be done with a cereal grain because Brazil uses sugar cane. We want to try to promote Illinois corn or corn from the midwest."

Woodyard: "I understand that, but..."

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

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

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

Dunn: "Against the background of all this discussion, what are you doing with this subsidy? Are you decreasing it, leaving it alone, or increasing it?"

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Hannig: "There's been an agreement amongst all the people in the industry and who have a concern with it, that the subsidy at the present time has done a good job, and it has done what we wanted, and it is too high in light of the fact the Federal Government has put a subsidy in place, and there's been a no lead ban that will probably increase the use of ethanol. So what this is doing is, it's, over a period of time, reducing the subsidy so it would be more money in the road fund, and it won't really hurt the gasohol industry, because they agree that they can live with this agreement."

Dunn: "Thank you."

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

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

Speaker Breslin: "Representative Wolf moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the main question is put. Representative Hannig to close."

Hannig: "Well, thank you, Madam Speaker. Would you let Representative Homer close on this?"

Speaker Breslin: "Representative Homer will close."

Homer: "Thank you, Madam Speaker and Ladies and Gentlemen. I think there's been some degree of confusion about what House Bill 1090 does. Let me... It does basically, as I understand it, three simple things. First of all, it provides that if, in fact, the federal exemption for ethanol should increase, if the feds grant more of an exemption for ethanol in the State of Illinois, then the State of Illinois exemption shall decrease correspondingly so as to maintain the overall exemption and to make certain that it does not increase. Secondly, it provides that the

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exemption shall apply only to grain distilled ethanol. Now, as I understand it, that can be grain produced in any state or manufactured in any state, so long as it's grain. But it would not allow the exemption for ethanol that was produced by something other than grain, such as sugar cane. Now, it just so happens that the only producers of ethanol by the use of sugar cane happened to come from Brazil, but if, in fact, there is sugar cane produced ethanol in the United States, it also would be disqualified. And the obvious import there, as we want to encourage the use and production of Illinois and other corn or grain in the United States, not sugar cane from Brazil. And finally, in a totally unrelated provision of the Bill, there is a reciprocity feature that says that if another state allows a different exemption or a lesser exemption than the State of Illinois, and that Illinois distillers, when selling their ethanol in those states, only receive, say for example in Indiana, a one percent exemption, then in that case, when Indiana producers or distillers sell their ethanol in Illinois, they would also be limited to the one percent exemption and not receive the benefit of the greater Illinois exemption. That's just very simply to protect Illinois manufacturers, Illinois distillers, and that's all that this Bill does. I certainly think it fits very well with Representative Steczo's Bill, and I would urge your adoption."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1090. The question is, 'Shall House Bill 1090 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. The Gentleman from Livingston, Representative Ewing, one minute to explain your vote."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, I

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certainly don't want any indication that this is an agreed Bill or there's any compromise with, at least, this party as compared to the last Bill on this same subject matter. I question the wisdom of the 'Buy Illinois' type provisions in this Bill. I think they certainly are going to be very difficult to enforce, and that we could go along very well without this legislation."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 91 voting 'aye', 20 voting 'no', and 6 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we are going to the Order of House Bills Third Reading - Cultural Assistance. It appears on page 26 on your Calendar. The first Bill is House Bill 142. With leave of the Assembly, we will come back to that Bill, as there are Amendments that are not yet printed. Hearing no objection, there is leave. House Bill 401, Representative Keane. Clerk, read the Bill."

Clerk O'Brien: "House Bill 401, a Bill for an Act to amend the Illinois Library System Act. Third Reading of the Bill."

Speaker Breslin: "Representative Keane."

Keane: "Thank you, Madam Speaker. House Bill 401 sets up a system for allocating public library construction grant funds under the Illinois Library Systems Act. The Bill specifies the main Chicago Public Library can receive up to 50 percent of the total state appropriation in any one year for library construction, and that the public libraries in any one system can receive up to 50 percent of this appropriation."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 401. And on that question, is there any discussion? There being no discussion, the question is,

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'Shall House Bill 401 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. Representative Rice asks to be voted 'aye'. There are, therefore, 84 voting 'aye', 33 voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1353, Representative Brookins. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1353, a Bill for an Act to amend the Civil Administrative Code. Third Reading of the Bill."

Speaker Breslin: "Representative Brookins. Representative Brookins."

Brookins: "Yes, Madam Speaker and Members of this Assembly, this will establish, at the DuSable Museum, a 500 seat auditorium and a gallery - a legislative gallery - where the men and women that have served so proudly in this General Assembly works will be displayed. With that, I ask for approval of this Bill."

Speaker Breslin: "The Gentleman moves for the passage of House Bill 1353. And on that question, is there any discussion? We're waiting for the board to clear. The Gentleman from Cook, Representative Piel, on the Bill."

Piel: "My apologies, Madam Speaker, Ladies and Gentlemen of the House. I'm sorry, Representative Brookins. We didn't really hear your explanation of the Bill. Could you go over it one more time, please?"

Speaker Breslin: "Representative Brookins, would you repeat your explanation of the Bill?"

Brookins: "Yes. This Bill will provide for a 500 seat auditorium and a gallery - legislative gallery - at the DuSable Museum in Chicago, and that I'm asking for passage of this Bill."

Speaker Breslin: "The Gentleman from Kendall, Representative

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Hastert, on the Bill."

Hastert: "A legislative gallery. Would the Sponsor yield? A legislative gallery?"

Brookins: "Yes, for the Members that have served so proudly in this General Assembly."

Hastert: "Is that works by Members, or pictures, or what?"

Brookins: "It will be pictures. It will be of their 'memorabitoes' (sic - memorabilia). It would be all the things that have been gathered over the years from such people like Corneal Davis, who served in this House for 36 years. You can imagine the things that he has accumulated that would be of interest of the folks that visit the museum. Cecil Partee... "

Piel: "Representative Leverenz, and people like that, too, and Abraham Lincoln served, and those types of things?"

Brookins: "Abraham Lincoln is already there, and if Leverenz contribute and want to come there, we welcome him."

Speaker Breslin: "The Gentleman from Cook, Representative Piel, who I cut off earlier, I understand."

Piel: "Will the Gentleman yield?"

Speaker Breslin: "He will yield for another question."

Piel: "What is the approximate cost of this, Representative?"

Brookins: "At present, it's figured right at two and a half million dollars."

Piel: "Pardon me?"

Brookins: "Two and a half million dollars. 2.5."

Piel: "2.5 million dollars. Now, where is this... Is this already in an appropriation?"

Brookins: "There is an accompanying appropriation Bill, and this falls right in line with our good Governor's Bill, Build Illinois, and this will be part of that."

Piel: "Okay, if it's part of Build Illinois, why don't we have it in the substantive legislation for Build Illinois."

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Brookins: "You will have."

Piel: "Well, then. No. But, you mean, you're talking about the appropriation. I'm talking about the substantive legislation that we're looking at right now. Why isn't it... "

Brookins: "You have the substantive legislation in your hand."

Piel: "I'm not asking for smart remarks. I'm just asking for intelligent remarks."

Brookins: "Well, I... "

Piel: "I'm asking why do you have this Bill instead of putting it on to the Build Illinois Program. You're saying that... You wanted part of Build Illinois, but Build Illinois has substantive legislation beside appropriations."

Brookins: "It is in your hand, as I mentioned, Mr. Piel, and that's the best I can answer. I don't know why."

Piel: "To the Bill, Madam Speaker."

Speaker Breslin: "Proceed."

Piel: "Ladies and Gentlemen of the House, I reluctantly stand in opposition to this Bill. The Gentleman's talking about 2.5 million dollars. It's a situation where he wants to put through a special Bill instead of putting it on the Build Illinois Project like the rest of us are doing. It's... Technically speaking, this money is going - if you'll read - this money is going, the 2.5 million dollars is going to the Chicago Park District. The question I would have is, what happens if the auditorium only costs a million five? We've just given 2.5 to the Chicago Park District. I think that this is a laudable effort on the Sponsor's part, but I think it's a situation when you sit here and you look at, you know, 2.5, it's something that could be used for public aid or education or, put in the proper perspective, on the Build Illinois Project. And so, I would ask for a 'no' vote on 1353, Ladies and Gentlemen."

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Speaker Breslin: "There being no further discussion, Representative Brookins to close."

Brookins: "Yes, Ladies and Gentlemen, I ask that we undertake this project. What it will actually do is give the young folks in the poverty area the opportunity to form role models for people that have been successful, people that have accomplished things, and people that have contributed to the State of Illinois in time, energy and money. This will actually be administered by the Energy and National (sic - Natural) Resources, the people who do build museum, and all museums in this State of Illinois are interested in this Bill and have their... and I have their support in this. I know of no opposition nowhere to this project. And with that, I ask for a favorable vote. Thank you."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1353. The question is, 'Shall House Bill 1353 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? The Lady from Cook, Representative Alexander, one minute to explain your vote."

Alexander: "Thank you. I would like to correct a statement that was made prior about the money could better be used for public aid. I did not know public aid was included in Build Illinois. If I'm incorrect, I stand corrected. I vote 'yes'."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Lady from St. Clair, Representative Younge, one minute to explain your vote. Representative Younge, did you wish to explain your vote?"

Younge: "Yes, I do."

Speaker Breslin: "Proceed."

Younge: "Historically, many blacks and minorities who have made valuable contributions to history have been traditionally

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left out of the history books. Young children in Chicago and around the state would be greatly benefited by this auditorium at the DuSable Museum, because they would be able to go there and see the contributions that have been made by minority Legislators and others to the history of Illinois and America. Unless there are role models and images that young people can look forward to, then we don't have the inspiration, and we don't have the wanting to be a better person that makes a great American, and this is a very important Bill, and we ask for your support to correct this age-old thing of minorities not being in the history books. Thank you."

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

Piel: "Just to mention that if this does reach the required number, that I want a verification."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 61 voting 'aye', 52 voting 'no', and 4 voting 'present'. Representative Piel has asked for a verification of the Affirmative Roll. Proceed with a Poll of the Affirmative, Mr. Clerk."

Clerk O'Brien: "Poll of the Affirmative. Alexander. Berrios. Bowman. Braun. Breslin. Brookins. Brunsvold. Bullock. Capparelli. Cullerton. Currie. DeJaegher. DeLeo. Deuchler. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Greiman. Hartke. Hicks. Homer. Huff. Keane. Kulas. Laurino. LeFlore. Leverenz. Levin. Matijevich. Mautino. McGann. McNamara. McPike. Nash. O'Connell. Panayotovitch. Pangle. Phelps. Preston. Rea. Rice. Richmond. Ronan. Saltsman. Satterthwaite. Shaw. Soliz. Steczo. Stern. Sutker. Turner. Vitek. Washington. White. Wolf. Anthony Young. Wyvetter Younge. Mr.

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Speaker."

Speaker Breslin: "Do you have any questions of the Affirmative Roll, Mr. Piel? Representative Mautino asks leave to be verified. May the Gentleman be verified, Sir? He may. Representative Terzich, for what reason do you rise? Representative Terzich changes his vote from 'no' to 'aye'. Representative Van Duyn changes his vote from 'no'... from 'present' to 'aye'. Representative Christensen changes his vote from 'present' to 'aye'. Proceed, Mr. Piel."

Piel: "Question of the Chair. What are we starting with, Madam Speaker?"

Speaker Breslin: "64 voting 'aye'."

Piel: "Thank you, Ma'am. Representative Berrios."

Speaker Breslin: "Representative Berrios is in his chair."

Piel: "Representative Brunsvold."

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

Piel: "Representative Bullock."

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

Piel: "Representative Currie."

Speaker Breslin: "The Lady is in her chair."

Piel: "Representative DeJaegher."

Speaker Breslin: "The Gentleman is in his chair."

Piel: "Representative DeLeo."

Speaker Breslin: "The Gentleman is in his chair."

Piel: "Representative Farley."

Speaker Breslin: "Representative Farley. Representative Farley is not in the chamber. Remove him. Representative Bullock has returned to the chamber. Add him to the Roll Call."

Piel: "Representative Flinn."

Speaker Breslin: "The Gentleman is in his chair."

Piel: "Representative Giglio."

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Speaker Breslin: "Representative Giglio. Representative Giglio.

The Gentleman is not in the chamber. Remove him."

Piel: "Representative Giorgi."

Speaker Breslin: "The Gentleman is in the chamber."

Piel: "Representative Greiman."

Speaker Breslin: "Representative who?"

Piel: "Greiman."

Speaker Breslin: "Representative.. "

Piel: "Greiman."

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

Piel: "Representative Levin."

Speaker Breslin: "Representative Levin. Representative Levin.

The Gentleman is not in the chamber. Remove him."

Piel: "Representative McNamara."

Speaker Breslin: "The Gentleman is in his chair."

Piel: "Representative Nash."

Speaker Breslin: "The Gentleman is in his chair."

Piel: "Representative Phelps."

Speaker Breslin: "The Gentleman is in his chair."

Piel: "Representative Preston."

Speaker Breslin: "The Gentleman is in his chair."

Piel: "Representative Breslin... Oh, never mind. Representative
Richmond."

Speaker Breslin: "Representative Richmond is not voting. Excuse
me. He is voting 'aye'. Is the Gentleman in his chair?
Representative Richmond. The Gentleman is not in his
chair. Remove him."

Piel: "Representative.. Did I ask you Preston?"

Speaker Breslin: "Yes."

Piel: "Okay. Representative.. Saltsman."

Speaker Breslin: "Representative Saltsman is in his... in the
chamber."

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Piel: "Representative Satterthwaite."

Speaker Breslin: "The Lady's in her chair."

Piel: "Representative Shaw."

Speaker Breslin: "The Gentleman's in his chair."

Piel: "Representative Soliz."

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

Piel: "Representative Terzich."

Speaker Breslin: "Representative Terzich voted personally, as I
believe. He got up and changed his vote from 'present' to
'aye'."

Piel: "He did not ask for leave, Madam Speaker. I'm asking if
he's in the chamber."

Speaker Breslin: "The Gentleman is not in the chamber. Remove
him. Representative Greiman has returned. Add him to the
Roll Call. Representative Panayotovich asks leave to be
verified. Representative Giglio has returned to the
chamber. Add him to the Roll Call."

Piel: "Representative Hicks."

Speaker Breslin: "Representative Hicks. Representative Soliz has
returned to the chamber. Add them to the Roll Call.
Representative Hicks is in the chamber."

Piel: "Representative Van Duyne. Thank you. No further
questions, Madam Speaker."

Speaker Breslin: "Representative Van Duyne is in the chamber, and
Representative Terzich has returned to the chamber. Add
him to the Roll Call."

Piel: "No further questions, Madam Speaker."

Speaker Breslin: "What is the count, Mr. Clerk? On this Bill,
there are 61 voting 'aye', 50 voting 'no' and 2 voting
'present'. Representative Levin has returned to the
chamber. We'll add him to the Roll Call. There are,
therefore, 62 voting 'aye', 50 voting 'no', and 2 voting

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'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, the Chair would like to go back to the Order of Land Acquisition. There is one Bill remaining. That Bill is House Bill 2434, Representative Tate's Bill. Representative Matijevich asks leave to suspend Rule 36(d) so that that Bill can be moved from Second Reading, First Legislative Day. It's 2434. And Representative Matijevich asks to suspend the rule 36(d) so that the Bill will move from Second Reading, First Legislative Day to Second Reading, Second Legislative Day. Read the Bill, Mr. Clerk. Are there any objections to that Motion? Hearing no objection, the rule is waived. Read the Bill."

Clerk O'Brien: "House Bill 2434, a Bill for an Act relating to the Department of Transportation. This Bill has been read a Second Time previously."

Speaker Breslin: "Are there any Motions filed or Amendments filed?"

Clerk O'Brien: "No Motions filed. No Amendments filed."

Speaker Breslin: "Third Reading. Representative Tate now asks leave for immediate consideration of House Bill 2434 on Third Reading. The Bill has been amended. Are there any objections? There being no objections, the Bill will be heard immediately on Third Reading. Representative.. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2434, a Bill for an Act relating to the Department of Transportation. Third Reading of the Bill."

Speaker Breslin: "Representative Tate."

Tate: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 2434 authorizes the Department of Conservation... Transportation to convey certain land by quitclaim deed in Clark, Kankakee, Livingston and

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Cumberland Counties to individuals. This chamber just heard Amendments 1 and 2 today. It's a noncontroversial Bill. It's the Department of Transportation's Bill. I ask for a favorable Roll Call."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2434. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 2434 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 116 voting 'aye', none voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we are changing the Order of Business to the Order of Banking. It appears on page 29 on your Calendar, House Bills Third Reading, under the Order of Banking. The first Bill is House Bill 419, Representative Cullerton - Zwick. Representative Cullerton. Excuse me, Ladies and Gentlemen, there was one Bill left on Cultural Assistance, so with leave of the Body, the Chair will go back to Cultural Assistance to hear that one Bill that you had already granted leave to be heard later on. That is House Bill 142, appearing on page 26 on your Calendar, under the Order of Cultural Assistance. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 142, a Bill for an Act to provide for state grants to certain public radio stations in the State of Illinois. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Representative Currie. Are there any Motions filed?"

Clerk O'Brien: "No Committee Amendments."

Speaker Breslin: "Are there any Amendments filed?"

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Clerk O'Brien: "Floor Amendment #1, offered by Representative Currie and Madigan."

Speaker Breslin: "Representative Currie."

Currie: "Leave to withdraw Amendment 1."

Speaker Breslin: "The Lady withdraws Amendment #1. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Currie, amends... "

Speaker Breslin: "Representative Currie."

Currie: "Thank you, Madam Speaker and Members of the House. The underlying Bill is one that provides a program of state support to public radio stations. The original proposal was modeled on a 1979 statute passed by this Assembly creating that kind of program for public television. Amendment 2 to House Bill 142 would organize both programs in the states in the same statute, repealing the work we did in 1979 to provide for an allocation formula for both public radio and public television grants organized in this fashion. Thirty percent of the funds would be awarded to every... every public radio and public television station across the state in equal sums. The remainder would be organized on a pro rata basis. As well, the Amendment would create an Illinois Public Broadcasting Council. I would appreciate your support for the Amendment, and I am happy to answer any questions."

Speaker Breslin: "The Lady has moved for the adoption of Amendment #2 to House Bill 142. And on that question, the Gentleman from Will, Representative Davis."

Davis: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I really didn't have too much of a problem... Yes? I just wanted a question. I didn't quite understand what you said, Representative Currie. Did you, indeed, have a... Did you say that Amendment #2 now includes public

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television stations?"

Currie: "That was a statute we passed in 1979. This was a program modeled upon it. The idea, then, is to take this Bill which dealt initially only with a new program of support for public radio stations and organize the two programs in a single statute."

Davis: "Does it include all public television stations in the viewing area in Illinois?"

Currie: "All public television and all public radio stations."

Speaker Breslin: "The question is, 'Shall House Bill... Shall Amendment #2 to House Bill 142 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Currie now asks leave for this Bill to be heard immediately on Third Reading. Are there any objections? Hearing no objections, the Lady has leave. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 142, a Bill for an Act to provide for state grants to certain public radio stations in the State of Illinois. Third Reading of the Bill."

Speaker Breslin: "Representative Currie."

Currie: "Thank you, Madam Speaker and Members of the House. This is a program modeled, as I say, on action the Assembly took in 1979 to provide for direct state support to public radio stations across the State of Illinois. As you know, there have been cuts at the federal level in programs for public broadcast subsidies. This is our way of picking up a program that the feds have begun to discontinue. As we build Illinois, it seems to me important to build our cultural resources, and I think a program of direct state support for public radio stations will help us maintain

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that goal."

Speaker Breslin: "The Lady has moved for the passage of House Bill 142. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 142 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 78 voting 'aye', 37 voting 'no', and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we will now go to the Order of Banking, House Bills Third Reading. The first Bill is House Bill 419, Representative Cullerton. With leave, we will come back to that Bill later on. House Bill 501, Representative Bullock. Representative Bullock. Clerk, read the Bill."

Clerk O'Brien: "House Bill 501, a Bill for an Act to amend the Foreign Banking Office Act. Third Reading of the Bill."

Speaker Breslin: "Representative Bullock."

Bullock: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 501 as amended basically allows the foreign banks to establish offices in secondary central business districts, which is partially within the existing central business district of Chicago. It's offered, in my estimation, as a compromise to allow a foreign bank corporation to locate within the foreign banking district, and to exercise the same type of banking practices that a domestic bank would exercise, with one exception, and that exception being that it would not give an unfair competitive advantage, edge over existing domestic banks, specifically those within 600 feet. So we have the 600 foot rule in this Bill. It would apply to foreign banks as

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it applies to domestic banks. Madam Speaker and Ladies and Gentlemen of the House, I'd urge an 'aye' vote."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 501. And on that question, the Gentleman from Cook, Representative Preston."

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

Preston: "Representative Bullock, can you tell me who... what organizations have supported and which organizations are opposed to this Bill."

Bullock: "Well, Representative Preston, if you know those who are opposed to it, I'd be glad to hear it. The ones that support it are most of the banks that belong to the Illinois Bankers' Association who initially require the 600 foot rule for domestic corporations."

Preston: "And have the community banks taken a position on the Bill?"

Bullock: "Well, I've spoken to the members of the community bank, and they indicated to me they support it. I've not seen anything in writing, and they did not appear in Committee and testify in opposition."

Preston: "And no one... nobody testified in opposition in Committee?"

Bullock: "That is correct."

Preston: "Thank you."

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

Vinson: "Madam Chairman, Members of the Assembly, I rise in opposition to this Bill. I believe that this Bill is a bad Bill. I think that what it does to the concept of foreign banking in Chicago is atrocious. I think the expansion of authority in the Banking Act is bad. It lets banks become involved in all kinds of things that they shouldn't be

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involved in. If we're going to have a Banking Act that lets banks be sound, fundamental institutions and do the things banks are supposed to do, then banks ought to be in banking, not in the travel agency business and everything else, and I would strongly urge a 'no' vote on this Bill."

Speaker Breslin: "The Lady from Kane, Representative Zwick. Representative Zwick. Go to the one next to you, please."

Zwick: "Thank you, Madam Speaker. First of all, would the Sponsor yield for a question?"

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

Zwick: "Was Amendment #2 to House Bill 501, sponsored by Representative DeJaegher, adopted?"

Bullock: "Yes, it was."

Zwick: "Okay, then. I suppose I have two separate issues I'd like to address, because I would like to oppose this Bill on both Amendments that were adopted yesterday. Amendment #1, which Representative Vinson just talked about, is one that I did oppose in Committee when it was on another Bill of Representative Bullock's. It creates a secondary foreign banking zone within the City of Chicago which gives those banks within the foreign banking zone the authority to veto the idea of another bank opening within that foreign banking zone. It creates kind of an exclusive power within that banking zone that I don't believe should exist, and is really inconsistent with our current law. Amendment #2 is a whole separate issue which has never been discussed in either Committee or on the floor of this House, and is a major issue which the Representative has not even addressed and is on this Bill. Amendment #2, which was adopted yesterday, was sponsored by Representative DeJaegher and allows banks to expand into products and services. It allows them to become involved in the business of being a travel agency, of being an

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income tax service, or going into the armored car business. Now, I think that this is an issue that needs to be thoroughly debated by the Financial Institutions Committee and by this House and is certainly not appropriate to be tacked onto a Bill as an Amendment without any discussion of the issue, and I would currently oppose the Bill and both Amendments."

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

Cullerton: "Yes, I respectfully rise to oppose the Gentleman's Bill. There were basically two different approaches to the need to expand the central business district of the Foreign Banking Act. House Bill 419, which we will hear next, was the approach that I sponsored. Representative Bullock has another approach. I disagree with it. I don't believe that it's necessary to have a second central district with veto power for existing banks within 600 feet, and as a result, I would oppose the Gentleman's Bill and suggest that we support House Bill 419 which will be hopefully passed next."

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

Piel: "Thank you, Madam Speaker. Unfortunately, the Bill that came out of Committee was okay, but once he put the Amendments on the Bill, you know, he has caused a situation to where... and I didn't have the slightest idea that #2 got on. I thought #2 was defeated. But somewhat repeating what one of the previous speakers said, you know, this is really opening up a can of worms when you start allowing the banks to go into the armored car business, the income tax service business, the travel agency business, and I would ask for a 'no' vote on 501."

Speaker Breslin: "The Gentleman from Rock Island, Representative DeJaegher."

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DeJaegher: "Thank you, Larry, for allowing me to have placed this Amendment on your Bill. What basically this Bill does is to conform with regulations and services this particular bank has addressed itself to a number of years. This bank has incorporated these services for a number of years, and all their intent is, that they continue being able to do these services. Travel service - I come from the City of East Moline. There was not a service that was provided by anyone pertaining to travel. This bank took it upon themselves to provide those services for them. It was a necessity in that Community, and they've been doing it for a number of years. The next one was, they became involved in income tax services - services that the community sorely needed. It is a free enterprise system - hopefully it is. I don't feel that anyone should be unreceptive to people becoming involved in the free enterprise system, regardless of what their mode of implementation is. And also, for this particular bank, they also have the present services of the armored car facilities which basically is for their purposes, serving their auxiliary posting stations. And that's basically what the Amendment is. I see no problem with this. All of us address ourselves to establishing and maintaining the free enterprise system. This is a service that's already been provided by that institution, and through the graciousness of the Sponsor, I was able to put that Amendment in."

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

Bowman: "Thank you. In response to the last speaker, let me just say, the reason that we have such prohibitions and laws is a very good one. That banks are engaged in the business - or should be in engaged in the business - of financing other businesses, and if they, themselves are entitled to

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operate such things as armored car services and travel agencies and so forth, that they are engaged in a conflict of interest situation with respect to business development in their own communities, and this is something that Legislatures in the past have anticipated and have tried to guard against with prohibitions, and that's why we should keep the prohibition. We should not permit these financial institutions to be engaged in conflict of interest situations."

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

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

Speaker Breslin: "Representative Flinn moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the main question is put. Representative Bullock to close."

Bullock: "Thank you, Madam Speaker and Ladies and Gentlemen of the Assembly. House Bill 501 as amended does, in fact, address two separate subjects, which is not unusual in the House of Representatives. I did try to, and I'm attempting to accommodate, Representative DeJaegher with a problem that he has in his community, which is of extreme importance to him and I'm sure to other downstate communities, and in so doing, that becomes the Bill. The primary Section of the Bill, which is what I'm attempting to advance, is embodied in another Bill, House Bill 419. Representative Cullerton, distinguished Gentleman from Cook County, alluded to the fact that there are two ways in which to address the problem. I am attempting to address it one way, and his Bill attempts to address it another way. And I say to two of the speakers from the other side of the

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aisle, I appreciate very much your polite but impertinent comments on this Bill. The fact of the matter is, you will vote for 419, which essentially addresses the Foreign Banking Act. In closing, Madam Speaker, I would just like to say that I've been around the House long enough to know, and Representative Greiman has convinced me that the shadow is everywhere, and I'd urge an 'aye' vote."

Speaker Breslin: "The question is, 'Shall House Bill 501 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 20 voting 'aye', 98 voting 'no', and 8 voting 'present'. And this Bill, having failed to receive the necessary Majority, is hereby declared lost. Returning now to House Bill 419, Representative Cullerton. Clerk, read the Bill."

Clerk O'Brien: "House Bill 419, a Bill for an Act in relation to financial institutions. Third Reading of the Bill."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Yes, thank you, Madam Speaker, Ladies and Gentlemen of the House. I hope that this Bill has some better... better Amendments on it. This amends the Foreign Banking Office Act to extend the boundaries of the central business district of Chicago. That's what the Bill does, and then there are certain Amendments that were adopted. Representative Frederick adopted some Amendments dealing with the Banking Act, one that provides that the Commissioner of Banks and Trust Companies shall establish the amount of required capital, surplus and reserves, provides that any bank may eliminate cumulative voting rights, extends the basic lending limits of liabilities of Members to more than 20 percent of the amount of the capital of the bank and 20 percent of its surplus to

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amounts loaned to joint ventures. It also provides that under the emergency sale of assets for a merger provision, a number of things - one, that no bank may be a purchasing bank in more than one sale of assets, that if the State Banking Commissioner has determined that an emergency exists and determines that a merger is absolutely necessary for the protection of the depositors and other creditors, that such a merger could take place and amends the Foreign Banking Act to also provide that if, in fact, a foreign banking corporation purchases the assets of a closed state or national bank, it may maintain a banking office outside the central business district of Chicago. Representative Mautino amended the Bill with Amendment #4, which deletes the paragraph... deletes from a... from Paragraph 6-106, Section C, language which allows a proprietary network owned and operated by one or more financial institutions or a bank holding company to hook up with another proprietary network located within that state. And finally, we had Amendment #6, which I adopted, which removes any discretionary power for state banks, savings and loans, or credit unions to insure deposits or shared accounts with other than federal insurance. That, of course, was in response to the Home State Savings Bank of Cincinnati being forced to close. This is a response to that particular situation."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 419. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 419 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final passage. Have all voted who wish? Representative Bullock, one minute to explain your vote."

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Bullock: "Thank you, Madam Speaker. In explanation of my vote, I stand in opposition to the Bill. I do not think that this is the way in which to enhance economic development in Illinois. Clearly, domestic institutions will be placed at an unfair competitive advantage if this legislation achieves fruition and reaches the Governor's desk. I think that is sufficient for the record, Madam Speaker. I appreciate your allowing me an opportunity to explain my vote."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 107 voting 'aye', 3 voting 'no', and 6 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1313, Representative Mautino. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1313, a Bill for an Act to amend Sections of the Illinois Bank Holding Company Act. Third Reading of the Bill."

Speaker Breslin: "Representative Mautino."

Mautino: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 1313 is legislation that's been supported by the Office of the Commissioner of Banks and Trust Companies and the Independent Banks of Illinois. Basically, this authorizes the permit to organize the Independent Bankers' Bank, which was filed in March of this year. Our previous legislation on holding companies stated that you had to be in effect as a holding company ten years into the system. This legislation exempts that provision because these bankers have organized a bankers' bank. They are... The organizers are the State Bank of Arthur, the First State Bank of Calumet City, 'Durand' State Bank, American Heritage Bank of Granite City, the State Bank of Keysport, Valley Bank and Trust of South Elgin, and the

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National Bank of Taylorville. I know of no opposition to the legislation. I move for the passage... "

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1313. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 1313 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final action. Representative Phelps, or Brunsvold, would you vote me, please? Have all voted who wish? The Clerk will take the record. On this question, there are 112 voting 'aye', none voting 'no', and 3 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1360, Representative Deuchler. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1360, a Bill for an Act to amend Sections of the Electronic Fund Transfer Transmission Facility Act. Third Reading of the Bill."

Speaker Breslin: "Representative Deuchler."

Deuchler: "Madam Speaker, Ladies and Gentlemen of the House, House Bill 1360 requires that in cases where a customer authorizes an electronic fund transfer, the transaction must occur by the end of the next business day after the entry of such debit has been made. Some financial institutions are taking unreasonable amounts of time to process fund transfers, and this Bill would require increased promptness. The Bill arose from a constituent complaint, and came out of Committee 13 to none... to 0."

Speaker Breslin: "The Lady has moved for the passage of House Bill 1360. And on that question, the Gentleman from Cook, Representative Cullerton."

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

Speaker Breslin: "She will yield for a question."

Cullerton: "Who was that constituent?"

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Deuchler: "Someone in my district."

Cullerton: "Anybody related to you?"

Deuchler: "Yes."

Cullerton: "Okay. Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall House Bill 1360 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final action. Have all voted who wish? The Clerk will take the record. On this question, there are 110 voting 'aye', none voting 'no', and 6 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1378, Representative Currie. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1378, a Bill for an Act to amend Sections of the Illinois Income Tax Act. Third Reading of the Bill."

Speaker Breslin: "Representative Currie."

Currie: "Thank you, Madam Speaker and Members of the House. This Bill... it makes technical corrections to Section 203 of the Illinois Income Tax Act. It's a response to changes at the federal tax level. When institutions were not charged on income from certain kinds of state and municipal bonds at the federal level, the Federal Internal Revenue Code changes required only an 80 percent deduction of expenses for financial institutions. That 80 percent carries over to the state level, but of course we do, at the state, level tax the income from those kinds of bond holdings by financial institutions. This Bill merely provides that the institutions may deduct 100 percent of the expenses that they incur by virtue of developing these monies."

Speaker Breslin: "The Lady has moved for the passage of House Bill 1378. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House

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Bill 1378 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 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', none voting 'no', and 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1556, Representative Flinn. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1556, a Bill for an Act in relation to certain credit transactions. Third Reading of the Bill."

Speaker Breslin: "Representative Flinn."

Flinn: "Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, House Bill 1556 takes the two present Acts of the Consumer Finance Act, the Consumer Installment Loan Act, and makes one Act out of it. What that essentially does is cause them to only have to buy one license as opposed to two, now. The first one I mentioned permits a loan limit of 0 to \$3,000, the second from \$800 to \$10,000, and it doesn't make any sense. It causes them to have to have two licenses. We have made it one license and raised the fee enough to keep the affect off the state income, and I would move for the adoption of the Bill, and I know of no opposition."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1556. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 1556 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? The Clerk will take the record. On this question, there are 108 voting 'aye', none voting 'no', and 7 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1641, Representative

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Hastert. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1641, a Bill for an Act to amend Sections of an Act relating to certain investments of public funds by public agencies. Third Reading of the Bill."

Speaker Breslin: "Representative Hastert."

Hastert: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 1641 amends the Public Funds Investment Act. Basically, what this... Madam, may I move this Bill... leave to move this back to Second Reading?"

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Are there any objections? Hearing no objections, the Gentleman has leave. This Bill is on Second Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "Amendment #1, offered by Representative Hastert."

Speaker Breslin: "Representative Hastert."

Hastert: "Thank you, Madam Chairman. Amendment #1 puts the... there was a limitation in the Bill for only two of the highest of the classifications. This puts it to three, which is in the current law right now."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 1641. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #1 to House Bill 1641 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. The Gentleman now asks leave for immediate consideration of this Bill on Third Reading. Is there any objection? There being no objection, this

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Bill will be heard immediately on Third Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1641, a Bill for an Act to amend Sections of an Act relating to certain investments of public funds by public agencies. Third Reading of the Bill."

Speaker Breslin: "Representative Hastert."

Hastert: "Thank you, Madam Chairman, Ladies and Gentlemen of the House. House Bill 1641 amends the Public Funds Investment Act, and what the Bill does is to allow public agencies to invest in more than 25 percent of their total average balances. They were previously limited to have a 25 percent cap. This removes that cap, but these agencies would have to be at least the three highest classifications of commercial paper, and be approved by at least two standard rating services, and mature within 180 days from purchase."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1641. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 1641 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 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', none voting 'no', and 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1903, Representative Zwick. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1903, a Bill for an Act in relation to fee disclosure by financial institutions. Third Reading of the Bill."

Speaker Breslin: "Representative Zwick."

Zwick: "Thank you, Madam Speaker. House Bill 1903 amends the

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Illinois Banking Act and the Savings and Loan Act and creates a new requirement on all banks and savings and loans in Illinois requiring that they disclose to all non-commercial checking and savings customers all of the fees that they charge in relation to their services. We have worked out Amendments so that there is no objection to this Bill that I know of by any of the banking groups or anyone involved. I think it's a good consumer service Bill, and I would request your 'aye' vote."

Speaker Breslin: "The Lady has moved for the passage of House Bill 1903. And on that question, the Gentleman from Cook, Representative Bullock."

Bullock: "Madam Speaker, will the Sponsor yield for a question?"

Speaker Breslin: "She will yield for a question."

Bullock: "Representative Zwick, are you the Minority Spokesman on the Banking Committee?"

Zwick: "Yes, I am."

Bullock: "Have you discussed this with the Illinois Bankers' Association?"

Zwick: "Yes, I have."

Bullock: "And what is their position?"

Zwick: "Their position, I believe, is either neutral... I believe it's neutral, or it may be in support of the Bill."

Bullock: "You think... You think they might be in support?"

Zwick: "Well, I know that they're neutral. I know that they're not opposed. They are either neutral or in support. I have not checked with them today on the Bill. But the reason that the Amendment was offered was at their request, and they said that they would withdraw any opposition that they had at one point to the Bill if I limited the fee disclosure to non-commercial customers, and that was my main intent, so I agreed to do that for them."

Bullock: "Well, things do change in this Assembly, and I'm here

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to tell you they don't support your Bill. The question is... "

Zwick: "I don't think they oppose the Bill, though, Representative Bullock."

Bullock: "Well, I just spoke to them as of late, and you can take my word for it. They don't support your Bill. They oppose it. The fact of the matter is, when you exclude commercial checking accounts... First of all, why are you excluding commercial checking accounts. I mean, if you should disclose fees, you should disclose fees. If you don't disclose fees, you don't disclose fees. Why not disclose fees in commercial transactions?"

Zwick: "Currently, fees are disclosed, and most commercial customers are astute enough at their banking practices that they inquire and look at the competitive market for the best services. It is those non-commercial customers, the small customers of the banks that really don't have an opportunity to know exactly what fee disclosure is mandatory. So this requires that they don't have to inquire, that they will automatically be told when they go shopping for banking services what the fees are in relation to the services that they are opening. I think that they have a right to know. And I... And... "

Bullock: "Madam Speaker and Ladies and Gentlemen of the House, I'd like to address the Bill. I think that we're developing a dual system, here, and I think you can decide for yourself whether or not it's good for banking. I'm surprised that the Sponsor does not require fee disclosures for attorneys, fee disclosures for doctors or fee disclosures in insurance transactions. And if you have a class of consumer - and in this case, the consumer can be individual or commercial - why not disclose those fees for all banking consumers? And the answer, I think, lies

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somewhere between it's inappropriate or if you disclose those fees to major corporations, they will go elsewhere. And so I think that what the Lady has attempted to do with this Bill is to amend it to perhaps get it passed, but in fact, she has, through this Amendment, brought about greater opposition to the Bill. This Bill is not supported by the Illinois Bankers' Association. I think most of you on the floor of the House understand why you want fee disclosures, and if you agree with fee disclosures, then it should be total disclosures, and if you are against fee disclosure, then you are against the Bill. I would urge a 'no' vote."

Speaker Breslin: "The Gentleman from Edgar, Representative Woodyard."

Woodyard: "Thank you, Madam Speaker. A question of the Sponsor."

Speaker Breslin: "Proceed."

Woodyard: "Is this required only once a year? Is that the notification of fees?"

Speaker Breslin: "Representative Zwick."

Zwick: "Thank you. It is required when a customer comes in and is looking for services. Before they would open an account, it is... It requires that the bank disclose to them what the fees are in relation to any account they might be opening, and it requires once a year notification of the fees in relation to the services they're getting, in case there has been a change."

Woodyard: "Well, I'm thinking of the mechanics of it. It only applies to the new customer. Right?"

Speaker Breslin: "Representative Zwick, to answer the question."

Woodyard: "It only applies to the new customers."

Speaker Breslin: "Go to the one next to you."

Zwick: "Thank you. It would apply to new customers that are opening accounts, but it would apply to all customers on

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the once a year notice. Anyone who has an existing account in one year would get a notice once a year of what the fees are in relation to the services they're taking, so that if there has been a change in the fees, they would therefore be notified of it."

Woodyard: "Well... Where a bank changes its fees - and certainly, they have - several times in a year, it looks like this would create quite a problem to the bank in notification."

Zwick: "Well, I think it's a... If it is a little more paperwork, it is something that will benefit those people who use banking services and will bring about a much better system of competition among banks for those non-commercial customers who have really been at the mercy of the banks in the past, and not knowing when there has been a change. I think that they're entitled to know before they get the balance of their account with the fifteen dollar charge on it, which used to be ten dollars. And it's a minimal requirement, and the bankers suggested this Amendment and agreed that they could live with it, and do not oppose the Bill."

Speaker Breslin: "There being no further discussion, Representative Zwick to close."

Zwick: "Oh, yes it is. Thank you. I think that we've addressed most of the concerns. This is a Bill that came about because of my concern over the consumers of banking services so that they will have more information as to what their choices are when they go into a bank. We worked with the bankers so that there would be no opposition from them. I think it's a customer service which the banks are currently providing voluntarily on some basis, because they realize that it is the right thing to do. I solicit your support. I ask for your 'aye' vote."

Speaker Breslin: "The question is, 'Shall House Bill 1903 pass?'

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All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Representative Mays wishes to be recorded as voting 'no'. Representative Hastert, could you change that? Thank you. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 44 voting 'aye', 45 voting 'no', and 22 voting 'present'. This Bill, having failed to receive the necessary votes, is hereby declared lost. House Bill 1906, Representative Vinson. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1906, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Breslin: "Representative Vinson."

Vinson: "Thank you, Madam Speaker, Members of the House. House Bill 1906 was a Bill that I introduced to authorize corporate authorities and municipalities to borrow money from banks and other financial institutions, provided such borrowing shall be repaid within the current fiscal year. I would move for an Affirmative Roll Call."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1906. And on that question, the Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Madam Speaker. Will the Gentleman yield for a question?"

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

Bowman: "Representative Vinson, I consulted my dictionary in looking over your Bill, and I discovered two Amendments to this Bill."

Vinson: "There's not a preceptor in any one of them."

Bowman: "That is true, but one of them has O'Hare Airport, and the other one has something pretty kinky about water districts. I wonder if you could explain the Amendments?"

Vinson: "Sure, I'd be glad to. Amendment #1 was adopted to the

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Bill. It permits unincorporated areas under 7500 in population within one and a half miles of an existing municipality to have a referendum, a vote by the people, on the question of incorporating as a village if such unincorporated area maintains a public water district. It's applicable to instances where existing municipalities do not consent to incorporation proposals by such an unincorporated area. I think it's pretty straightforward. It resolves a particular problem in downstate Illinois, and it can only be done with a referendum by the people. I don't think there's anything controversial about the Amendment. The other Amendment that was adopted was Amendment #4, which simply requires the approval by the governing authority of any municipality before another city can acquire any property in such a municipality by condemnation for airport expansion. I think that's also a pretty simple way of just accommodating the needs of brother cities in... brother and sister cities in the state, and I would... I don't think that that should prove controversial either."

Bowman: "Well, my understanding of Amendment #1, if my analysis is correct, is that the areas may be incorporated into a village without obtaining the permission from the municipality."

Vinson: "Well, it's the areas that are outside the municipality."

Bowman: "Right, so that they can incorporate into the municipality even if the municipality doesn't want them? Rather remarkable, isn't it?"

Vinson: "They would... They would have to have a referendum to do their own incorporation."

Bowman: "Who has the referendum? The people living outside the municipality or the people in the municipality?"

Vinson: "The people outside."

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Bowman: "Okay, I see. So the people outside the municipality have this vote, and they decide to join the municipality, even though the people in the municipality don't get a chance to consider the issue, to vote on the issue, to decide the issue, and even if they have a referendum in the municipality saying 'no', this Bill provides that they go in anyway."

Vinson: "No... No. You're misreading the Bill entirely, Representative. It would... They would be creating, by their referendum, their own new village. They would not be going into the existing village."

Bowman: "They would be... They would be creating a new village."

Vinson: "Yes."

Bowman: "Then why do we need this? Don't we have laws on the books that provide for incorporation of municipalities?"

Vinson: "I'm sorry. I didn't hear your last... "

Bowman: "Then why do we need the Bill? Don't we have laws on the books providing for incorporation of municipalities, and don't they involve referenda and so forth?"

Vinson: "Well, the... Currently, there's no provision for this in the statutes of the state, and this creates a situation where we can... where we can deal with this problem."

Bowman: "Well, the second Amendment seems almost as interesting. It seems like, under this Amendment, O'Hare Airport would have more difficulty in expanding. Is this Amendment supported by the City of Chicago?"

Vinson: "Well, I would assume the City of Chicago would support any concept of a municipal comity and good relationships among municipalities in this state. I don't know the answer to your question, but I would just assume that."

Bowman: "Well, let me ask one last question, then. Does this... that Amendment not take away the right that the City of Chicago now has? Isn't that the purpose of the Amendment?"

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Vinson: "Well, the purpose of the Amendment is that we now have a situation where... that hasn't existed in the past, where we need to work out relationships between these municipalities, and the Bill simply provides for, in essence, a process of municipal comity."

Bowman: "Is that in the dictionary, Representative? Never mind."

Vinson: "I'm sorry. I didn't hear that question."

Bowman: "Never mind. The... Briefly, to the Bill. This Bill is, with its Amendments, is as kinky as a corkscrew, and for that reason, I urge a 'no' vote."

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

Cullerton: "Yes, would the Sponsor yield?"

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

Cullerton: "Representative Vinson, first I want to address myself to the Bill as you introduced it. Wasn't this a Bill that was vetoed by the Governor last year? Specifically... Specifically, wasn't this House Bill 3148, offered by Representative Kirkland, that was amendatorily vetoed by the Governor on September 24, 1984?"

Vinson: "May I answer now?"

Cullerton: "I'm trying to help. I'm trying to refresh your memory as to which Bill this Bill is."

Vinson: "Well, that's a leading question, and you can only ask leading questions in cross-examination, and I presume you're an advocate for the Bill, so you're on direct."

Cullerton: "No, I'm opposed to the Bill. So, maybe you could tell me... answer my question."

Vinson: "The answer to your question is that I don't know."

Cullerton: "You don't know?"

Vinson: "I introduced... I didn't introduce the Bill in response to a gubernatorial veto or anything, I introduced it because it's good for local governments in this state."

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Cullerton: "Well, Representative Vinson, I'm informed that this Bill that you've introduced this year was your Amendment to that very same Bill which I referred to that the Governor amendatorily vetoed last year."

Vinson: "That I know to be not the case. Let me tell you about that Bill. I am familiar... "

Cullerton: "Your memory is getting better on that Bill."

Vinson: "I am familiar with my Amendments to that Bill."

Cullerton: "I see."

Vinson: "Now, my Amendments to that Bill dealt with the ability to... to... for municipalities to develop into small business areas, land currently zoned as agricultural land in those areas, and to develop those into business areas and so forth, despite the agricultural zoning. In the limited instance of a situation where that land that was zoned agricultural, was already developed. That's what my Amendment dealt with. I remember that particular Amendment very well."

Cullerton: "Well... "

Vinson: "Now, there was another Amendment added in the Senate, Representative, at my behest, which clarified the intent of my Amendment, but it didn't have anything to do with corporate authorities borrowing money from banks."

Cullerton: "Well, let me tell you what the Governor said about this very Bill. A number of provisions on borrowing in the Bill are somewhat loosely constructed, and do not provide adequate safeguards and limitations to prohibit units of local government and schools from going too far into debt. While there is, as the Governor calls it, some merit in the added flexibility added by the concept, the Governor says that the statute needs tighter restrictions on the amount of money borrowed, how the borrowing interacts with other outstanding debts, and what security will be made

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available. And nothing in your Bill, as you introduced it, changes the objections that the Governor had back in September of 1984. Now, let me ask you a question about Amendment #1."

Vinson: "Sure."

Cullerton: "Did Amendment #1 get on this Bill?"

Vinson: "Yes, it did."

Cullerton: "What does that do?"

Vinson: "Amendment #1 is an Amendment which deals with a civic problem in eastern Illinois, and what it does is to permit unincorporated areas under 7500 in population within one and a half miles of an existing municipality to have a referendum - a public vote of the people - on the question of incorporating as a village, the separate area incorporating separately, if the unincorporated area maintains a public water district. And it's applicable to that particular instance where the existing municipality does not want the unincorporated area to come into it. And then, what happens... So, what we provide is a mechanism by which that unincorporated area, since it's not wanted by that municipality, can incorporate itself as a separate municipality."

Cullerton: "That sounds like a reasonable Amendment. How about Amendment #4?"

Vinson: "It's... It's equally reasonable. It's just the concept of municipal comity - C - O - M - I - T - Y, to try to establish good feelings and good relationships between brother and sister municipalities in the state."

Cullerton: "Well, does it have a limitation on home... on the... in a home rule unit? Would the Amendment impose a limitation on a home rule unit?"

Vinson: "Well, what I think it does is, it affects the contractual relationships... not... not... I guess not

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truly contractual, but it affects relationships between potential home rule units, yes."

Cullerton: "Okay. I'm going to ask that question one more time, and let's see if I can get an answer, because it's very important. Does Amendment #4 impose a limitation on home rule units?"

Vinson: "What it does is that it regulates the use of power by home rule units."

Cullerton: "Does Amendment #4 impose a limitation on a home rule unit?"

Vinson: "It regulates the use of powers of home rule units."

Speaker Breslin: "Representative Cullerton, you've asked that question three times now."

Cullerton: "I haven't got an answer yet."

Speaker Breslin: "That's beside the point. Proceed."

Cullerton: "Well then, why don't you tell me whether the regulation of the home rule unit imposes a limitation on it?"

Vinson: "Well, I think what it really does is, it makes the power more effective, because it will be done in a spirit of municipal comity."

Cullerton: "Well of course, the Amendment is meaningless unless it imposes a limitation on a home rule unit. Isn't that correct?"

Vinson: "Oh, I don't know about that."

Cullerton: "Because that's the purpose of the Amendment. The purpose of the Amendment is to require that..."

Vinson: "I think you're really asking a question that's not ripe yet."

Cullerton: "Because the Bill isn't passed?"

Vinson: "Well, it's not law yet."

Cullerton: "Well, Madam Speaker and Ladies and Gentlemen of the House. I believe that there's a couple of reasons to vote

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against this Bill. First of all, the Bill that Representative Vinson introduced, the very Bill itself, was something that the Governor vetoed, and for good reason, and the Governor's Veto Message is available for anyone who would like to look at it. I have it over here, and I've read from it. And then finally, Amendment #4 is also a bad Amendment. It does impose a limitation on a home rule unit, and I would ask the Parliamentarian to look at the Bill as amended by Amendment #4 to determine how many votes this Bill might need for passage. In any case, it should not even receive 60 votes because it's a bad concept."

Speaker Breslin: "We will... We will look at it, Representative Cullerton."

Vinson: "Was that a question or were you just speaking to the Bill..."

Cullerton: "I was speaking to the Bill."

Speaker Breslin: "He was speaking to the Bill, Sir. The next person to speak is the Gentleman from Cook, Representative Piel."

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

Speaker Breslin: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'nos' have it, and the main question is not put. The next Lady to speak is the Lady from Cook, Representative Braun."

Braun: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. In response to a question put earlier to Representative Vinson as to whether or not the City of Chicago supports this legislation, the very clear answer is no. Unequivocally, the city does not support this legislation. In answer to the second question that was

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asked of Representative Vinson, over the question of whether or not the word he meant was comity, C-O-M-I-T-Y, might I suggest this Bill is municipal comedy, C-O-M-E-D-Y."

Speaker Breslin: "There being no further discussion, the question is, 'Shall... Representative Vinson to close.'"

Vinson: "Madam Speaker, Members of the Assembly, I would just point out that it's extremely unlikely that Representative Braun is speaking for the majority and the city council, and I would urge an 'aye' vote to... because the majority and the city council is probably right."

Speaker Breslin: "The question is, 'Shall House Bill 1906 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 55 voting 'aye', 59 voting 'no', and 4 voting 'present'. This Bill... Representative Vinson, for what reason do you rise?"

Vinson: "Poll the absentees, please."

Speaker Breslin: "Mr. Clerk there... or Mr. Vinson, there are no absentees. This Bill, having failed to receive the necessary majority, is hereby... Representative Vinson."

Vinson: "Postponed consideration."

Speaker Breslin: "The Gentleman asks leave for postponed consideration. Representative Cullerton."

Cullerton: "I do not wish a verification."

Speaker Breslin: "Very good. This Bill will be placed on the Order of Postponed Consideration. House Bill 1912, Representative Johnson. Is the Gentleman in the chamber? Clerk, read the Bill. Representative Greiman in the Chair."

Clerk O'Brien: "House Bill 1912, a Bill for an Act to amend Sections of the Illinois Funeral and Burial Funds Act.

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Third Reading of the Bill."

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

Johnson: "I would ask leave to return this Bill to the Order of Second Reading for the purpose of an Amendment."

Speaker Greiman: "The Gentleman asks leave of the House to return the Bill to the Order of Second Reading for purpose of Amendment. The Gentleman has leave. The Bill is on Second Reading. Mr. Clerk, any Amendments?"

Clerk O'Brien: "Amendment #1, offered by Representative Mays."

Speaker Greiman: "The Gentleman from Quincy, Mr. Mays."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 basically fulfills a commitment that I made to the Members of the Executive Committee when we considered this Bill for... for its passage several weeks ago. That commitment stated simply that we would hold the Bill and not call for a Third Reading vote until we signed off with an Amendment by the Comptroller's Office. Amendment #1 satisfies the Comptroller's concerns, and it is for that reason that I offer it for consideration."

Speaker Greiman: "The Gentleman from Adams has moved for the adoption of Amendment #1 to House Bill 1912, is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' Yes, Mr. Brookins."

Brookins: "Yes. May... will the Sponsor yield for a question?"

Speaker Greiman: "He will yield for questions, yes."

Brookins: "Mr. Mays, what do the Amendment do?"

Mays: "What?"

Brookins: "What do the Amendment do?"

Mays: "Representative, as you may recall during the Committee Session there were... there were some concerns as to the Comptroller's Offices to the Federal Deposit Insurance requirements, as well as many other requirements on the

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trust accounts that this Bill would set up. For that reason, I made the commitment to the Executive Committee Members that those reservations would be addressed in an Amendment before we would consider the Bill on Third Reading. The Amendment #1 was drafted by the Comptroller's Office to take care of those concerns that he had. It is his Amendment, and it... it basically takes care of those concerns."

Brookins: "Thank you. No problem."

Speaker Greiman: "The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Mr. Johnson, the Gentleman from Champaign, moves to waive Rule 37(c) so that the Bill may be immediately considered. Does the Gentleman have leave to use the Attendance Roll Call? He has leave. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1912, a Bill for an Act to amend Sections of the Illinois Funeral and Burial Funds Act. Third Reading of the Bill."

Speaker Breslin: "The Gentleman from Champaign, Mr. Johnson, on House Bill 1912."

Johnson: "Thank you, Mr. Speaker and Members. I believe this Bill as amended has removed the opposition of... it has of any of the people that it might have mildly opposed it. As amended, this simply amends Chapter 111.5 to permit trust funds in burial trust situations to be deposited at the option of the... of the to be decedent in banks located in an adjoining state and within 50 miles of the border of this state so long as a whole series of requirements are met. It's primarily applicable to those of you who have

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districts that adjoin other states, and people who sometimes move across the statelines and want to have their funeral in an Illinois funeral home."

Speaker Greiman: "The Gentleman from Champaign moves for the passage of House Bill 1912, and on that is there any discussion? The Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, will the Sponsor yield?"

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

Cullerton: "I've been curious about this Bill. What's the... what's the deal here?"

Johnson: "You know, there's no hidden agenda here. What you see is what you get. There... simply this, we haven't... my district borders on Indiana. A number of times, people who lived, for example, in Hoopeston, Illinois establish burial trusts so that funeral homes in Hoopeston, Illinois can do their... do their services when they're... when they're deceased. They often times move across the border to live with their children across the line and so forth and set up this trust with a bank as the trustee. The problem is an oversight in Illinois law says that you can't do that, and so that a number of funeral homes on borders, Wisconsin, Iowa, Minnesota... not Minnesota, Missouri are losing business."

Cullerton: "I see... so, this... so, this Bill could be... is this part of DCCA's package to encourage people to come back to Illinois? I thought... don't we have a slogan? Isn't this a happy state? Happy state to be buried in."

Johnson: "Yes, I never thought about that. I think... I... you know, you've added a new dimension to this Bill, and I think that's something..."

Cullerton: "Come home Illinois, or something like that."

Johnson: "Right. No, I appreciate the comments, and they're well taken. You know, I agree with you and..."

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Cullerton: "Well, I think we should support it. I thought it was some kind of a deal to help out banks out-of-state, but it's not. It's to make people... encourage people to be buried in Illinois."

Johnson: "No. Exactly, and encourage Illinois funeral homes to make money."

Cullerton: "Alright. Thank you."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 90... there are 104 voting 'aye', 7 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading, Banking, appears House Bill 1963. Mr. Clerk.

Clerk O'Brien: "House Bill 19..."

Speaker Greiman: "Yes, excuse me. Mr. Johnson, for what purpose do you seek recognition?"

Johnson: "You've ruined a great joke. I was going to say that the 7 'no', and 1 'present' votes up there were making a grave error."

Speaker Greiman: "Yes. Alright. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1963, a Bill for an Act to amend the Probate Act. Third Reading of the Bill."

Speaker Greiman: "Yes, the Gentleman from Marion on House Bill 1963."

Friedrich: "Mr. Speaker, I'd like to return this to the Order of... of Second Reading for purpose..."

Speaker Greiman: "The Gentleman asks leave of the House to return the Bill to the Order of Second Reading. Does the Gentleman have leave? Leave is granted. Mr. Clerk, any

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Amendments?"

Clerk O'Brien: "Amendment #3, offered by Representative Friedrich."

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

Friedrich: "I'd like to withdraw Amendment #3."

Speaker Greiman: "Amendment #3 withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by..."

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

Friedrich: "I'd like to move for the adoption of Amendment #4.

This was proposed to clear up some ambiguity in the thing, as a matter of fact on your suggestion, Mr. Speaker."

Speaker Greiman: "The Gentleman moves for the adoption of House Amendment #4 to House Bill 1963, and on that is there any discussion? The Gentleman from Cook, Mr. Bowman."

Bowman: "A question of the Sponsor. In the original... well, would you explain Amendment #4 a little bit more? I didn't catch your explanation."

Friedrich: "Well, actually Amendment #4 was... is identical to #3 except for a phrase, 'as an entity', was taken out at the request of... suggest of Representative Greiman, and I think it removed his objection."

Bowman: "Okay. I didn't have an explanation of Amendment #3 in my materials."

Friedrich: "Number 4 is identical, except that phrase has been taken out."

Bowman: "Okay. Thanks."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall Amendment #4 be adopted?' In favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment #4 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

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

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Friedrich, moves to suspend Rule... House Rule 37(c) so that the Bill may be considered immediately. Does the Gentleman have leave for the use of the Attendance Roll Call? The Gentleman has leave. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1963, a Bill for an Act in relation to common trust funds. Third Reading of the Bill."

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

Friedrich: "Mr. Speaker, Members of the House, this is a Bill given... a Bill given to me by the Commissioner of Banks, Bill Harris, and it makes several changes in the manner of handling descendant's estate or ward's estate. And updates it to provide for investment in common trust funds. It still... the Amendment did take care... from the original Bill, and leaves the prudent man provision in it. There was also another Amendment which provided that... that the person who handled the trust could keep reasonable amount of money back for the operation of the trust. I think it meets all of the objections that were originally provided for. If there's any question, I'd be glad to try and answer them."

Speaker Greiman: "The Gentleman from Marion moves for the passage of House Bill 1963, is there any discussion? The Gentleman from Cook, Mr. Bowman."

Bowman: "Thank you, Mr. Speaker. If I understand you correctly... correctly, Dwight, if this Bill passes, the prudent man rule will remain intact under..."

Friedrich: "Yes, it will."

Bowman: "Thank you very much."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On

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this question, there are 112... 116 voting 'aye', none voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading, Banking, appears House Bill 2205. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2205, a Bill for an Act to amend the Trust and Trustee Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Livingston, Mr. Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill amends the state's Trust and Trustee Act and provides that any company which accepts and executes trust, conducts trust business and carries on trust operations in more than one city or town shall be required to make only one deposit of security with the commissioner, and it shall be a deposit which will represent the town with or the city with the highest population. This was approved overwhelmingly in Committee, and I would ask for its approval here."

Speaker Greiman: "The Gentleman from Livingston moves for the passage of House Bill 2205, and on that is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor say 'aye'... vote 'aye', those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'aye', none voting 'no', 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby... Braun, 'aye'. On this Bill there are 113 voting 'aye', none voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading, Banking, appears House Bill 2362. Mr. Clerk, read the Bill."

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Clerk O'Brien: "House Bill 2362, a Bill for an Act concerning minority owned financial depositories. Third Reading of the Bill."

Speaker Greiman: "The Lady from Cook, Miss Flowers."

Flowers: "Mr. Speaker, I would like to return 2362 from Third Reading to Second Reading for the purpose of an Amendment."

Speaker Greiman: "The Lady from Cook, Miss Flowers, asks leave of the House to return the Bill to the Order of Second Reading for the purpose of Amendment. Does the Lady have leave? She has leave. Mr. Clerk, are there any Amendments to House Bill 2362?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Flowers."

Speaker Greiman: "The Lady from Cook, Miss Flowers, on Amendment #2."

Flowers: "This Amendment, Sir, would clarify that the legislation in regards to the requirements made of the State Treasurer specifically, the State Treasurer may at his discretion accept a proposal by eligible institutions which provide for a reduced rate of interest provided that such institutions document the use of deposit funds for community economic development. And I move for the adoption, Sir."

Speaker Greiman: "The Lady from Cook, Miss Flowers, moves for the adoption of Amendment 2 to House Bill 2362, is there any discussion? The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. I rise in opposition to the Amendment because the potential abuse with the Amendment could be very great. If the State Treasurer has the discretion at anytime to accept a lower interest rate than the market would dictate in order to make deposits in some preferred bank, the potential for abuse is enormous. Now, I have no doubt that

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our current State Treasurer would not abuse the authority. He's an honorable man, and I would not suggest in any fashion that he would misuse that authority. But the potential over a long period of time for abuse in this area is very great. I would just simply remind the Assembly that about 25 years ago a major scandle did occur with how state monies were handled in this state. I would think that it would be a mistake for this Assembly to authorize this kind of discretion at the open ended authority of the Treasurer, and I would urge a 'no' vote on the Amendment."

Speaker Greiman: "Further discussion? The Lady from Cook, Miss Braun."

Braun: "Thank you, Madam... Mr. Speaker, Ladies and Gentlemen of the House. I'm afraid Representative Vinson is addressing the Bill and not the Amendment. The Amendment is a clean-up Amendment that has been accepted and... by the industry, agreed upon by people who represent the Treasurer's Office as I understand it, and it is an Amendment designed to eliminate or at least curve the potential that Representative Vinson refers to. Specifically, is I... the Amendment changes the word... changes a word from 'minority' to 'eligible' so that you don't run into a problem with defining in terms of ownership, etcetera. Whether you vote for the Bill or not, the Amendment makes sense as an Amendment... as a technical Amendment to a piece of legislation, and Representative Vinson should really confine his remarks to the Bill or to the Amendment when it is presented so as not to wreak havoc and confusion on this floor."

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

Piel: "No, I turned my light off. I'm sorry, Mr. Speaker."

Speaker Greiman: "Alright. There being no further discussion, the question is, 'Shall Amendment #2 be adopted?' All in

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

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. The Lady from Cook, Miss Flowers, moves to waive Rule 37(c) so that this Bill may be considered at this time. Does the Lady have leave? There is objection. Miss Flowers moves to waive the provisions of Rule 37(c) so that this Bill may be heard at this time. All those in favor signify by voting 'aye', those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Yes, Mr. Vinson."

Vinson: "Never mind."

Speaker Greiman: "Mr. Clerk, take the record. On this question, there are 84 voting 'aye', 28 voting 'no', 2 voting 'present', and the Motion carries. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2362, a Bill for an Act concerning minority owned financial depositories. Third Reading of the Bill."

Speaker Greiman: "The Lady from Cook, Miss Flowers."

Flowers: "Mr. Speaker and Ladies and Gentlemen of the House... wait one minute. This legislation is vital to the economic development in many depressed areas of Illinois, for expansion and development of business. The most important component is the ability to borrow at a reasonable rate, but when the banks in the community don't have the funds to lend the business developers in the area have considerable difficulty in borrowing and since most of the state businesses programs require businesses to have loan commitment from a financial institution without available deposit, these developers are denied access to state businesses and incentive programs. I just want to add that

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this legislation is permissive, and I would urge an 'aye' vote. Thank you."

Speaker Greiman: "The Lady from Cook, Miss Flowers, moves for the passage of House Bill 2362, is there any discussion? The Gentleman from DeWitt, Mr. Vinson.

Vinson: "Thank you, Madam Speaker... Mr. Speaker. I'm sorry."

Speaker Greiman: "Whatever. Go ahead. Proceed, Sir."

Vinson: "I'd forgotten some of your early voting record. The devil made me do it, Mr. Speaker."

Speaker Greiman: "Your light will be cut off in a minute. Go ahead."

Vinson: "Members of the Assembly, I rise in opposition to this Bill. What this Bill permits is the Treasurer at his discretion to accept lower interest rates on public funds. If he thinks, that the... some bank is going to go fund a good project. I believe that that kind of discretion in the hands of a State Treasurer can lead to lending to preferred people of public money at low rates. It is... there is an enormous potential for abuse. There is the potential for abuse of the person, the... the political insider with a project working on a deal with the State Treasurer and with a bank so that the Treasurer can deposit the money into the bank, and the person can get that money at a low rate of interest, the political insider can do that. Secondly, you've got the potential for the State Treasurer to work out his deal in the background. Now, I want to categorically state that I believe Mr. Donnewald is an honorable man, and I am not concerned about any impropriety that he might commit. But this becomes the law of the State of Illinois and continues on for time in memorial. And the potential for abuse in the future is enormous. The political insider, the loss of money to the General Revenue Fund, and the potential for just the

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Treasurer himself to engage in defalcations. I would strongly urge a 'no'. I think this is most improper legislation. It should be rejected by the Body."

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

Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield to a question, please?"

Speaker Greiman: "Indicates that she will."

Piel: "Amendment #2, Representative, now that deleted or added to... you know, the area of... you know, the definition of minority owned business, did that delete that from the Bill? Would you turn around please?"

Speaker Greiman: "Yes, Miss Flowers."

Flowers: "It deleted it from the Amendment, yes, Sir."

Piel: "Okay. If it deleted it from the Bill, what is the genesis now as the Bill stands, or what is the purpose of the Bill stand? Because initially the Bill was to help minority businesses, but if this is not stated in the Bill, you know what is the... you know, where you are coming from as far as the Bill is concerned?"

Flowers: "The purpose of the Amendment, Sir, as well as the Bill is to help any eligible bank in any community as opposed to dealing with a downtown bank. We're talking about community banks here..."

Piel: "Okay. Okay."

Flowers: "... in your community, as well as in mine."

Piel: "Okay. But basically what you are doing, you are giving the State Treasurer discretion on... you know, say in the rates of the funds, correct?"

Flowers: "Pardon me?"

Piel: "You are setting... you are giving the discretion to the State Treasurer as far as the rate setting of the funds, correct?"

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Flowers: "No, Sir."

Piel: "Okay, then do you want..."

Flowers: "Oh, yes... yes. I'm sorry. You're correct. I'm sorry."

Piel: "Okay. I thought maybe I was looking at different Bill there for a second. Do you understand how the State Treasurer deals with these institutions when it comes to depositing of funds?"

Flowers: "What is the point, Sir?"

Piel: "Do you... pardon me?"

Flowers: "What is the point? What is... what is..."

Piel: "I'm asking you a question. That's the point."

Flowers: "Yes, I understand it."

Piel: "Okay. Alright. Now, getting back to this, the way that the State Treasurer does this, and you say you know this, the State Treasurer contacts the banks stating that we have funds, so many million dollars available, and I mean this is not where he picks out, willy nilly, one or two banks statewide. It's not the downtown banks. This is banks statewide stating that we have. Are you willing to bid on these funds? So, it is not a situation to where he can sit here and say, okay, bank A, you have to give me a figure of X figure, bank B, you have to give me a figure... a figure at... X figure. That is the problem that you're running into with this Bill. That is the reason that the Illinois Bankers' Association opposes this. Because you..."

Flowers: "Excuse me. You're... you're incorrect. The Illinois Bankers' Association does not oppose this... oppose this Bill as amended. That is the purpose of Amendment #2."

Piel: "I'm sorry. I'm sorry. I disagree with you, but moving on. The way that deposits are stated in the state... I'll tell you what, I don't need to... I don't have any more questions, so to the Bill, Mr. Speaker."

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Speaker Greiman: "Proceed."

Piel: "Thank you. Moving on, Mr. Speaker, what... the way the deposits are taken from banks in the state, the Treasurer contacts the different institutions in the state, stating that they have X number of dollars to invest in the State of Illinois, Ladies and Gentlemen, asking them what figure they are going to bid. The comptroller of each bank takes a look at their portfolio. One, decides if they want any funds in that area, and two, what rate... what is the going rate at that time. Okay. Now, what this Bill is basically stating is that the Treasurer can sit here and offer reduced rates to different institutions. That to me is wrong. It is dead wrong, and I would ask for a 'no' vote on 2362."

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

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Representative Flowers, would you yield for a question?"

Speaker Greiman: "Indicates she will."

Bullock: "Representative Flowers, does the Treasurer of the State of Illinois, Mr. Donnewald, support this Bill?"

Flowers: "Yes, Sir."

Bullock: "Representative Flowers, it's your understanding that the Treasurer would maintain discretion as it relates to the letting of these bids, and of course, he's obligated by his constitutional statutory obligations under the prudent rule, is that your understanding?"

Flowers: "Yes, Sir."

Bullock: "Mr. Speaker and Ladies and Gentlemen of the House, the fact of the matter is, the Bill is permissive. It is supported by the Treasurer. Representative Vinson is certainly to be commended. He has stated his pryncionics, and he is correct as it relates to the prudent policies of

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the Office of Treasurer, whether it's the state, municipal government, or county government. All of those officers are required to be prudent when it comes to the taxpayers' deposit, but the fact of the matter is, and I'm sure that Representative Vinson would not want to say that either party has a patent on influence. Regardless of who the Treasurer is, you have friends and pals, and that's just a human element. We cannot remove the human element from any office. Whether it's the Governor, the Secretary of State, the Treasurer, the Mayor, there's a human element. We can't legislate that human element. But what the Lady is attempting to do here... the Lady is attempting to benefit small and medium sized financial institutions. Representative Piel is correct. It does not matter whether or not you are a minority owned institution or whether you're a small institution. The same rule applies. It's a good Bill. It should be passed. It will enable small banks, banks of 13 million dollars, 12 million dollars, 10 million dollars, all of those institutions under 25 million dollars. It, yes, would give them special consideration, but I don't think that's bad. The majority of the communities across Illinois deal with financial institutions that are in the 25 million dollar range, and those institutions are good community citizens. They help those communities. They cannot help those communities if they don't have access to the deposits, and yes, it's good sound state policy to place public dollars in small institutions. It's a good Bill. It shouldn't receive one 'no' vote. Let's disregard the posturing of historicions, and give the Lady an 'aye' vote."

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

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I am absolutely shocked that the Gentleman from

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DeWitt can rise up and express opposition to a Bill which gives discretion to the State Treasurer. I think that you've all heard the rumor that I have heard that Representative Vinson wants to leave us. He wants to leave us, and he may want to run for our State Treasurer himself, or as he says, State Treasurer... State Treasurer. And I'm sure that he will be as successful as some of his predecessors such as, Cal Skinner and John Castle and John Daily and George Burditt and Ray Page, but you never know. Lightning might strike, and this man may actually be the Treasurer. And I... and I suspect that when he's the Treasurer, he'll be coming in with this Bill himself asking us to pass it. So, I think we should pass it for him right now."

Speaker Greiman: "Mr. Mc... excuse me, Mr. Vinson, you had already spoken in debate. Did you want to say something? I suppose your name was mentioned, and you feel defamed. Proceed, Sir."

Vinson: "I'll be brief. I'll just say that anybody that votes for this Bill now won't get any such loan."

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

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

Speaker Greiman: "The Gentleman from St. Clair moves that the previous question be put. All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the previous question will be put. Ms. Flowers to close."

Flowers: "Mr. Speaker and Members of the House, I would really appreciate a favorable vote on this. Thank you."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Miss Braun, one minute to explain your vote."

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Braun: "Thank you very much. Ladies and Gentlemen, with interstate banking right around the corner if you represent small communities you ought to vote for this Bill, because one of these days you're going to need to have some protection for those small banks, that the people out in California and the people from New York are looking to gobble up. At some point, this Bill will help your communities as well, and I appreciate your 'aye' vote."

Speaker Greiman: "Mr. Huff, one minute to explain your vote. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 73 voting 'aye', 42 voting 'no', 3 voting... And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading, Banking, appears House Bill 2441. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2441, a Bill for an Act to amend an Act in relation to community currency exchange and ambulatory currency exchanges. Third Reading of the Bill."

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

Hastert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2441 is a Bill that provides that stockholders of a corporation that are applying for a license for a currency exchange complete portions of the application for such exchanges. This brings the rules of the Department of Financial Institutions into statute. It also provides that the minimum service requirement is intended... is intended for anybody applying for this application. And it has a change in the bonding requirement to make the statutes consistent."

Speaker Greiman: "The Gentleman from Kendall has moved for the passage of House Bill 2441, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All

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in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 voting 'aye', none voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Now, Ladies and Gentlemen, we are going to take some Bills that are on the Special Consent Calendar on page 37 that require Amendment, and I will be calling them slowly so that you can follow them. It covers several... 5 or 6 pages. I would also like to advise the Body of an interesting statistic. On the day before the last day of Third Readings in the House in 1983, there were on the Calendar 300... 300 Bills... 314 Bills. There are when we started this morning on this Calendar 725 Bills. So, we have a few more Bills to consider than we had two years ago. I... I don't mean to intimidate debate, but I just advise you of the massive amount of work we have to do. Thank you for your cooperation. Now, on Special Consent Calendar, Second Reading, appears... Bills to be returned to Second Reading on page 37 of the Calendar, appears House Bill 434, Mr. Berrios. Yes, for what purpose does the Gentleman from Marion, Mr. Friedrich, seek recognition?"

Friedrich: "Point of inquiry, Mr. Speaker. Will a Bill that's on this Order if it's amended, stay on that Order unless it's removed by..."

Speaker Greiman: "Yes, we'll ask leave, and if leave is granted it will stay on that Order, yes. Alright. On the Order of Special Consent Calendar page 38, appears House Bill 522, Mr. O'Connell. The Gentleman from Cook, Mr. O'Connell, asks leave to return House Bill 522 to the Order of Second Reading for the purpose of Amendment. Does the Gentleman have leave? The Gentleman has leave. Mr. Clerk, are there

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any Amendments?"

Clerk O'Brien: "Amendment #2, offered by Representative O'Connell."

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

O'Connell: "Thank you, Mr. Speaker. Amendment #2 deletes the provision in the Bill that... which makes it a crime to lure a child which... who is identified as anyone under the age of 16 into an automobile. The original Bill had language as to an attempt would also be a class 4 Felony. The Amendment deletes reference to the attempt, and in affect, makes the crime simply one of luring a child into a car. The affect of the Amendment is to make it consistent with other provisions of the Criminal Code, which do differentiate between the commission of a crime and an attempt to commit a crime. This Amendment came out of a suggestion in the House Judiciary Committee, and I'd ask for its favorable adoption."

Speaker Greiman: "The Gentleman from Cook moves for the adoption of Amendment #2 to House Bill 522, is there any discussion? Being none, the question is, 'Shall this Amendment be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendment?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Does the Gentleman have leave of the House for this Bill to remain on the Order of Special Consent Calendar? The Gentleman has leave, and it will be so ordered. On the Order of Special Consent Calendar, appears House Bill 1109 on page 38 of the Calendar. Mr. Wolf. The Gentleman from Cook, Mr. Wolf, moves to return this Bill to the Order of Second Reading for the purpose of an Amendment. The Gentleman has leave. Mr. Clerk, read the Bill."

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Clerk O'Brien: "Amendment #1, offered by Representative Wolf."

Speaker Greiman: "The Gentleman from Madison, Mr. Wolf."

Wolf: "Thank you, Mr. Speaker and Members of the House. Amendment #1 to House Bill 1109 simply shortens the time in which deputy registrars must turn in their registration material. Basically, House Bill 1109 changes the number of days prior to the election in which voters can be registered from 35 to 28. There is a provision in this statute which says that they have an additional period of 7 days within which to turn in registration material. Since we have changed the number of days from 35 to 28, we have now stating in Amendment #1 that registration material must be turned in on the day following the close of registration. I ask for its adoption."

Speaker Greiman: "The Gentleman from Madison moves for the adoption of Amendment 1 to House Bill 1109. On that is there any discussion? There being none, the question is, 'Shall Amendment #1 be adopted?' In favor say 'aye', opposed 'no'... 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 #2, offered by Representative Wolf."

Speaker Greiman: "The Gentleman from Madison, Mr. Wolf, on Amendment #2."

Wolf: "Thank you, Mr. Speaker. Amendment #2 makes a provision in the Bill whereby an organization that has a number of registrars can appoint one individual... excuse me just a second. They can appoint one individual as the coordinator subject to the approval of the county clerk. Then that individual would have the authority to collect registration materials for all of the registrars within that organization and return those to the county clerk. It also

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sets up a procedure for individuals who change or move from one location to another to change their registration in which they must turn into the new place of voting, their triplicate copy of their registration. The county clerk then would inform the previous voting registration area of that cancellation notifying them of the change of location. I ask for adoption of Amendment #2."

Speaker Greiman: "The Gentleman from Madison, Mr. Wolf, moves for the adoption of Amendment 2 to House Bill 1109, is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Mr. Wolf, the Gentleman from Madison, requests leave of the House for this Bill to remain on the Order of Special Consent Calendar and for the Bill to be heard today pursuant to Rule 3... by waiving Rule 37(c). Does the Gentleman have leave? Leave is granted. So, it will be so ordered. On the Order of Special Consent Calendar, appears House Bill 1683 on page 40. Miss Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. May I please have leave to return House Bill 1683 to Second Reading for purpose of an Amendment?"

Speaker Greiman: "The Lady from DuPage moves for the... or asks leave of the House to return this Bill to the Order of Second Reading for purpose of an Amendment. Mr. Clerk... Leave is granted. And Mr. Clerk, read the Bill."

Clerk O'Brien: "Amendment #1, offered by Representative Cowlshaw."

Speaker Greiman: "The Lady from DuPage, Miss Cowlshaw, on Amendment 1."

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Cowlshaw: "Thank you, Mr. Speaker. I'm sorry for the delay. Amendment #1 simply deletes one word from the Bill. It deletes the word, 'friable', as the adjective having to do with asbestos. It is apparent that the asbestos would not necessarily be friable at the time that it was installed in the building. That is absolutely all the Amendment does, and I ask for its adoption."

Speaker Greiman: "The Lady from DuPage moves for the adoption of Amendment 1 to House Bill 1693, is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. The Lady from DuPage, Miss Cowlshaw, asks leave of the House for this Bill to remain on the Order of Special Consent Calendar, and for the Bill to be heard on this day. Does the Lady have leave? She has leave, and it's so ordered. On the Order of House Bills Special Consent Calendar, appears... 1765 on page 40. Mr. O'Connell. Mr. O'Connell moves to return this Bill to the Order of Second Reading for the purpose of an Amendment. Mr. Clerk, are there any Amendments? So ordered. Mr. Clerk, any Amendments?"

Clerk O'Brien: "Amendment #2, offered by Representative O'Connell."

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

O'Connell: "Thank you Mr. Speaker. Amendment #2 is a technical Amendment to conform with Amendment #1 which reduced the fine... the penalties that is from a Class 3 Felony to a Class A Misdemeanor. A Class A Misdemeanor consists of theft over the amount of 150, and the original Bill

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provided for an amount of 300. So, the Amendment #2 simply makes the \$150 language consistent with a Class A Misdemeanor. It's actually under \$150."

Speaker Greiman: "The Gentleman from Cook, Mr. O'Connell moves for the passage... for the adoption of Amendment 2 to House Bill 1765, is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendment?"

Clerk O'Brien: "No further Amendment."

Speaker Greiman: "Third Reading. The Gentleman from Cook, Mr. O'Connell, asks leave of the House for this Bill to remain on the Order of Special Consent Calendar and for the Bill to be heard this day. The Gentleman has leave, and it will be so ordered. On the Order of House Bills Second... Special Consent Calendar, appears House Bill 1785. Mr. Keane. Mr. Keane moves to return this Bill to the Order of Second Reading with purpose of an Amendment. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "Amendment #1, offered by Representative Keane."

Speaker Greiman: "The Gentleman from Cook, Mr. Keane, on Amendment #1."

Keane: "Thank you, Mr. Speaker. Amendment #1 just clarifies the intent of the Bill. It indicates that all salaries must be listed, and also says that all payments over \$1,000 be reported. And that's all the Amendment does."

Speaker Greiman: "The Gentleman from Cook, Mr. Keane, moves for the adoption of Amendment #1 to House Bill 1785, is there any discussion? There being none, the question is, 'Shall Amendment 1 be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment is adopted. Further Amendments?"

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Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Mr. Keane, the Gentleman from Cook, moves for leave of the House for this Bill to remain on the Special Consent Calendar and for the Bill to be heard this day. Does the Gentleman have leave? The Gentleman has leave, and it will be so ordered by the Attendance Roll Call. Yes, on the Special Consent Calendar on page 40, appears House Bill 1828. Mr. Steczo. Mr. Steczo, the Gentleman from Cook, moves that House Bill 1828 be returned to the Order of Second Reading for the purpose of an Amendment. Does the Gentleman have leave? He has leave. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "Amendment #2, offered by Representative Steczo."

Speaker Greiman: "The Gentleman from Cook, Mr. Steczo, on Amendment #2."

Steczko: "Thank you, Mr. Speaker, Members of the House. Amendment #2 is... is in the exact same form as Amendment #1 which was withdrawn. Amendment #1 was withdrawn because we thought there was a technical problem which has been resolved. Amendment #1 conforms to the memorandum of understanding by the Governor between the environmental protection agency and the fire marshal on underground storage tanks. The Amendment creates an orphan underground storage tank fund. It provides a registration fee of \$5 per tank as of July 1, 1986. After which, a registry which has been mandated by the Federal Government will... will have been completed and will determine how many such tanks there are in the State of Illinois. I would move for the adoption, Mr. Speaker, of Amendment #2."

Speaker Greiman: "The Gentleman from Cook moves for the adoption of Amendment #2 to House Bill 1828, is there any discussion? There being none, the question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', those

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opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Mr. Steczo, the Gentleman from Cook, asks leave of the House for this Bill to remain on the Order of Special Consent Calendar, and for the Bill to be heard today. Does the Gentleman have leave to use the Attendance Roll Call? The Gentleman has leave, and it is so ordered. On the Order of House Bills, Special Consent Calendar, appears House Bill 1989, Mr. Leverenz. Mr. Leverenz, the Gentleman from Cook, moves... asks for leave of the House to return this Bill to the Order of Second Reading for the purpose of an Amendment. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "Amendment #1, offered by Representative Leverenz."

Speaker Greiman: "The Gentleman from Cook, Mr. Leverenz, on Amendment #1."

Leverenz: "Thank you, Mr. Speaker. Amendment #1 would provide, as we promised to the Committee, the parcels by legal description that the County of Cook, the forest preserve area that are known as, splinter pieces of property, would be allowed to be sold, and the first choice, of course, would go to the municipality. This contains the legal descriptions of the 30 parcels of property. I would move for the adoption of the Amendment."

Speaker Greiman: "The Gentleman from Cook moves for the adoption of Amendment 1 to House Bill 1989, is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendment?"

Clerk O'Brien: "No further Amendment."

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Speaker Greiman: "Third Reading. The Gentleman from Cook, Mr. Leverenz, asks leave of the House for this Bill to remain on the Order of Special Consent Calendar, and for the Bill to be heard today. Does the Gentleman have leave to use the Attendance Roll Call? He has leave, and it's so ordered. On the Order of House Bills Special Consent Calendar, appears House Bill 1924. Mr. Stephens. Mr. Stephens, the Gentleman from St. Clair, moves that this Bill... asks leave of the House to return this Bill to the Order of Second Reading. Does the Gentleman have leave? Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Stephens."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Stephens, on Amendment #2."

Stephens: "Mr. Speaker, I request leave to table Amendment 1."

Speaker Greiman: "The Gentleman asks... Mr. Stephens, the Gentleman from St. Clair, moves to table Amendment #1 to House Bill 1924, and on that is there any discussion? There being none, the question is, 'Shall Amendment #1 be tabled?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is tabled. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Stephens."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Stephens, on Amendment #2."

Stephens: "Amendment #2 corrects errors found in Enrolling and Engrossing that were in Amendment #1, and I move for its adoption."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Stephens, moves for the adoption of Amendment #2 to House Bill 1924, and on that is there any discussion? There being none, the

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question is, 'Shall this Amendment be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. The Gentleman from St. Clair, Mr. Stephens, asks leave of the House for this Bill to remain on the Order of Special Consent Calendar, and that the Bill be heard on this day. Does the Gentleman have leave to use the Attendance Roll Call. He has leave. Leave is granted. It is so order. On the Order of House Bills Special Consent Calendar, appears House Bill 2286. Mr. Kirkland. The Gentleman from Kane, Mr. Kirkland, on House Bill 2286. Asks leave of the House to return this Bill to the Order of Second Reading. Does the Gentleman have leave? Leave is hereby granted. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "Amendment #... Amendment #1, offered by Representative Kirkland."

Speaker Greiman: "The Gentleman from Kane, Mr. Kirkland, on Amendment #1."

Kirkland: "Thank you, Mr. Speaker. We just wanted to soften the affect of this Bill somewhat by requiring... let's see... that... that boards pay for medical letters they request for sick leave only after sick leave has occured for three days rather than immediately. I ask for adoption of the Amendment."

Speaker Greiman: "The Gentleman from Kane, Mr. Kirkland, moves for the adoption of Amendment #1 to House Bill 2286, is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

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Clerk O'Brien: "No further Amendments."

Speaker Greiman: "The Gentleman from Kane, Mr. Kirkland... Third Reading. The Gentleman from Kane, Mr. Kirkland, asks leave of the House for this Bill to remain on the Order of Special Consent Calendar, and for the Bill to be heard this day. Does the Gentleman have leave to use the Attendance Roll Call for that purpose? The Gentleman has leave. It will be so ordered. Ladies and Gentlemen, it is the intention of the Chair to now vote on the Special Consent Calendar. The procedure will be as follows, each of you firstly is being... is receiving a special Consent Calendar vote change. We will after the vote has been taken by the mechanical machine close the vote, but the vote will not be declared. We will return to this Order at 5 o'clock or so, but not before. During the interim period, you may cast a vote which would indicate 'no', 'yes', or 'present'. And thereafter, that vote will be tallied so that at 5 o'clock or whenever we call this again, the Clerk will have an accurate count on the number of Bills... number of votes which each Bill on the Special Consent vote... Calendar has received. If the Bill has received the appropriate Constitutional Majority, we will at that time declare the Bill passed having received a Constitutional Majority. If the Bill receives less than that because of the changes in votes, we will declare those Bills placed on the Order of Postponed Consideration. However, it is understood that for those Bills that are of the Special Consent Calendar which do not receive a Constitutional Majority and are placed on the... on the Postponed Consideration Calendar, they will be accorded a hearing so that they will have an opportunity like other Bills have had. Are there any questions that anyone might have? Miss Frederick, the Lady from Lake."

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Frederick: "Mr. Speaker, it was my understanding that the Chair was going to allow the Amendment to be placed on House Bill 493 at this time."

Speaker Greiman: "Oh, you have another Amendment to place. Okay. Fine. We'll get to that before we do the voting part. Yes, Mr. Turner."

Turner: "Thank you, Mr. Speaker. I have a question. There's asterisks behind some of these Bills, what does that imply, or what is that to mean? And the second question is, if you..."

Speaker Greiman: "Well, let's answer your first question. It means that the Bill has been amended."

Turner: "Okay. And the second question, if you're voting 'yes' on most of them can you just mark the 'nos', or should you put 'yes' on every... can you just vote 'no'?"

Speaker Greiman: "Alright. So, yes the answer is this is to change your vote. I suspect that most will be voting 'yes'. So, that if you want to change your vote, mark that. But don't mark one which you're satisfied that your vote is appropriate."

Turner: "Thank you, Mr. Speaker."

Speaker Greiman: "So, you do not have to vote 'yes'... I mean mark it 'yes' on the vote change. Are there any further questions? Alright. The Lady... House Bill 2032 is removed from the Special Consent Calendar. The Lady from Lake, Miss Frederick, moves to... moves to return House Bill 493 to the Order of Second Reading for the purposes of an Amendment. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "Amend... Amendment #2, offered by Representative Virginia Frederick."

Speaker Greiman: "The Lady from Lake, Miss Frederick."

Frederick: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 amends the Hearing Aid Consumer Protection Act

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which we passed last year. Most of the changes in this Amendment are technical changes and were designed to conform to JCAR and the Department of Public Health. Basically, the Amendment provides for the education for recertification after a dispenser... hearing aid dispenser has been out of business for 5 years. It provides for temporary certificates and supervision of these persons who are requesting temporary certificates. It provides for appointment of a hearing officer in cases of nonrenewal of a certificate or refusal to issue a certificate. I move adoption of Amendment #2 to House Bill 493."

Speaker Greiman: "The Lady from Lake moves for the adoption of Amendment #2 to House Bill 493, and on that is there any discussion? There being none, the question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendment?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. The Lady from Lake asks leave of the House for this Bill to remain on the Order of Special Consent Calendar, and that the Bill be heard today. Does the Lady have leave for the Attendance Roll Call? She has leave, and it is so ordered. The Special Consent Calendar was previously read, accordingly the question is, 'Shall the Bills on the Special Consent Calendar pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. This is not quite final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'aye', none voting 'no', none voting 'present', and the vote totals passage or failure will be announced within 2 or 3 hours. Yes, we would like to have these in by 4 o'clock. So, you have 2 hours or an hour and a half

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to turn the Special Consent Calendar vote change. 4 o'clock. Return them by 4 o'clock. On page 17 of the Calendar on the Order of House Bills Third Reading, State Regulation, appears House Bill 298. Mr. Clerk, read the Bill."

Clerk O'Brien: "House..."

Speaker Greiman: "Out of the record. On the Order of House Bills Third Reading, State Regulation, appears House Bill 737. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 737, a Bill for an Act to amend Sections of the Liquor Control Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Dekalb, Mr. Countryman."

Countryman: "Thank you, Mr. Speaker. House Bill 737 amends the Dramshop Act, and as amended this Bill would essentially double the amounts recoverable under the Dramshop Act, which are presently 15,000 for personal injury, 15,000 for property damage, \$20,000 for loss of means of support. Those recovery amounts would be doubled to 30,000 for personal injury, 30,000 for property damage, and 40,000 for loss of means of support. It's my understanding that those amounts are accumulative and can be what they called stacked under the case law of this state. That that stacking provision would remain in affect with the Amendment on the Bill. The Amendment is one that was worked out with the... a number of the Dramshop carriers and a number of the people who have an interest in this, including the retail liquor people. And it does take away something, and I think this is important for the Members of this Assembly to know, it takes away a cause of action by the relative by blood or marriage of an intoxicated person for the loss of means of support. To make things clear, it does not take away that cause of action for... by relative

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for the other 2 potential causes of action that is personal injury and property damage, only for loss of means of support. This is a compromise, and has been worked out in the Committee structure with the various interest groups. I believe that it's a substantial step forward. I think it's a good piece of legislation now, because those people who are innocent and injured as a result of an intoxicated person will be able to recover a more realistic sum of money. Those people who are involved with the intoxication themselves have contributed in some ways to their own damage and detriment, and therefore, the parties claiming under them would be barred from a cause of action. And I'd encourage a favorable vote in this, and be happy to answer any questions. Thank you."

Speaker Greiman: "The Gentleman from Dekalb has moved for the passage of House Bill 737, and on that is there any discussion? The Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

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

Cullerton: "Representative Countryman, could you get a copy of Amendment #2, and look down on... on line... starting on line 23? I just wondered if you could explain this Section to me? It says, 'nothing in this Section bars any person from making separate claims which in the aggregate exceed anyone limit where such person encouraged more than one type of compensible damage including personal injury, property damage, and loss to means of support. However, all persons claiming loss to means of support shall be limited to and... and aggregate recovery not to exceed the single limitation'. I think... I'm just wondering if... first of all, if the words 'to means of the support' are suppose to be 'of means of support', or if that's a term of art or... just what does that whole Section... that

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sentence mean, you know?"

Countryman: "Well, before we get the 'to' to the 'of' let me say to you that ... that what the Section means is that, as I explained a few minutes ago, the stacking provision. That is if there's an occurrence in which say a person is killed as a result of an intoxicated person, a suit can be brought and recovery can be had for personal injury, property damage, and loss of means of support, and what that language is intended to mean is that they can stack those up. And under this Bill as written, it would be 20,000 for property damage, 20,000 for personal injury, and 40,000 for loss of means of support."

Cullerton: "Isn't it 30,000?"

Countryman: "30,000. Excuse me. The... the language with regard means that if you have the secondary language after it says, 'however', means that if you have 5 children and you are the victim, each one of those children might have a claim for loss of means of support. It means that collectively they only have one claim for a single limit of \$30,000 for one person. So, they could claim in essence the 3 different personal injury, property damage, loss of means of support. However, they can only make one claim for loss of means of support."

Cullerton: "Okay. And you'd like Enrolling and Engrossing to change words 'to' to 'of', and to strike the second 'and'."

Countryman: "That would appear to be correct."

Cullerton: "Right. Okay. Thank you. I agree with the Bill, and it's a fine compromise. Support it."

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

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

Speaker Greiman: "Indicates he will."

Mautino: "Representative Countryman, why do we need this Bill?"

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Countryman: "Well, Representative Mautino, I believe that we found over the years since, I think, 1954 when the Dramshop was last amended to its limits that inflation has played a great toll upon our society, and that the recovery for these damages is in a fairly low amount of money, and this was an attempt when we started out based upon the DUI Task Force recommendations to bring up those recoverable amounts to a more reasonable sum of money. In the process, we discussed this with the insurance carriers and the retail liquor people and the Association for Beer Distributors in an attempt to coming to an equitable solution that would... that would to our best... best of our ability leave their Dramshop premiums at what they believe to be the level that they are now. So, I believe it's a good Bill. It will help innocent people who are the victims of intoxicated persons, and by the same token it will eliminate a cause of action for those who contributed to the intoxication."

Mautino: "You're raising it 20, 30 and 40 thousand, if I remember correctly in your compromise, is that right? Currently, it's 20, you're raising it to 30 and then to 40, right?"

Countryman: "It's going... it's going... there's 3 causes of action, Representative. It's going to 30, 30 and 40."

Mautino: "Okay. Conversely, what is the increase... what do you think the increase will be on liability insurance for those coverages, double or triple the current rate?"

Countryman: "The man by the name of Christopher Klockau from Quad Cities area who represents and is the vice president of one of the major Dram carriers in the State of Illinois, informed me, Representative, that the premium should remain the same giving the concessions of this Bill contains with regards to the cause of action. Now, he made it clear to the people that were there at that meeting that he would not assure that, but given the concessions and other

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factors remaining the same, the premiums would not rise."

Mautino: "Well, with all due respect, my alerted colleague, I think the attorney in you has a very interesting evaluation when your doubling the limits, your doubling the award, and trying to tell me that the insurance rates are going to remain the same. That sounds very familiar to the malpractice provisions that we just went through with the doctors, and the attorneys, and the insurance companies as well. It just seems to me that that is rather inconceivable when you increase the awards, possible awards, that the insurance will not also, if not double, at least raise another 40 to 50 percent."

Countryman: "Well, I think you're missing the point, Representative Mautino. And the point is that a lot of these nuisance cases that are brought as a result of bar fights and other things that cost the carriers a great deal to defend, and a great deal of involvement, and sometimes rewards... awards against them are being eliminated as well as a... a particular important point is the people who are killed particularly in one car accidents their relatives by blood or marriage will not have a cause of action for loss of means of support. And that loss of means of support action has been the one that... that generally derives the largest number of causes of action. As a point, in fact, Representative, I had an accident occur in my district 2 or 3 weeks ago in which 2 people were killed, and I can see a couple of instances right there where cause of actions will be eliminated under the Bill as I've amended it. This Bill has a substantial concession to the liquor industry edit, and they've so indicated to me, and have so indicated that they have no opposition to the Bill. So, I really tell you that there's been a substantial compromise in here, and there's been give and take. And I think as the Bill is

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amended it has good points for all sides."

Speaker Greiman: "Further discussion? The Gentleman from Champaign, Mr. Johnson."

Johnson: "Representative Countryman, for purposes of legislative intent let me ask you this. There's three cases in Illinois, Sheppard versus Marsalia, Kelly versus Hues, and Fortner versus Norris, that deal with the ability of an injured person in the appropriate circumstances to stack the three elements of recovery. The 15 for personal injury, the 20 for loss of means of support, and the 15 for property damage, each of which would be... under this Bill would be doubled. Does this Bill do any damage or does it change the law at all based on those cases with respect to the ability of a plaintiff and others in the appropriate circumstances to stack those three majors of recovery?"

Countryman: "No, really on the contrary Representative Johnson. What it does is attempt to clarify that in a language that the stacking is permitted as the case law indicates and codify that."

Johnson: "When was the last time... I know... I'm sure... you probably addressed this already. When was the last time the Dramshop limits in Illinois were increased?"

Countryman: "I have been informed by others that it was 1954."

Johnson: "And let me ask you finally if this does anything to eliminate the immunity that taverns have... the Dramshop has, the exclusivity of the act, their inability to be sued at common law for negligence if this Bill passes?"

Countryman: "No, it does not. It preserves that intact."

Johnson: "Then this Bill does not speak to the question that the courts may speak to at some point of whether social hosts, noncommercial providers of alcoholic beverages, are or aren't liable on a common law theory for negligence in terms of these provisions... sale or giving of alcohol, and

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you don't intend the Bill to touch on that subject matter do you?"

Countryman: "No, it doesn't, Representative Johnson. It does not speak to that. I had another Bill which was placed in interim study that spoke to that issue."

Johnson: "Thank you very much."

Speaker Greiman: "Further discussion? Mr. Regan."

Regan: "Hello. Thank you, Mr. Speaker. Will the Sponsor leave?"

Speaker Greiman: "Indicates that he will."

Regan: "Just for a point of clarification would you please go over exactly what you're doing to keep the premiums level?"

Countryman: "We are eliminating a cause of action by... for loss of means of support by a relative either by blood or marriage of the intoxicated person."

Regan: "So, that means that a person that goes to a tavern, and he gets drunk, he's given too much alcohol goes out and runs into the side of train, his family has no recourse on the Dram Act."

Countryman: "That's correct. Well, he does have recourse under the personal injury and property damage. And there are instances where the funeral bill for instance is a family expense, there may be some potential in that instance. But for loss of means of support, there is no cause of action."

Regan: "I still... I have to strongly talk to the Bill. I believe that we're one of the very very few states that still have the Dram Act enforced here. I don't support the Bill at all. I think it's a double layer of coverage that should be eliminated, and I certainly don't think that the benefits should be increased. And I just have a funny feeling that if the Liquor Association and everybody concerned with the restaurant business would definitely oppose this Bill. I stand opposed."

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

Panayotovich: "Thank you, Mr. Speaker, will the Sponsor yield?"

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

Panayotovich: "Representative, could you tell me exactly who this Bill affects. What businesses? What type of businesses?"

Countryman: "Well, it would affect anybody who is in a Dramshop business right now, you know, a tavern, restaruant that serves alcoholic beverages. Anybody who sells alcoholic beverages at retail."

Panayotovich: "So, what we're doing is were increasing the cost of the Ma and Pa taverns, the neighborhood tavern, the family restaurants, all these places that we all go to. We are increasing their cost of business to stay in business by increasing the tax."

Countryman: "No, Representative, you haven't been listening obviously to my comments that we've negotiated this with the people who write this insurance, and that they've indicated that the premium levels should remain the same barring other factors in the insurance industry."

Panayotovich: "Well, I think I was listening, and I also heard you just say should, and are you going to guarantee me that the premiums are not going to go up?"

Countryman: "No, I will not guarantee you, but I would ask you to refer to your own Dram carriers if that's the instance. And I believe you... you are an operator. So, maybe it is. That these people have indicated that the Amendment, and the Amendment is one, by the way, that they suggested would make this acceptable to them and that barring other factors in the insurance industry, general rate increases and so forth, that these things... that the premiums should not go up. That's why I make it, that statement. I will make no guarantees for what the insurance industry does."

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

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Speaker Greiman: "Proceed, Sir."

Panayotovich: "Not having anybody... the idea within the Dramshop business... not being in the business and worrying about the little Ma and Pa taverns, the little neighborhood stores that we all frequent, the place we go into. I stand in opposition to this Bill, and I think everybody should take a look at it and see that we do not need to have to worry about raising the Dramshop limits."

Speaker Greiman: "The Gentleman from Madison, Mr. Wolf."

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

Speaker Greiman: "The Gentleman from Madison moves the previous question be put. All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the previous question be put. Mr. Johnson to close."

Johnson: "Mr. Speaker, Members of the House, Representative Countryman and others met at great lengths with all parties concerned... I say all parties. All the representatives of all parties concerned in this matter. And they have assured us with as much certainty as you can ever assure anyone that the new immunization of this Act will offset the increase in the rates, and there shouldn't be any increase. There... there... could even conceivably be a decrease in rates depending on the... on the circumstances of how this actuarially figures out. We did it because we had concern for the businesses of Illinois just as well as some of the previous speakers had. But this Bill or this law is such that Dramshop limits that compensate a family for the death of... of their family member, or to compensate somebody for serious bodily injury, which your limit is at \$15,000, and \$20,000 under current law, haven't been increased for 31 years. Now, I don't know what the consumer price index has done in 31 years, but I would guess that through the '50's and '60's and the early '70's

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the CPI probably has been up 3, or 4, or 5, or 6 times in that length of time. We haven't increased it at all. Everybody is concerned, as evidence by some of the other Bills that passed here, about drunk driving in Illinois. What we should do to detour the deaths and injuries and loss of family due to drunk drivers on the road, and we've approached it from the criminal side. But if you give people an economic disincentive as opposed to an incentive to be safe, we're going the wrong direction. And if we at least provide some sort of reasonable limits, and I suggest to you that a \$30,000 limit for somebody who won't walk again isn't a whole lot of money. I suggest to you that... that that's a very reasonable way of going about it. The original Bill and some previous Bills that increased it 10 times. This would simply increase it one time, or double it, over 31 years, and at the same time, eliminate a cause of action that's existed forever. We keep the immunization against common law liability. Representative Regan really has the idea. I'd love to repeal the Dramshop Act, and let people proceed on common law liability, but the tavern owners don't want that. They want to have their cake and eat it too. And they're really getting it with this Amendment. This is a fair Bill. It's something that's long over due, and at the same time it absolutely balances the interests of everybody involved. It's one that's been not thought of lightly. The Amendment and the Bill were drafted very carefully with input from all sides involved, and I think represent a fair compromise to everybody's interest, and I urge a 'yes' vote."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. This is final action. The Gentleman from DeWitt to explain his vote. Have all voted who wish? Have all voted

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who wish? Mr. Clerk... Yes, Miss Breslin, for what purpose... to explain your vote?"

Breslin: "Yes, please."

Speaker Greiman: "Proceed."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. I worked on this Bill in Subcommittee. When it was originally introduced, it increased liabilities 2, or 3, or 4 hundred times. We got this Bill down working with the tavern keepers and with many varied interests including the insurance industry, and they said that this is a Bill that will not impact adversely on their industry. They agreed to support this Bill. The whole concept behind Dramshop is that there is an injured party, somebody who has been injured because of drunk driving or whatever, because of the adverse influence of alcohol. The man... the tavern keeper has profited by selling someone the alcohol, and rather than have the injured party incur all of the expenses of the damage, they should share in it with a cap of \$30,000. I think it is a reasonable cap, especially considering the cost of health care today. The question is, should the negligent party and the tavern keeper share in the responsibility, or should... and what happens in many cases the... the injured party bear the whole loss. I think that is inappropriate. I think this Bill is a good Bill, and we ought to be sending it to the Senate."

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

Preston: "Thank you, Mr. Speaker. This is a good Bill. We just took away all that money from lawyers by the Malpractice Bill. Now, we got to give them back a little something with this Dramshop Bill. So, I think everybody should get on there and vote green."

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

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to explain your vote."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. No one forces anybody to go to a tavern to drink, and this Bill, if it passes, is going to hurt Ma and Pa's who are trying to make a living out there."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 60 voting 'aye', 33 voting 'no', 22 voting 'present'. The Gentleman from Cook, Mr. Panayotovich. Well, we'll get to you. Mr. Panayotovich, for what purpose to seek recognition?"

Panayotovich: "Verification of the affirmative, please."

Speaker Greiman: "And for what purpose do you seek recognition, Mr. Vinson?"

Vinson: "What did the Gentleman say?"

Speaker Greiman: "That Gentleman said, he wished to verify the Roll Call."

Panayotovich: "That's what I was going to do, but I'll..."

Speaker Greiman: "Alright. The Gentleman from Champaign, Mr. Johnson, asks for a Poll of the Absentees. Yes, Miss Pullen, for what purpose do you seek recognition?"

Pullen: "To change my vote to 'aye', please."

Speaker Greiman: "Miss Pullen goes from 'no' to 'aye'. Yes, poll the absentees. Excuse me. For what purpose does the Gentleman from Lake, Mr. Peterson, seek recognition?"

Peterson: "Mr. Speak... Mr. Speaker, please change my vote from 'no' to 'aye'."

Speaker Greiman: "Mr. Peterson, the Gentleman from Lake, goes from 'no' to 'aye'. Mr. Panayotovich."

Panayotovich: "Withdraw. Withdraw my Motion."

Speaker Greiman: "Mr. Panayotovich wishes to withdraw his request for a verification. The Lady from Cook, Miss Braun, for what purpose do you seek recognition? Miss Braun goes from

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'no' to 'aye'. The Gentleman from DeWitt, Mr. Vinson, in fairness to you, Sir. Are you seeking recognition? No. Alright. On this question, there are 63 voting 'aye', 30 voting 'no', 22 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Matijevich in the Chair."

Speaker Matijevich: "House Bill 1075, Oblinger. Clerk will read the Bill."

Clerk O'Brien: "House Bill 1075, a Bill for an Act to amend an Act relating to license and regulate the business of transit merchants. Third Reading of the Bill."

Speaker Matijevich: "The Lady from Sangamon, Representative Oblinger."

Oblinger: "Thank you, Mr. Speaker, Members of the House. This is a Bill that has to do with transit merchants. They are defined as people who sell from buildings, rooms, lots, or structures of any kind. And this Bill merely adds the word 'vehicle'. It appears that in a number of our downstate small towns, people are coming in from neighboring states with truckloads of furniture and other merchandise, selling it here and going back home. They don't pay any sales tax, of course, they don't pay any property tax. And our adjacent merchants are very upset with this practice that we've used. We've added one word, 'vehicle', to the Transit Merchant Act. I would ask for your affirmative vote."

Speaker Matijevich: "Representative Oblinger has moved for the passage of House Bill 1075, is there any discussion? Seeing none, the question is, 'Shall House Bill 1075 pass?' Those in favor signify by voting 'aye', opposed 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 117 'ayes', no nays'. And House Bill 1075, having received the

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Constitutional Majority, is hereby declared passed. House Bill 1083, Panayotovich. Clerk will read the Bill."

Clerk O'Brien: "House Bill 1083, a Bill for an Act to amend an Act in relation to licensing of private detectives, private alarm contractors, private security contractors. Third Reading of the Bill."

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

Panayotovich: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 1083 was given to me from the Department of Registration and Education. Cleans up the Act, the Private Detective and Private Security Act of 1983. It adds the term, 'private alarm', to the 1983 Act. It defines what a private alarm contractor is. It provides for fees to be deposited in escrow with R and E. It specifies the training for employees. I know of no opposition to the Bill, and I move for passage of House 1083."

Speaker Matijevich: "Panayotovich has moved for the passage of House Bill 1083. There being no discussion, the question is, 'Shall House Bill 1083 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 107 'ayes', no 'nays', 7 answering 'present'. House Bill 1083, having received the Constitutional Majority, is hereby declared passed. House Bill 1112, Ronan. Clerk will read the Bill."

Clerk O'Brien: "House Bill 1112, a Bill for an Act to amend Sections of an Act in relation to the law in relation to counties. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Al Ronan, on House Bill 1112."

Ronan: "Thank you, Mr. Speaker. I would like leave of the House

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to bring House Bill 1112 back for Second Reading for an Amendment."

Speaker Matijevich: "The Gentleman asks leave to return House Bill 1112 back to the Order of Second Reading for the purpose of an Amendment and use of the Attendance Roll Call for that purpose. Does he have leave? Leave is granted. Amendments?"

Clerk O'Brien: "Amendment #1, offered by Representative Ronan, amends..."

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

Ronan: "Thank you, Mr. Speaker. Amendment #1 is an agreement that we worked out between the real estate industry and the cable TV industry concerning the right of access to properties, primarily in the City of Chicago. I'll be glad to answer any questions about the Amendment, and I move for its adoption."

Speaker Matijevich: "Representative Ronan moves the adoption of Amendment #1 to House Bill 1112. All in favor say 'aye', opposed 'nay', and Amendment #1 is adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Kulas."

Speaker Matijevich: "The Gentleman from Cook, Representative Kulas, on Amendment 2."

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 has been signed off by the realtors and by the cable companies, and all the Amendment does is clarifies the law that no cable company shall install facilities within a residential building without... unless the occupant, tenant or lessee of such residential building requests delivery of such service. And I would move for its adoption."

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Speaker Matijevich: "Representative Kulas has moved for the adoption of Amendment #2. Representative Piel?"

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

Speaker Matijevich: "Yes. Proceed."

Piel: "Myron, I don't quite understand what... what this does. You know, you're sitting here... obviously, if a person... are you talking about... are these apartment buildings that you're talking about, or what?"

Kulas: "Residential buildings, yes. I was saying it's the law now, but we just want this to be in the statutes that a company cannot wire a building if nobody in that building requested any service."

Piel: "Does this... Has this happened in the past, where they've had that type of a thing?"

Kulas: "I... There have been complaints about it."

Piel: "Okay. Thank you."

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

Cullerton: "Yes, I rise in support of this Amendment. This Amendment was suggested by one of our former Members, Alderman 'Dooley'. It came as a result of some practices on the northwest side of Chicago where the cable companies were giving the impression, through their literature, that they were going to be able to come in and wire a building for cable TV, even though no one ever asked for the service. A good number of the bungalow owners, the two flat owners on the northwest side where the cable is coming were very concerned about this, and so this Amendment clarifies that the cable companies are not going to come in and wire your house if no one in the house or the apartment has even asked for the services, so I think it's a good Amendment, and I support it."

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

Clerk Leone: "Floor Amendment... No further Amendments."

Speaker Matijevich: "Third Reading. Representative Ronan asks leave and the use of the Attendance Roll Call for that purpose to have immediate consideration of House Bill 1112. Is there any objection? Seeing none, the Bill is on Third Reading. The Clerk will read the Bill."

Clerk Leone: "House Bill 1112, a Bill for an Act to amend an Act to revise the law in relation to counties. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Ronan, on House Bill 1112."

Ronan: "Thank you, Mr. Speaker. As I stated, this was an agreement that was reached by the real estate industry and the cable TV industry. It's a fair compromise. It will protect the rights of the homeowner, and at the same time, hopefully make the installation of cable TV in the City of Chicago move at a reasonable rate. I move for the passage of House Bill 1112."

Speaker Matijevich: "Representative Ronan has moved for the passage of House Bill 1112. The question is, 'Shall House Bill 1112 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 115 'ayes', no 'nays', and House Bill 1112, having received the Constitutional Majority, is hereby declared passed. Could the Chair have your attention? It is the intention of the Chair to work right straight through tonight until 10:00 p.m., which is a little longer than scheduled, but not as long as the

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rumors, so we'll be here until 10:00 p.m., and we appreciate your hard work. Thank you. Somebody wanted a Roll Call on that. House Bill 1129, Barger. The Clerk will read the Bill."

Clerk Leone: "House Bill 1129, a Bill for an Act to amend the law concerning conditions of cable television franchises. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from DuPage, Representative Barger, on House Bill 1129. Representative Barger. Is Representative Barger in the chamber? I don't want to pass his Bill up if he's around. Representative Vinson, for what purpose do you seek recognition?"

Vinson: "Madam... Mr. Speaker, I wonder if we could have leave to come back to this Bill when the Gentleman returns?"

Speaker Matijevich: "Alright. Let's have leave to return to this Bill. Leave is granted, and we'll return to this Bill. House Bill 1260, Bullock. You're next. The Clerk will read the Bill."

Clerk Leone: "House Bill 1260, a Bill for an Act to amend an Act in relationship to governmental agencies. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Bullock, on House Bill 1260."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I'd like to request leave of the Body to return 1260 to the Order of Second Reading for purpose of Amendment."

Speaker Matijevich: "The Gentleman asks leave the use of the Attendance Roll Call to return House Bill 1260 to the Order of Second Reading for the purpose of Amendment. Is there any objection? Seeing none, the Bill is on Second Reading. Are there Amendments?"

Clerk Leone: "Amendment #1, Bullock, amends House Bill 1260."

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Speaker Matijevich: "The Gentleman from Cook, Representative Bullock, on Amendment #1."

Bullock: "Mr. Speaker, I'd like to request leave to withdraw Amendment #1."

Speaker Matijevich: "Leave to withdraw Amendment #1. Leave, and Amendment #1 is withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Keane - Bullock, amends House Bill 1260."

Speaker Matijevich: "The Gentleman from Cook, Representative Jim Keane, on Amendment #2."

Keane: "Thank you, Mr. Speaker. House... Amendment #2 to House Bill 1260 deletes the Section which deals with the Auditor General conducting performance audits of all governmental agencies under review."

Speaker Matijevich: "Representative Keane moves for the adoption of Amendment #2. Is there any discussion? Seeing none, all in favor say 'aye', opposed 'nay', and Amendment #2 is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Oblinger, amends House Bill 1260 on page three and so forth."

Speaker Matijevich: "Representative Oblinger on Amendment #3 to House Bill 1260."

Oblinger: "Thank you, Mr. Speaker. The Amendment now carries out the intent of the Bill as originally drawn. It named a number of universities and forgot to say, 'but not limited to these,' and so we added Chicago State and the words, 'not limited to,' so that it would include all the universities in the state being eligible for this."

Speaker Matijevich: "Representative Oblinger moves for the adoption of Amendment #1. Representative Bullock, are you in agreement?"

Bullock: "Mr. Speaker and Ladies and Gentlemen of the House, I proudly stand in support of Representative Oblinger. She's

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worked hard on this. I committed in Committee to adopt the Amendment. I'd urge the Amendment's adoption."

Speaker Matijevich: "All in favor of Amendment #3 say 'aye', opposed 'nay', and Amendment #3 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third... Third Reading. And Representative Bullock asks leave of the use of the Attendance Roll Call for the immediate consideration of House Bill 1260. Is there any objection? Seeing none, leave is granted. The Clerk will read the Bill."

Clerk Leone: "House Bill 1260, a Bill for an Act in relationship to the evaluation of governmental agencies. Third Reading of the Bill."

Speaker Matijevich: "Representative Bullock."

Bullock: "Thank you, Mr. Speaker. I'd like to just hold the Bill on Third Reading and come back to it."

Speaker Matijevich: "Alright. The Bill will be held on Third and leave to return. House Bill 1339, Berrios. The Clerk will read the Bill."

Clerk Leone: "House Bill 1339, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Joe Berrios, on House Bill 1339."

Berrios: "Mr. Speaker, I'd ask leave to put this Bill into Interim Study."

Speaker Matijevich: "The Gentleman asks leave and the use of the Attendance Roll Call to return House Bill 1339 to the Order of Second Reading."

Berrios: "Interim Study."

Speaker Matijevich: "Oh, Interim Study. You'll get leave for that. Leave to return House Bill 1339 to Interim Study. Leave? House Bill 1339 is committed to Interim Study."

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House Bill 1340, Berrios. Clerk will read the Bill."

Clerk Leone: "House Bill 1340, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Joe Berrios."

Berrios: "House Bill 1340 provides that tow trucks be inspected twice a year, and it also provides that the Department of Transportation set up safety standards and test for them. This Bill is supported by the Professional Towing and Recovery Operators of Illinois, and I would ask for a favorable Roll Call."

Speaker Matijevich: "Representative Berrios has moved for the passage of House Bill 1340. Is there any discussion? Seeing none, the question is, 'Shall House Bill 1340 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 104 'ayes', 5 'nays', 4 answering 'present', and House Bill 1340, having received the Constitutional Majority, is hereby declared passed. House Bill 1341, Berrios. Clerk, read the Bill."

Clerk Leone: "House Bill 1341, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Joe Berrios."

Berrios: "Thank you, Speaker, Members of the House. House Bill 1341 gives tow trucks a weight variance when moving heavy vehicles on highways and states that no tow truck shall be allowed to tow a vehicle more than 50 miles on a highway unless they receive permission from the authority. I would ask for a favorable Roll Call."

Speaker Matijevich: "Representative Berrios has moved for the passage of House Bill 1341. The Gentleman from Cook,

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Representative David Harris."

Harris: "Thank you, Mr. Speaker. Question of the Sponsor."

Speaker Matijevich: "He indicates he will yield."

Harris: "Representative, the... I have a synopsis which indicates that this prohibits any two truck from towing a vehicle which does not have valid registration plates. Is that correct?"

Berrios: "Correct. Unless ordered to do so by a law enforcement agency."

Harris: "So, in other words, if a vehicle does... is not properly registered in the State of Illinois, and it... but it's improperly parked, it can't be towed away?"

Berrios: "It can, with the authority of the law enforcement agency."

Harris: "Well, I'm not... I don't... I'm not sure I understand why the necessity for... or prohibition against towing with the valid license plates. I mean, if the law enforcement authorities say that you can tow it, whether or not it has valid plates... "

Berrios: "If they say to tow it, they can tow it."

Harris: "Okay. So, what is the reason, then... Help me out. What is the reason for the prohibition against towing without valid license plates?"

Berrios: "I forget which department wanted that in there. I think it was DOT. I'm not sure."

Harris: "Thank you."

Speaker Matijevich: "The Gentleman from Will, Representative LeRoy Van Dwyne."

Van Dwyne: "Thank you, Mr. Speaker. I'd like to ask the Gentleman a question, also."

Speaker Matijevich: "Proceed."

Van Dwyne: "Representative Berrios, you said that it gives them permission, when laden, to exceed the single and tandem

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axle limitations of 40,000 pounds. Now, don't you eliminate that in Amendment #1? It deletes the entire provisions of the Bill, which would... which would be that part of the Bill."

Berrios: "No, it's supposed to put it off... No, Amendment 1 just rewrites the entire Bill and puts that... it's in there."

Van Dyne: "Well, I'm just reading from the synopsis here, and it says that Amendment #1 deletes the entire provisions of the Bill, which would negate the 22,000 and the 40,000 pounds, and then it amends the Vehicle Code, prohibits any tow truck from towing a vehicle which does not have... does not have valid registration plates, and I... and I would take that to mean that the 40,000 pounds is out. Also now, what do you do about junkyards, when they want to take... I mean parts stores when they dismantle a vehicle and it still has wheels on it and they hook it onto a tow truck and they want to take it to a junkyard which smashes them up, you mean to tell me they got to get permission from the local authorities or else have a valid license plate on it? Or - and let me go one step further - does the tow truck operator have to buy another set of plates for... his own plates for that vehicle?"

Berrios: "I don't... I don't think so. But no, basically what they wanted was that, you know, they were trying to prevent thefts of vehicles on the highways, basically. I would think if it's just going from a junkyard to a crusher, it wouldn't have to."

Van Dyne: "Okay. Then... Then I'm to... As legislative intent, I was to understand, then, that if I was towing... If I was a tower and I was going to take all the guys' junkyard stuff to the crusher, then I wouldn't have to get a license for that. Okay, thank you."

Berrios: "Right."

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Speaker Matijevich: "Representative Mays."

Mays: "Thank you very much, Mr. Speaker. I stand in support of this Bill. The reason it's been introduced is to try to clarify some safety standpoints of the towing industry. Obviously, I think this Bill as amended gets into the weight limits and also into the length of the given truck to be towed over a certain period... certain mileage, and the intent is to make a, you know, to make it a safer procedure, and for that reason, I stand in support of this Bill."

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

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

Speaker Matijevich: "Proceed."

Hawkinson: "Representative, I'm still having difficulty understanding why you would want to prohibit the towing of a vehicle just because it doesn't have license plates, whether or not a police officer gives authority. What kind of problem are you trying to prevent, here?"

Berrios: "Basically theft, I'm pretty sure."

Hawkinson: "Pardon?"

Berrios: "Theft, I'm pretty sure."

Hawkinson: "What difference would it make whether there was a license plate on the vehicle or not, if the person in mind had theft in mind?"

Berrios: "Because, from what I'm told, bandit towing industries come and take vehicles off the side of the roads when they're not authorized."

Hawkinson: "Well, couldn't they take the vehicle whether it had a license plate or not?"

Berrios: "They can do that now, but what we're trying to do is, you know, make sure that the authorities know where the heck these cars are at, if they don't have any plates on

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them."

Hawkinson: "Well, if they had theft in mind, they could take the plates off very quickly, it seems to me. I just don't see any rationale for the Bill, and therefore, I would vote 'no'."

peaker Matijevich: "Representative Berrios to close."

Berrios: "The... Like I said, the towing industry is for this Bill. They're looking for ways to make the towing industry, you know, a little more safer. They're being ticketed at times when they're towing these heavy trucks, and that's all they're really looking for, and I would ask for a favorable Roll Call."

Speaker Matijevich: "Representative Berrios has moved for the passage of House Bill 1341. Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 62 'aye', 33 'nays', 15 answering 'present'. House Bill 1341, having received the Constitutional Majority, is hereby declared passed. We had leave to return to House Bill 1129, Barger. Clerk will read the Bill, and Representative Allen Greiman in the Chair."

Clerk Leone: "House Bill 1129, brought back to Second Reading. House Bill 1129, a Bill for an Act to amend the law concerning conditions of cable television franchises. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from DuPage, Mr. Barger, on House Bill 1119 (sic - 1129)."

Barger: "Thank you, Mr. Speaker. Ladies and Gentlemen, this Bill is to correct a small problem in the area of cable television. It seems that when the rules regulating cable television were promulgated, the control was given to the local municipalities, and in one of the areas where the

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house movers from my district are moving houses, one of the cable TV companies is charging \$1300 a connection to disconnect the wire, take it down and reconnect it. This Bill says that any charges for that type of service should be reasonable and proper. This does not give the authority to the state or to any governmental agency to set the price. The home... The house movers and the cable TV company are to make the agreement between themselves and only in case they can't come to an agreement and it would go to the Circuit Court for a decision, would the government be involved. I thank you very much and I ask your support on this relatively simple Bill. Thank you."

Speaker Greiman: "The Gentleman from DuPage moves for the passage of House Bill 1129. And on that, is there any discussion? The Gentleman from Cook, Mr. O'Connell."

O'Connell: "Question of the Sponsor."

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

O'Connell: "This Bill, it only applies to fees that are charged by the cable company when a house is moved from one location in a franchise area to another location in a franchised area?"

Barger: "This fee only applies for removing a service connection to allow an oversize object to move down the street, whether it be a house or a piece of heavy equipment."

O'Connell: "Presently, in the various franchise agreements, isn't it commonplace that the franchiser or the municipality requires that the cable company pay the costs for any wire removal or displacement of light poles or what have you in order to move a structure?"

Barger: "No, it is not. The cable TV... This is not uniform across the state. There is a possibility that it might be, and if it is, I haven't heard of it. But this would require the mover of the object to pay the cable company a

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reasonable amount of money to disconnect and reconnect the service."

O'Connell: "What about the disconnection of other utilities?"

Barger: "They are all covered under the Illinois Commerce Commission."

O'Connell: "And there was actually an instance where a cable company charged \$1300 to disconnect one?"

Barger: "Right. And they thought it was unreasonable, yet there was no recourse because there was no law covering it."

O'Connell: "Well, to the Bill. I wholeheartedly support this Bill, if for no other reason, to eliminate any other abuse, however isolated it may be, because \$1300 to disconnect the service line is outrageous."

Barger: "Thank you, Sir."

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

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

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

Steczko: "Representative Barger, it's my understanding when this legislation was introduced, that there was a problem with the cable TV industry. That problem has now been resolved. Is that correct?"

Barger: "That problem has been resolved."

Steczko: "Thank you. No further questions, Mr. Speaker."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading - State Regulation appears House Bill 1362. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1362, a Bill for an Act to amend an Act

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for the regulation of pawnbrokers. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Rock Island, Mr. Brunsvold, on House Bill 1362."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I now hold in my hand the last pawnshop Bill. 1362 merely clarifies language in the Pawnshop Act dealing with convicted theft, a person pawning items that has been convicted of a theft, and it just clarifies that language. Also, Amendment 1 takes out the word 'larceny' and inserts 'theft'. I would ask for the passage of 1362."

Speaker Greiman: "The Gentleman from Rock Island has moved for the passage of House Bill 1362. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor say 'aye'... vote 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Third Reading - State Regulation appears House Bill 1510. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1510, a Bill for an Act to amend the Liquor Control Act. Third Reading of the Bill."

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

Mautino: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1510 is legislation recommended by the administration in the Liquor Control Commission as it pertains to licensure hearings which, under the original legislation, is open to the... all liquor license hearings now will be open to the public as well as providing for a review of the record if, in fact, there is a license

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suspension, and there would be no de novo or new trial on the same issuance. The Amendments that were adopted were to make it a state-wide provision which is now only the case in Chicago. They'd be operating under the same provisions, which would include Cook County as well as the City of Chicago and the rest of the State of Illinois. Also included was the Amendment recommended by the Administration, which is the 'Tide-House'. That Amendment sets forth the fact that if a corporation such as a motel, a hotel or a restaurant applies for a license in the State of Illinois, there is a provision which will allow the Liquor Commission to grant that license if, in fact, that license applicant is also the manufacturer of a product which will be less than 10 percent of the sales made at that establishment. That's what the Bill does, and I move for its adoption."

Speaker Greiman: "The Gentleman from Bureau."

Mautino: "Excuse me. I apologize. I understand the Amendment, #2, which included, 'or county board,' to have the same provisions has not been adopted. Therefore, I move to take 1510 back to Second Reading for that adoption."

Speaker Greiman: "The Gentleman from Bureau asks leave of the House to return this Bill to the Order of Second Reading for the purpose of an Amendment. Does the Gentleman have leave? You have leave. Mr. Clerk, are there any Amendments?"

Clerk Leone: "Amendment #2, Mautino, amends House Bill 1510."

Speaker Greiman: "The Gentleman from Bureau, Mr. Mautino, on Amendment 2."

Mautino: "It adds three words - 'or county board' to those entities that must also pass a Resolution for adoption of this legislation. That's what the Amendment does."

Speaker Greiman: "The Gentleman from Bureau moves for the

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adoption of Amendment 2 to House Bill 1510. And on that, is there any discussion? There being none, the question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments."

Clerk Leone: "No further Amendments."

Speaker Greiman: "Third Reading. The Gentleman from Bureau asks leave of the House that this... to waive Rule 37(c) so that this Bill may be heard this afternoon. Does the Gentleman have leave to use the Attendance Roll Call? Leave. Leave is granted. Mr. Clerk."

Clerk Leone: "House Bill 1510, a Bill for an Act to amend the Liquor Control Act. Third Reading of the Bill."

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

Mautino: "Thank you, Mr. Speaker. The legislation does exactly as I presented with the two Amendments, and I ask for the adoption. The Amendment #2 was local control Amendment. Thank you."

Speaker Greiman: "The Gentleman from Bureau moves for the passage of House Bill 1510. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 19 of the Calendar on the Order of House Bills Second Reading - State Regulation appears House Bill 1057. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1057, a Bill for an Act in relationship to... "

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Speaker Greiman: "Excuse me, Mr. Clerk. Excuse me. Yes, Mr. Richmond? For what purpose do you seek recognition?"

Richmond: "Thank you, Mr. Speaker. I'd request that this Bill be put on Interim Study."

Speaker Greiman: "The Gentleman asks leave of the House for this Bill... House Bill 1057 to be placed on the Order of Interim Study. Does the Gentleman have leave? Leave is granted. Alright. You are a role model for us all, Mr. Richmond. Thank you. On the Order of House Bills Second Reading - State Regulation appears House Bill 1642. Mr. Clerk, read the Bill. Are there any Amendments?"

Clerk Leone: "House Bill 1642 amends an Act relating to certain custodians of public money, has been read a second time previously."

Speaker Greiman: "Are there any Motions?"

Clerk Leone: "No Motions."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker Greiman: "Third Reading. Yes, Mr. Steczo?"

Steczko: "Thank you, Mr. Speaker. With this Bill having been read a second time previously, I would move the... to have the Bill heard on Third Reading today."

Speaker Greiman: "The Gentleman asks leave of the House to waive the appropriate rule so that House Bill 1642 may be heard at this time. Does the Gentleman have leave of the Attendance Roll Call? He has leave. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1642, a Bill for an Act to amend an Act relating to certain custodians of public money. Third Reading of the Bill."

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

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 1642 amends the Act which relates to publishing certain

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statements by units of local government. There has been meetings over the last few years that would... that try to simplify the process. House Bill 1642 is a product of those meetings. The Bill requires that forms shall be devised by the State Comptroller's Office. It provides that a revenue summary be provided by the units of local government. It provides that a summary should be provided listing all persons to receive payments totalling \$500 or more in a fiscal year, and the gross salary of each employee must be listed, and it adds a requirement. This is the only addition, really, that a requirement should be... is provided that the statement must include changes and fund balances. What we're doing under this Bill is providing a consolidation of the financial status that a unit of local government is required to report, and it also increases the time by which the unit of local government must publish from 90 days to 60... to 100... to six months, rather, after these bills are incurred. It also provides an easier method for the auditors who compile all this financial information from units of local government. There will be standard forms and these... the one audit would provide the information for all the forms rather than having three separate distinct sets of forms, and in some cases, more than one audit done, in order to provide this information."

Speaker Greiman: "The Gentleman from Cook, Mr. Steczo, has moved for the passage of House Bill 1642. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', none voting 'no', none voting 'present',

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and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of House Bills Second Reading - State Regulation appears House Bill 1884. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1884, a Bill for an Act to amend the Illinois Funeral or Burial Funds Act. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Any Floor Amendments?"

Clerk Leone: "House Amendment #1, McGann, amends House Bill 1884."

Speaker Greiman: "The Gentleman from Cook, Mr. McGann, on Amendment #1 to House Bill 1884."

McGann: "Yes, Mr. Speaker, I withdraw Amendment #1."

Speaker Greiman: "Amendment #1 is withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Leverenz, amends House Bill 1884."

Speaker Greiman: "The Gentleman from Cook, Mr. Leverenz, on Amendment #2. Mr. Leverenz. Mr. Leverenz, on Amendment #2."

Leverenz: "Want to withdraw that Amendment."

Speaker Greiman: "Amendment #2 is withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Leverenz, amends... "

Speaker Greiman: "The Gentleman from Cook, Mr. Leverenz, on Amendment #3."

Leverenz: "We will withdraw 3."

Speaker Greiman: "Amendment #3 is withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #4, Leverenz, amends... "

Speaker Greiman: "The Gentleman from Cook, Mr. Leverenz, on Amendment #4."

Leverenz: "Amendment #4 would provide for a full disclosure to

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the purchaser, and I would move for the adoption of Amendment #4."

Speaker Greiman: "The Gentleman from Cook, Mr. Leverenz, moves for the adoption of Amendment #4 to House Bill 1884. And on that, is there any discussion? The Gentleman from Cook, Mr... I'm sorry. The Gentleman from DeWitt, Mr. Vinson."

Vinson: "I accept the Amendment."

Speaker Greiman: "Further discussion? Being none, the question... The Gentleman from Cook, Mr... Mr. McGann."

McGann: "Mr. Speaker and Members of the Assembly, I rise in opposition to Amendment #4. This Amendment is already in the Federal Trade Commission's regulations for funeral directors. I don't think we have to have this duplicity of this... in this Amendment #4."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall Amendment #4 be adopted?' All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #5, Leverenz, amends House Bill..."

Speaker Greiman: "The Gentleman from Cook, Mr. Leverenz, on Floor Amendment 5."

Leverenz: "I want to withdraw Amendment 5."

Speaker Greiman: "5 is withdrawn. Further Amendments."

Clerk Leone: "Floor Amendment #6, Leverenz."

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

Leverenz: "Amendment #6 would make it unlawful for a provider of funeral services or merchandise to directly or indirectly prohibit, hinder or restrict another person involved with the trade. I understand it be part of the Federal Trade Commission rulings, and I would move for the adoption of the Amendment."

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

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for the adoption of Amendment 6 to House Bill 1884. And on that, is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments."

Clerk Leone: "Floor Amendment #6, Leverenz, amends House Bill 1884."

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

Leverenz: "Floor Amendment #7, Leverenz, amends House Bill 1884."

Speaker Greiman: "The Gentleman from Cook, Mr. Leverenz, on Amendment #7."

Leverenz: "Amendment #7, Mr. Speaker and Ladies and Gentlemen of the House, would provide that the holder of the money in trust would provide the balance to the next of kin, and I would move for the adoption of the Amendment."

Speaker Greiman: "The Gentleman from Cook, Mr. Leverenz, moves for the adoption of Amendment 7 to House Bill 1884. And is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #8, Leverenz, amends House Bill 1884."

Speaker Greiman: "The Gentleman from Cook, Mr. Leverenz, on Amendment #8."

Leverenz: "8 would provide that the contract would be irrevocable, and it would provide simply, I believe, that the customer would be in the driver's seat and has the right to have it that way."

Speaker Greiman: "The Gentleman from Cook, Mr. Leverenz, moves for the adoption of Amendment 8 to House Bill 1884. There

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being no discussion, the question is, 'Shall Amendment #8 be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #9, Cullerton, amends House Bill 1884."

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton, on Amendment #9."

Cullerton: "I think that's... I think that's mine. Have you got that? Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It merely adds the word 'knowingly'. I move for the adoption of Amendment #9. I move for the adoption of Amendment #9."

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton, moves for the adoption of Amendment 9 to House Bill 1884... "

Cullerton: "I'm sorry. Mr... Mr. Speaker?"

Speaker Greiman: "Yes?"

Cullerton: "I'd like to withdraw 9 and go with 10."

Speaker Greiman: "Alright. Amendment #9 will be withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #10, Cullerton, amends House Bill... "

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton, on Amendment #10."

Cullerton: "Yes, Amendment #10 is correct. It does the same thing as #9 did, but #9 was incorrect, so it's technically correct. I move for the adoption of Amendment #10."

Speaker Greiman: "The Gentleman from Cook moves for the adoption of Amendment 10 to House Bill 1884. Is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

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Clerk Leone: "Floor Amendment #11, McGann - Vinson, amends House Bill... "

Speaker Greiman: "The Gentleman from Cook, Mr. McGann, on Amendment #11."

McGann: "Mr. Speaker, I withdraw Amendment #11."

Speaker Greiman: "#11 is withdrawn. Further Amendments."

Clerk Leone: "Floor Amendment #12, Vinson, amends House Bill 1884."

Speaker Greiman: "The Gentleman from DeWitt, Mr. Vinson, on Amendment #12."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. I believe that Amendment #12 represents a reasonable compromise of this issue. What Amendment #12 will do is to reduce the trust requirement figure in the original Bill from 95 percent to 75 percent. That will permit the person charged with trusting to utilize up to 20 percent of the money paid for the pre-need equipment or realty, initially. Right off the top, you can utilize the first 20 percent. Then, during the course of construction, he may make regular draws against the amount in construction. The fact that he can make the regular draws against the amount in construction makes this Bill far more reasonable than the original Bill as introduced. It makes it... It accommodates the separate nature of the cemetery industry, which they have argued for. Now, I said in Committee, when this Bill came out, that I would cause meetings to occur to try to solicit everybody's opinion and to try to put together a consensus on this issue. I want the Members of this chamber and the Members of the Executive Committee in particular, where this Bill was, to understand that during that time, I convened at least four... no, at least five meetings on the subject. We heard from everybody from the Comptroller to the Cardinal

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to the insurance industry to the cemetery industry to individual cemeterians who were not represented by the cemetery industry to funeral directors to individual funeral directors who weren't represented by the funeral industry. That group was a fascinating group to listen to discussions on. I came to the conclusion personally that the Bill, as introduced, was unduly restrictive, and I came to conclusions that the Comptroller's Bill was not an adequate solution to the problem. I believe this Bill, as amended by this Amendment and as amended by the next Amendment, which Mr. McGann will offer in conjunction with myself, is a reasonable identification of the public interest in this area, and I would move for the adoption of Amendment #12."

Speaker Greiman: "The Gentleman from DeWitt moves for the adoption of Amendment #12 to House Bill 1994. And on that, is there any discussion? The Gentleman from Cook, Mr. McNamara."

McNamara: "Yes, if I could just ask one question."

Speaker Greiman: "Proceed, Sir."

McNamara: "As the Bill... As this Bill is now amended as of this day with this Amendment on, am I to understand correctly that the cemetery owners are also in favor of this particular Amendment?"

Vinson: "No, Sir. Not at all. I don't... I do not want to mislead anybody. What I said was that I convened meetings, found it impossible for the various groups to arrive at any absolute consensus at this point. As a consequence, I chose a middle ground between the two groups, and that is what this particular Amendment represents."

McNamara: "Thank you."

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

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Pedersen: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

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

Pedersen: "In Committee, when the cemetery people were in there, they talked about having worked over several years with the Comptroller on this, and that they had come from zero to 50 percent, and I think that their feeling is that, that to go halfway, as it were, was the... a great compromise, and now you're talking going about... going up to 75 percent, and they have not agreed on the 75 percent. Is that correct?"

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

Vinson: "Thank you. Representative, number one, they have not agreed on the 75 percent. Number two, in my judgment and the reason that I went with the 75 percent figure, the 50 percent figure is inadequate to protect the public interest - the consumer interest - in this issue. Because I could not get the two groups to agree, I personally chose to introduce this Amendment and the next Amendment which I believe do embody the public interest in this issue."

Pedersen: "Have the Catholic cemeteries agreed on this?"

Vinson: "As amended by Amendments 12 and 13, they have."

Pedersen: "It... It's also true that the first time that this was proposed to the Executive Committee, that it failed."

Vinson: "Yes, that is correct."

Pedersen: "No more questions."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall Amendment #12... I'm sorry, Mr. Brookins. Mr. Brookins, the Gentleman from Cook."

Brookins: "Mr. Speaker and Ladies and Gentlemen of this Assembly, we have been working with this Bill for some time now. We have talked with the people from the cemeteries, and we have talked with the people from the funeral industry. The funeral industry, people have given and moved. This is a

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consumer type Bill. We feel that this takes care of the cemetery interests and the funeral industry. And also, it gives some measure of protection to the consumers. We started out saying that 95 percent of all money should be placed in a trust account fund. We know that in some cases, this was a strain, so we moved. We moved to a 75 percent situation. We moved to where we feel everyone can live with. I have learned that, in government, like in everything, compromise is the order of the day. We have compromised. We have attempted to meet all needs, that of the consumer and that of the cemetery folks, along with those of the funeral directors. I urge an 'aye' vote on this Bill."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall Amendment #12 be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments."

Clerk Leone: "Floor Amendment #13, McGann - Vinson, amends House Bill 1984."

Speaker Greiman: "The Gentleman from Cook, Mr. McGann, on Amendment #13."

McGann: "Yes, Mr. Speaker, before I get into Amendment #13, so there would be no problem, is there any way I can be registered there that I did not vote on the Amendment 12 because of a conflict of interest. I... Could that be recorded?"

Speaker Greiman: "It will be journalized."

McGann: "Thank you. On Amendment #13, this Amendment is a two part Amendment. The part that I play in it will be for the exemption of religious cemeteries from the fund deposit of the 75 percent. All religious cemeteries in the past have been exempted, and it's the feeling that it should

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continue, and with the help of Representative Vinson, he is allowing this Amendment to go on his Bill in order to take care of the religious cemeteries. I would like now, if you don't mind, Members of the Assembly, for Representative Vinson to explain the second part of this Amendment involving a life insurance company."

Speaker Greiman: "The Gentleman from Cook, Mr. McGann, has moved for the adoption of Amendment #13 to House Bill 1884. Is there any discussion? There being none, the question is, 'Shall this Amendment be adopted?' All in favor say 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendment."

Clerk Leone: "No further Amendments."

Speaker Greiman: "Third Reading. Mr. Vinson, for what purpose do you seek recognition?"

Vinson: "Yes, Mr. Speaker, has this Bill been... "

Speaker Greiman: "It has been read just today, and it cannot be called on the Order of Third Reading."

Vinson: "Thank you. Thank you."

Speaker Greiman: "On the Order of House Bills Second Reading - State Regulation appears House Bill 1902. Mr. Clerk, this Bill has been previously read. Are there any further Amendments?"

Clerk Leone: "House Bill 1902, which amends the Illinois Security Laws, has been read a second time previously. Amendment #1 was adopted. Next Amendment is Floor Amendment #2, Vinson."

Speaker Greiman: "The Gentleman from DeWitt on Amendment #2."

Vinson: "Withdraw Amendment #2."

Speaker Greiman: "Amendment #2 is withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Brunsvold, amends House Bill

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1902."

Speaker Greiman: "The Gentleman from Rock Island, Mr. Brunsvold, on Amendment #3."

Brunsvold: "Thank you, Mr. Speaker. Amendment #3 addresses Subsection H and R of Section IV of the Illinois Security Act. The Amendment would, in fact, deal with the federal regulation that states that sellers of securities must register their advertising when they sell to anyone. This Amendment would, in fact, exempt people who are one, make over \$200,000 a year for three years or have a net worth of over a million dollars. The Amendment addresses the fact that we feel that the enforcement cost in manpower to actually affect the regulation of selling of securities to these affluent people is basically a waste of... a waste of time and a waste of manpower and money. And we'd like to exempt those individuals out. So that's the thrust of the Amendment and would ask for the adoption."

Speaker Greiman: "The Gentleman from Rock Island, Mr. Brunsvold, has moved for the adoption of Amendment 3 to House Bill 1902. Is there any discussion? The Gentleman from Cook, Mr. O'Connell."

O'Connell: "Mr. Speaker... "

Speaker Greiman: "Excuse me, Mr. O'Connell. Excuse me, Mr. O'Connell. Ladies and Gentlemen of the House, it is now ten minutes to four, and in ten minutes, at 4:00, there will be a deadline with the Clerk for receiving vote changes on the Consent Calendar. So if you have any change on the Special Consent Calendar, it must be here at the well by 4:00. If you are not changing your vote on any of those Bills, you need not file any document. I'm sorry, Mr. O'Connell. Please proceed."

O'Connell: "Mr. Speaker, it's just an inquiry. On the board it says 'Reading 3'."

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Speaker Greiman: "We are on the Order of Second Reading."

O'Connell: "It must be my eyes."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. The purpose of the Gentleman's Amendment would be to... attack a provision in the Bill that has been thoroughly agreed and is thoroughly supported by the vast majority of the securities industry in the State of Illinois. It is supported by the securities industry in the State of Illinois, and it is supported by the Secretary of State, the Secretary of State's Securities Commissioner because it tracks existing federal law. It is critically important for us, in this field, where we can, to track existing federal law so that we can limit the extraordinary legal costs involved in this field. What the Gentleman would do would be to permit the use of an exemption that is designed to specifically relate to very wealthy, very knowledgeable investors. The use of that exemption through general advertising in newspapers, in perhaps the National Enquirer and things of that nature. There is the potential risk that that exemption could be broadened, and by accident, could begin to include old grandmothers who are not knowledgeable investors, is the evil that we have to avoid here, and to do that, we have to reject the Gentleman's Amendment. If we're going to grant a... an exemption from certain registration and filing requirements for fat cat investors, then we have to be very careful that those... that that exemption is not utilized by unscrupulous people through compulsive advertising. This is a provision designed to facilitate knowledgeable investing and certainly not the kind of investing that would be solicited through mass advertising. I would strongly urge a 'no' vote on this Amendment, Mr. Speaker."

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Speaker Greiman: "Further discussion? There being none, the Gentleman from Rock Island to close. Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Representative Vinson argues from an unusual point of view. He is saying that federal regulation, which is not law. This regulation being formed by bureaucrats, he's arguing their point is right. I disagree with that point of view, and I stress again that the people that are exempted under this Amendment are people that are making over \$200,000 per year, are net worths of over one million dollars and are affluent and have the resources to deal with advertising on securities. And with that, I would ask your 'aye' vote on this Amendment #3."

Speaker Greiman: "The question is, 'Shall Amendment #3 be adopted?' All in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair... All in favor signify by voting 'aye', those opposed vote 'no'. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 70 voting 'aye', 38 voting 'no', none voting 'present', and the Amendment is adopted. Further Amendments."

Clerk Leone: "No further Amendments."

Speaker Greiman: "Third Reading. The Gentleman from DeWitt, Mr... Excuse me. The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Mr. Speaker, I would ask leave of the Assembly to hear this Bill on Third Reading immediately."

Speaker Greiman: "The Gentleman asks leave to use the Attendance Roll Call for waiving Rule 37(c) 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: "House Bill 1902, a Bill for an Act to amend the Illinois Securities Law. Third Reading of the Bill."

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

Vinson: "Thank you. Mr. Speaker and Members of the Assembly, the... this is a technical rewrite of the Illinois Securities Law. It makes no fundamental... fundamental philosophical changes in the Act that we passed in 1983. It does make certain technical changes that are designed to make either the requirements of the law more explicit and put the person who has to... who is regulated under the law more on notice as to what occurs. The major changes in the Bill deal with mutual fund regulation, dealer sales... dealer salesman investment advisor licensing in the state and enforcement. I believe that it is a good Bill. I stand ready to answer any specific questions, and I would urge an Affirmative Roll Call on this Bill."

Speaker Greiman: "The Gentleman from DeWitt moves for the passage of House Bill 1902. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'aye', none voting 'no', 2 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. On page 47 of the Calendar on the Order of Motions appears House Bill 405. Out of the Record. On the Order of House Bills... on Motions appears House Bill 414. Out of the Record. Yes, Mr. Churchill on 414."

Churchill: "Thank you, Mr. Speaker. Having voted on the prevailing side of House Bill 414, I will now make a Motion that we reconsider the vote by which it failed. It is my understanding that it is the intent of the original Sponsor of this Bill to take the Bill back and put it into Interim

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Study. I understand that it... that the Sponsor asked that it be placed in Postponed Consideration, and unfortunately, the announcement had already come announcing that the Bill had failed, so at this time, I would make that Motion."

Speaker Greiman: "The Gentleman from Lake, Mr. Churchill, having voted on the prevailing side, moves to reconsider the vote by which House Bill 414 failed. And on that, is there any discussion? There being none, all those in favor of the Motion signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Motion is adopted. Mr... Mr. Ropp, the Gentleman from McLean."

Ropp: "Yeah, now, Mr... I guess I asked for the proper procedure now. May I ask leave of the House to place this Bill on Interim Study, or... "

Speaker Greiman: "Mr. Ropp, are you the Sponsor of this Bill?"

Ropp: "Yes, Sir."

Speaker Greiman: "Alright, yes. The Gentleman from McLean, Mr. Ropp, asks leave of the House to place this Bill on the Order of Interim Study. Does the Gentleman have leave? You have leave, Sir. Now, on the Order of Motions, page 48 appears House Bill 692, Mr. Berrios."

Berrios: "Mr. Speaker and Members of the House, pursuant to Rule 73(a) and having voted on the prevailing side, I move to reconsider the vote by which House Bill 692 failed. Failed. I said 'failed'."

Speaker Greiman: "The Gentleman from Cook, Mr. Berrios, having voted on the prevailing side, now moves that the vote by which House Bill 692 failed be reconsidered. And on that, is there any discussion? There being none, the question is, 'Shall this Motion... should the Motion be carried?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Motion carries. Yes. The Gentleman from Cook, Mr.

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Cullerton, asks leave of the House to allow House Bill 692 to be heard at this time. Does the Gentleman have leave? He has leave. Mr. Clerk, read the Bill. 692. The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Yes, Mr. Speaker, on a point of personal privilege, seated next to Representative Davis and the Republican Leadership, you'll find Attorney General Neil Hartigan, and I just thought that people on the floor ought to have the opportunity to say 'hello' to him."

Clerk Leone: "House Bill 692, a Bill for an Act in relationship to state police. Third Reading of the Bill."

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

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I believe this Bill, which deals with the state police patrolling the interstate highways throughout the state, we believe we've reached an agreement with those who originally were opposed to it. I would be happy to answer any questions. I would appreciate your support."

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton, moves for the passage of House Bill 692. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 79 voting 'aye', 36 voting 'no', 3 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, as was previously announced, we will be going on rather late, and I am advised that the Speaker of the House and the Minority Leader will provide some sort of dinner in their respective offices, so that those of you who are concerned about your dinners, the Speaker of the

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House and the Minority Leader are going to pop tonight. The hour of 4:00 having arrived, we will now close the time within which you may deposit your change of votes. Ms. Koehler, come on. Alright. We are now about to close them. Alright. The vote change procedure is now closed. I am advised that Mr. Daniels' food will be served in the hallway outside of his office. Yes, for what purpose does the Gentleman from Cook, Mr. McGann, seek recognition?"

McGann: "Would you, Mr. Speaker, entertain placing House Bill 507 in Interim Study at this time?"

Speaker Greiman: "507?"

McGann: "507."

Speaker Greiman: "Yes. Mr. McGann, you are the principal Sponsor of House Bill 507?"

McGann: "That is correct, Mr. Speaker."

Speaker Greiman: "Mr. McGann asks leave of the House to place House Bill 507 in Interim Study. Does the Gentleman have leave? You have leave, Sir."

McGann: "Thank you, Mr. Speaker."

Speaker Greiman: "Mr. Steczo, for what purpose do you seek recognition?"

Steczko: "Thank you, Mr. Speaker. I'd ask leave of the House to place House Bill 768 on the Interim Study Calendar."

Speaker Greiman: "You are the principal Sponsor of House Bill 768?"

Steczko: "Yes, Mr. Speaker."

Speaker Greiman: "Alright. Yes, the Gentleman from Cook, Mr. Steczo, asks leave of the House to place House Bill 768 on the Order of Interim Study, and you have leave, Sir. On the Order of House Bills Second Reading - Pensions appears House Bill 94. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 94, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill.

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Amendment #1 was adopted in Committee."

Speaker Greiman: "Any Motions with respect to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Greiman: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #2, Preston, amends House Bill 94 as amended."

Speaker Greiman: "The Gentleman from Cook, Mr. Preston, on Amendment #2. Mr. Preston?"

Preston: "Thank you, Mr. Speaker. What Amendment #2 does for teachers is to give them maternity leave credit that is equivalent to the military leave that's given to, of course, male personnel who leave their teaching positions to enter military service, and that is to raise the maternity leave credit to 20... a maximum 24 months from its current position of 12 months to put them on parity with others. The pension impact... fiscal impact or pension impact note is... has very little dollar amount impact, and it would give teachers who have to leave their profession for maternity leave an extra benefit to get their family started and still after, then having an opportunity to pay into the pension system and bring it up to where it should be, it will give them up to 24 months leave credit, and I'd ask for your 'aye' vote."

Speaker Greiman: "The Gentleman from Cook, Mr. Preston, has moved for the adoption of Amendment 2 to House Bill 94. And on that, the Gentleman from Madison, Mr. Wolf."

Wolf: "Thank you, Mr. Speaker and Members of the House. It's with a great deal of reluctance that I rise to resist the Amendment as proposed by Representative Preston. I can well appreciate the circumstances and the situation that he's trying to address. The situation, however, is this: this would constitute an extraordinary expansion of the benefits under this pension system, and even though the

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Economic and Fiscal Commission has not come up with a cost factor, they are unable, at this time, to come to an intelligent cost factor. In view of that, we would resist this Amendment and ask that you vote "no'."

Speaker McPike: "The Gentleman has moved for the adoption of Amendment #2. Is there any discussion? The Gentleman from Cook, Representative White. Representative McPike in the Chair."

White: "Mr. Speaker, Ladies and Gentlemen of the House, as Chief Sponsor of House Bill 94, because of the remarks made by Representative Wolf, I concur with the fact that this Bill is too costly for the Pension System, and I would like for the Members to join with me in opposing this Amendment. I'm opposing his Amendment, Amendment 2 to House Bill 94."

Speaker McPike: "The Gentleman is rising in opposition to Amendment #2. Is that correct?"

White: "That is correct."

Speaker McPike: "Further discussion? Further discussion? Representative Preston."

Preston: "To close, Mr. Speaker? Thank you, Mr. Speaker. Again, what this Bill merely does, and I use that term intentionally, is to give teachers in Illinois who have taken time off from their job to have a family, the opportunity to have the same amount of maternity leave - 24 months - that someone who leaves teaching for the military might have, which is 24 months, and gives them, mothers really, parity with soldiers in terms of the leave that they're entitled to. This benefits teachers. This benefits teachers throughout the State of Illinois, and I'd ask for your 'aye' vote."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. All those in favor signify by saying 'aye', opposed 'no'. 'Nos' have it, and the Amendment's defeated."

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Further Amendments?"

Clerk Leone: "Floor Amendment #3, Keane, amends House Bill 94 as amended."

Speaker McPike: "Amendment #3. The Gentleman from Cook, Representative Keane."

Keane: "Withdraw. Withdraw."

Speaker McPike: "The Gentleman withdraws Amendment #3. Further Amendments?"

Clerk Leone: "Floor Amendment #4, LeFlore, amends House Bill 94."

Speaker McPike: "Representative LeFlore, Amendment #4."

LeFlore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I move for the adoption of Amendment #4 to House Bill 94. This Amendment will allow a teacher the option of retiring without discount prior to age 60. This Amendment also will allow teachers who are retiring to make a one time contribution by the employer based on the employee's age at the time of retirement. I'd like to have a favorable Roll Call on this Amendment."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #4. Any discussion? The Gentleman from Cook, Representative White."

White: "Mr. Speaker and Ladies and Gentlemen of the House, I accept Amendment #4, because there is no accrued liability in his Bill. So I would move to accept his Amendment."

Speaker McPike: "Further discussion? Being none, the question is, 'Shall Amendment #4 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #5, Braun - Bowman, amends House Bill 94."

Speaker McPike: "Representative Braun, Amendment #5."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #5 simply seeks to keep prospectively

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these monies in this pension fund from going... increased monies in this pension fund from going to South Africa. I encourage your support."

Speaker McPike: "The Lady moves for the adoption of Amendment #5. Is there any discussion? The Gentleman from Cook, Representative Preston."

Preston: "Yes, Mr. Speaker. I don't seem to be able to get your attention. I'd like Roll Calls on all these Amendments, all of them."

Speaker McPike: "Very well. Further discussion? The Gentleman from Madison, Representative Wolf."

Wolf: "Thank you, Mr. Speaker and Members of the House. We rise to resist this Amendment also. The subject content is familiar to all of us. We don't believe that this is the proper place to put this type of an Amendment, and we would suggest that you vote 'no'."

Speaker McPike: "Being no further discussion, Representative Braun to close. The Gentleman from Cook, Representative White."

White: "Mr. Speaker and Ladies and Gentlemen of the House, this Amendment I can accept, so I move for... I support her Amendment #5."

Speaker McPike: "Are you closing, Sir?"

White: "Yes, I've closed."

Speaker McPike: "Thank you. The question is, 'Shall Amendment #5 be adopted?' Representative Braun to close."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Sponsor of the legislation accepts this Amendment. I encourage you to accept this Amendment. It's a prospective Amendment only and will involve no transaction costs or other loss of funds to the pension system. Thank you."

Speaker McPike: "The Lady moves for the adoption of Amendment #5."

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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 Amendment, there are 35 'ayes', 36 'nos', 44 voting 'present'. Representative Braun asks for a Poll of the Absentees. Mr. Clerk, poll the absentees."

Clerk Leone: "Poll of the Absentees. DeJaegher. Greiman. Leverenz and Stern."

Speaker McPike: "The Lady from Lake, Representative Stern."

Stern: "Would you change my vote to 'aye', Sir?"

Speaker McPike: "The Lady votes 'aye'. What's the count, Mr. Clerk? Representative Weaver? Representative Weaver from 'no' to 'present'. Representative Hastert from 'no' to 'present'. Representative Mays, 'no' to 'present'. Representative Stephens from 'no' to 'present'. Representative Barger from 'present' to 'no'. Mr. Clerk, what's the count? Representative Barger went from 'present' to 'no'. Anyone else seeking recognition? On this Amendment, there are 35 'ayes' 33 'nos', 47 voting 'present', and the Amendment's adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #6, White - Rea."

Speaker McPike: "Representative White, Amendment #6."

White: "Mr. Speaker and Ladies and Gentlemen of the House, I move to withdraw Amendment #6."

Speaker McPike: "The Gentleman withdraws Amendment #6. Further Amendments."

Clerk Leone: "Floor Amendment #7, Keane, amends House Bill 94 as amended."

Speaker McPike: "Representative Keane, Amendment #7."

Keane: "Thank you, Mr. Speaker. Amendment #7 to House Bill 94 extends the minimum death penalty provision which formerly contained in my House Bill 78. It is estimated to have a

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fiscal impact of about 200,000 a year, and is not expected to increase the system's accrued liabilities, and this is paid for under their own pension system. I move the adoption of Amendment #7."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #7. Is there any discussion? Being none, the question is, 'Shall Amendment #7 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #8, White - Rea, amends House Bill 94."

Speaker McPike: "Representative White, Amendment #8."

White: "Mr. Speaker, Amendment #8 changes the number of days from 200 down to 170. This is an Agreed Amendment on the other side of the aisle, and I move for its adoption."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #8. Is there any discussion? Being none, the question is, 'Shall Amendment #8 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the Amendment's adopted. Further Amendments."

Clerk Leone: "No further Amendments."

Speaker McPike: "Representative White, a fiscal note on House Bill 94 has been requested. None has been filed."

White: "Mr. Speaker, we submitted a request for a fiscal note, and it... and that was submitted about three weeks ago, and I... based on our rules, if they have not responded within seven days, then a fiscal note is no longer required."

Speaker McPike: "Representative Greiman?"

Greiman: "Yes. Mr. Speaker, a great deal of care has been spent this year in fashioning each of these pension Bills so that it would have very, very small impact, and as we go through this pension package, you will find that there are no

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special Bills and there are no Bills that are expensive. They are... It is basically a package which has... which is without mandates. We've requested letters from the various communities. Now, in order to determine the fiscal impact, there is, in this Bill, a pension impact note which has already been filed. We asked the Chicago Teacher's Retirement System on the 8th of May for a... a fiscal note and have not yet received it, and I don't believe that it will... we have received estimates on all of these items and can give the House a good sense of what it is. I believe under the... We could move to dispense with that. Is that correct? I am... And we have... We have one that does touch on the two issues that Mr. Keane placed on the Bill, those two Amendments which indicate that there is... it adds slightly to the long term accrual liability, but that it results in no immediate cost to the city or state, and no changes in tax rate, and no decrease in city or state tax revenues. It says that quite clearly. It's been filed with Mr. O'Brien. That would be the equivalent of a fiscal note."

Speaker McPike: "The Bill will remain on Second Reading until we have a rule from the Parliamentarian. We will proceed to the next Bill and get back to this momentarily. House Bill 164, Representative Capparelli. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 164... "

Speaker McPike: "Representative Capparelli, are you ready for the Bill?"

Capparelli: "Would you please take it out of the record for a minute? There's an Amendment I just put in, and it's not distributed right now."

Speaker McPike: "House Bill 164 Out of the Record. House Bill 374, Representative McGann. Are you ready for your Bill, Sir? Read the Bill, Mr. Clerk."

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Clerk O'Brien: "House Bill 374, a Bill for an Act to amend Sections of the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Braun - Bowman and Young."

Speaker McPike: "Representative Braun, Amendment #1."

Braun: "Thank you, Mr. Speaker. I'd like to defer to Representative Young on this one. Representative Young?"

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

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the well known South Africa Amendment. It is prospective. The purpose of the Amendment is try... is to attempt to stop future Illinois dollars from going to South Africa, and I urge the Sponsor to accept this Amendment."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. Is there any discussion? The Gentleman from Cook, Representative McGann."

McGann: "Mr. Speaker and Members of the Assembly, I rise to resist this Amendment. I would respectfully ask Representative Braun and Representative Young to withdraw it, table it, and not harm those recipients through this Bill that will receive in the City of Chicago. I'm sympathy for their problem. I don't like what's happening. I don't think this is the channel they should use to obtain their commitment and for their cause. I believe that the pension funds could be arranged and agreed upon without legislation in this area. I ask all of the Members of this Assembly to consider, we should be taking care of our own in these pension Bills. Black and white people in the City of Chicago, they should be given consideration, and I ask for a Roll Call vote and I would ask that you'd kindly

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consider this in your conscience when you're voting. Let's not play games with the people in the City of Chicago. Thank you."

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

Wolf: "Thank you, Mr. Speaker and Members of the House. The Pension Committee would resist this Amendment for the same reasons as we have given before, and would ask for your 'no' vote."

Speaker McPike: "Further discussion? Representative Braun, to close."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In response, again, to the remarks made by the Sponsor of this legislation. This is not game playing. There are people in South Africa dying every single day. There are probably people who have died today in South Africa. Insofar as we contribute to those deaths, insofar as we send any dime, any nickel, any penny of our state appropriated funds to South Africa, we are guilty of those crimes. We are guilty as surely as if we were standing there pulling the trigger ourselves. This is not game playing, Ladies and Gentlemen, and this issue, let me say to you today, will not go away. I hope it will not go away because the alternative that we are facing is complete violent overthrow of the government there and many, many more deaths. We can strike a blow for freedom in this Illinois General Assembly. We can strike a blow for movement and progress and change in South Africa if we put our money where our mouth is and say we will no longer invest our dollars in that situation in that country. We don't have a lot of money at stake compared to the number of dollars overall from this country that are going to South Africa right now. But what we do have coming out of

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Illinois, we, in this Illinois General Assembly, have an obligation to say, 'Not one more dime, not one more nickel to support apartheid will be supported or sent by this Illinois General Assembly.' We are deathly serious about these Amendments. We hope that our colleagues will take these Amendments into seriousness in which they are put. It is not a matter of game playing. It is a matter of very serious concern, not only to the black Members of this General Assembly, but to people of conscience throughout this country. And we ask you only to show some compassion here - show some conscience. Join us only in prospective limitation. This is not a divestment legislat... Amendment. This Amendment says, no future dollars. And insofar as future dollars, will save a life. We ask you to join us in our attempt to do that."

Speaker McPike: "The Lady moves for the adoption of Amendment #1. All those in favor signify... The question is, 'Shall Amendment #1 be adopted?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all vote? Have all voted who wish? The Clerk will take the record. Take the record. On this Amendment there are 37 'ayes', 66 'nos', 6 voting 'present', and the Amendment is defeated. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Returning to House Bill 94. Request for a fiscal note has been withdrawn. House Bill 94, Third Reading. House Bill 398, Representative McGann. 398, Mr. Clerk."

Clerk O'Brien: "House Bill 398, a Bill for an Act to amend Sections of the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment... Amendment #1 was adopted in

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Committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Braun - Bowman and Young."

Speaker McPike: "Representative Braun, Amendment #2. Gentleman from Cook, Representative Bowman."

Bowman: "Thank you. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm sorry to see the seesaw activity of this House. It seems that sometimes people will vote 'no' on an Amendment like this and sometimes they will vote 'yes' on an Amendment like this. I think it is time that we access our commitment to this issue and establish that commitment and say to everybody that we will not stand any longer for the misuse of our pension monies, the imprudent use of our pension monies, in projects or invested in corporations which are engaged in projects in the Republic of South Africa. We all know what the issue is there. It is not simply a case of discrimination. It is a case of apartheid, which is a totalitarian police state at its worst. And I would just remind everybody that we are dealing with prospective noninvestments. It is a... to put Illinois pension policy on the right track for the future, and I urge its adoption."

Speaker McPike: "Gentleman has moved for the adoption of Amendment #2. Is there any discussion? Gentleman from Cook, Representative McGann."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. I once again rise to resist this Amendment. Now we're hurting if this Amendment would go on. The Bill would not be passed. We'll be hurting the little people in the City of Chicago. The laborers and those retired that worked

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hard for the City of Chicago. I'm not going to take up much more of your time. I'm going to ask you once again to vote your conscience and think about us here, and we still have the great sympathy and concern for the human rights of other people in other countries. We have them in the human rights of South Africa, the violation of human rights in Northern Ireland, South America, but we also have to take care of our people here at home. And we must never forget that. They have taken care of us and they have worked and worked hard for their pensions, and the little footings they're going to get from this amount from this pension, as Representative Greiman brought out, 'Everything was kept on a conservative side this year.' I ask you to vote down this Amendment. Thank you."

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

Wolf: "Thank you, Mr. Speaker, Members of the House. Again, the Pension Committee asks for your resistance to this Amendment. Again, for all of the same reasons that we have given before. There is an attempt here to solve a situation overseas in the State of Illinois, that all of us know can't be done. This is a problem that has to be addressed at the federal level. It has to be solved at the federal level. If we're going to do anything in the State of Illinois, I think we should introduce a Resolution in this Assembly. And I'm sure that we'll get 118 votes on that board. At this point, I would ask for your 'no' vote."

Speaker McPike: "Representative Braun, to close. Representative Shaw."

Shaw: "Mr. Speaker, Ladies and Gentlemen of the House, you know, we have introduced these Amendments and you talked about human rights. And I've heard some of our colleagues talk about human rights, but you know, I'm almost ashamed that

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I'm a Member of the Democratic Party. I'm almost ashamed because we got Members of our own Party that go out through the community and all over Illinois talking about how they are for human rights. But here, we are trying to get an Amendment on to stop the oppression of people in South Africa, and our Members of our own Party stands in this House and oppose this Amendment. This does not seem like we should be a Member of this Party. What we... and what I've always thought the Democratic Party represents was human rights for all people, whether it be in Ireland or South Africa, but we got the people that stand here and talk about what we can do and we going to think about this for the people in this country. Human suffering, and we are financing that human suffering in South Africa with the people's money of this state. And this is not right. This is not right. What will the same people and where will the leaders of the Democratic Party that stands for all these human rights, where will they be when it comes time for them to be running for election across this state? What are they going to tell the people, the liberal people of this state, about what that position is on South Africa and the killing of people and people being denied their citizenship in South Africa, but yet, the day we stand on... Members of the Democratic Party stand on the House floor and talk about how liberal they are. If the... I looked at the other side of the aisle and if the other side of the aisle wanted to make some inroads into that Democratic vote out there in Illinois, they should join with us. They should join with us and support these Amendments. They should do that today. You know, we have been defeated on Amendment after Amendment, and we still have those so called Democrats. But, to remind me of 1948 when that Truman was running for President - you remind me

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of those Dixiecrats that walked out of the convention in 1948. I don't understand that, but you... still you go back to respective communities in Illinois here and tell the people of Illinois that I'm for you. How can you be for them and voting to hang them."

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

McAuliffe: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I would direct my remarks to the Members of the Republican Party here. I know that some of them are voting 'present' on these Amendments in the hopes that they can kill the Bill. This Bill is going to help the municipal employees in Chicago, and I suppose a lot of Republicans could care less because they think they're all Democrats. That is no longer the case, Gentlemen. I come from an area where there is probably one of the highest concentration of municipal employees in Chicago living in my district, and they support me. In the last election, they supported the Republican candidate for State Senator. So, I would urge you not to play games on this and try to put this Amendment on in hopes of killing the Bill. I don't want to kill the Bill. I want to see this Bill pass. I owe it to the people who live in my district and many of them, for the first time in their lives in the last two or three elections, have voted Republican. Please don't punish them by putting this Amendment on which you will, in effect, kill the Bill. Let me keep coming back here and perhaps, there will be a few more of us in the future. There are many people in Chicago who are changing their political view point and many of them have changed and become Republicans, and many, many city workers, many, many people who work for streets and sanitations, many people who would have thought they would be struck dead if they would vote

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for Republican in the past, now vote Republican regularly. Please don't put this Amendment on the Bill to help kill the Bill. I'd like to come back for a few more terms to get my pension. Vote 'no' on this Amendment."

Speaker McPike: "Further discussion? Being none, Representative Bowman, to close."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I really have to take offense at the suggestion that we're playing games with this legislation. That we are attempting to hurt people with this legislation. That we want to kill this Bill or to see this Bill defeated. None of that is the case. There is no one that will be injured by this Amendment. And I, more than anyone else, want to see this Amendment adopted and this Bill passed. There is nothing in this Amendment that will hurt anybody. Indeed, this Amendment will strike a glow for freedom and if you think the events, that are taking place thousands of miles away in the continent of Africa, are somehow removed, remote and distant from us here in the State of Illinois, you are very much mistaken. You ought to vote for this Amendment, put it on and pass the Bill out."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. The question is, 'Shall Amendment #2 be adopted?' 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 Amendment there are 29 'ayes', 46 'nos', and 33 voting 'present'. The Amendment is defeated. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 510, Representative Dunn. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 510, a Bill for an Act to add Sections to the Illinois Pension Code. Second Reading of the Bill."

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Amendments #1, 2, 5 and 6 were adopted in Committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment number... Amendment #7 lost.
Amendment #8... Floor Amendment #8, offered by
Representative Dunn and Rea."

Speaker McPike: "Representative Dunn, Amendment #8."

J. Dunn: "Amendment #8 eliminates the military service provisions
that were added by Amendment 1 and they're going into House
Bill 73. So, I would ask for adoption of this Amendment."

Speaker McPike: "The Gentleman moves for the adoption of
Amendment #8. Is there any discussion? Being none, the
question is, 'Shall Amendment #8 be adopted?' All those in
favor signify by saying 'aye', opposed 'no'. The 'ayes'
have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 561, Representative
McGann. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 561, a Bill for an Act to amend
Sections of the Illinois Pension Code. Second Reading of
the Bill. Amendment #1 was adopted in Committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative
Braun and Bowman."

Speaker McPike: "Representative Braun, Amendment #2."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. One of the assumptions that has underlaid the
opposition to these Amendments is that somehow or another,
our pension funds will be hurt if we limit future
investments in South Africa. In the first instance, I

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would point out to you that the number of firms, which would be affected by such a prohibition, are limited and would only constitute about less than a third of the fortune five hundred investments which the pension funds might choose from. In addition to the limitation to the extent that it is a small limitation on the investment discretion, we believe that it will provide benefits, financial benefits, to the pension systems and to the citizens of the State of Illinois. Insofar as incentives will be provided to invest in companies which do business in Illinois, in companies which are doing things to revitalize our urban areas, to help with our farmers, to help with the economy in our state, additionally, we believe that we will be protecting the interest of pensioners in that at the present time, they stand to lose the total value of those investments which are in South Africa. We don't think that it is prudent to risk a pensioner's investment by putting that money or sending that money to a country in the middle of a civil war. We believe that a pension fund, while it has to have discretion in choosing investments, goes beyond reasonable discretion when it insists on the unbridled right to invest in a country in the middle of a civil war. I would encourage your support of Amendment #2."

Speaker McPike: "The Lady moves for the adoption of Amendment #2. Is there any discussion? The Gentleman from Cook, Representative McGann."

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

Speaker McPike: "She indicates she will."

McGann: "Representative Braun, being a leader on our side of the aisle here and your dedicated concern for the investment program of the pension monies, have you sat down with the

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principles and requested them to stop investing in South Africa and invest in other areas where we would have greater returns?"

Braun: "The principles of the pension system?"

McGann: "That's correct."

Braun: "I have written them, but I have not received the response nor have I sat down with them."

McGann: "Have you ever requested a meeting with them?"

Braun: "Yes, Sir."

McGann: "You have, and they've never acknowledged it?"

Braun: "No, Sir."

McGann: "I would request that you would withdraw and table this Amendment. I'd be very, very happy to sit down with the pension people with you and try and work out something to change their avenue of investment at anytime. That's how strongly I believe in what you're doing, but not in this area. To the Amendment, Mr. Speaker and Members of this Assembly. Once again, I will approach you to please vote your conscience in this area. Vote down this Amendment. I thank you for what you have done in the past two Amendments. Please help me once again. Thank you."

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

Wolf: "Thank you, Mr. Speaker, Members of the House. Again, we resist the Amendment that's being attempted to attach to this Bill, and we will ask for your 'no' vote for all of the same reasons that we have given before."

Speaker McPike: "Representative Braun, to close."

Braun: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Representative McGann has, I think, just made a very sincere offer and reached out his hand in support or in aid of this effort. As such, I accept your offer, Representative McGann, and I hope that we can undertake to have such a meeting before this Session is ended. And I

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will, therefore, withdraw this Amendment on this Bill."

Speaker McPike: "The Lady withdraws Amendment. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 1306, Representative Krska. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1306, a Bill for an Act to amend Sections of the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Krska, amends House Bill 1306."

Speaker McPike: "Representative Krska, on Amendment #1."

Krska: "Amendment #1 is a corrected Amendment, deleting lines 18, 19 and inserting in lieu of 'thereof'."

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

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. ...Will return to the... the Bill that was taken out of the record earlier. House Bill 164, Representative Capparelli. Mr. Clerk."

Clerk O'Brien: "House Bill 164, a Bill for an Act to amend Sections of the Illinois Pension Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Braun - Bowman and Young."

Speaker McPike: "Representative Braun, on Amendment #2."

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Representative Braun. Representative Young, do you want to handle the Amendment? Representative Young. The Gentleman from Cook, Representative Young The Gentleman from Cook, Representative Anthony Young."

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Everyone is tired of hearing these arguments on the South Africa pension funds, I'm sure. Everybody says, 'Why don't you take them off, you can't pass any of them.' But, I have yet to hear one argument grounded in logic as to the harm. All of the Sponsors of these pension Bills will say, please don't put them on our Bill because it'll kill the Bill. We sympathize with your position. Yes, we empathize with the people in South Africa. Yes, we would like to help you, but please don't put them on our Bill because they will kill the Bill. And what I don't understand and what no one in this House has explained to me yet is why do these Amendments kill the Bill when we backed off of trying to divest pension money from South Africa and have said, please just don't put anymore. Now, the money in South Africa is only earning 4 and 5%. I'm sure the people who we entrust these pension funds to can find that same rate of return some place other than South Africa. So right now, I'm not asking anyone to vote for this Amendment. I'm just asking someone to explain to me why this Amendment automatically kills any pension Bills."

Speaker McPike: "Representative Young moves for the adoption of Amendment #2. And on that, the Gentleman from Cook, Representative Terzich."

Terzich: "Hello. Representative Young, can you tell me what happens if the system does not comply with that Amendment? What are the penalties?"

Speaker McPike: "Representative Young."

Young: "Alright now, we haven't come close enough to having this

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as law yet. I don't think there are any penalties. This is a State Mandate."

Terzich: "Well, what is it going to mandate and if they don't do it, what's going to happen to these judiciaries?"

Young: "I suggest we ask them to do it first and see if they won't just comply."

Terzich: "Well, then maybe I'll explain why they don't want this Amendment. As you probably know that there are certain judiciary responsibilities involving investing pensioners money - that they are responsible for the investments, the return and what have you. And this type of an Amendment simply restricts what these judiciaries can do to invest their money to get the maximum return for the people involved in the pension system. And they may have put, you know, invest money in IBM or some company that may or may not do business in South Africa; but, if they do, I assume that you're going to take the money away from them or do something like that. But the first responsibility of the judiciary is to get the proper investment and his return back to his... the people who are participating in the pension system regardless if it's South Africa, Iran, Ethiopia, the 'World Bank', or anywhere else. That's their first responsibility and they have to live up to that judiciary responsibility, and I don't think that we should restrict that. And I would urge a 'no' vote on this Amendment."

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

Wolf: "Well, thank you, Mr. Speaker, Members of the House. Again, the Pensions Committee requests that you vote 'no' and resist this Amendment. Thank you."

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

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House,

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I'll keep it very brief. On behalf of the 295 Chicago firemen that live in my district, I would ask my Republican colleagues on this side of aisle to please vote 'no'. The firemen don't want to have this Amendment put on their Bill. They don't want to jeopardize their pension Bill and please... Republican Members, please vote 'no'."

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

Rice: "Mr. Speaker and to the Chairman of the Pension Committee, I've sat here and listened, and I'd like for him when he says that the Pension Committee is in accord, he would say Members of the Pension Committee, because I am certainly a part of that Committee and I'm not in accord with what he said. Thank you."

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

Wolf: "A point of personal privilege, Mr. Chairman... Mr. Speaker. The Gentleman is certainly correct. I made an error when I said the Pension Committee. I should have said a majority of the Pension Committee requested that this Amendment be resisted."

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

Brookins: "Thank you, Mr. Speaker. I'd just like to inform the Member on the other side of the aisle that I, too, have firemen in my district, and I would hate for them to know that we're forcing them to put money in a country where they cannot go, where they cannot eat and where they're hanging their brothers and sisters and then soon be killing them in the streets. Therefore, I ask you to support this Amendment. Don't force them to work against their own brothers and sisters. Don't take their money to buy bullets and other things to kill and hurt them in the streets."

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Speaker McPike: "Gentleman from Cook, Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. I think there has been enough discussion. I would ask all my friends to please vote 'no' on this Amendment. Thank you."

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

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representatives who have spoken on this have raised an important issue. That's right. Our pension funds have a responsibility to see to it that there is a safe investment on which we get a reasonable return. We've already discussed whether these investments are safe and frankly, by definition, they are not safe. They are unsafe. You cannot invest in a country in the middle of a civil war and call that safe under any rational set of circumstances. Second, with regard to the rate of return, our pension systems have averaged less than 5% returns. Now, if you think that's a reasonable return on the pension systems, then give me the money. I'll pay you 5% on it, because I can show... I can believe you that there is a bridge for you also out in California. The fact of the matter is 5% is an unreasonable return on investments. The Auditor General has just issued a report regarding these investments. Look closely at what is really going on here. You've got some money managers out there who are making decisions, who are investing these dollars. They don't report to you. They don't report to me. They don't report to the people whose money it is involved here. They're getting less money back on these investments than any reasonable rational investment would ever return and yet, they come to this General Assembly and say to you, 'We want unbridled discretion to continue giving you 5% back on your money.' That's just absolute lunacy, Ladies and Gentlemen.

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That is not prudent. That is in violation, I believe, already of their obligations under the law to invest these pension dollars. I submit that we take a very close look as the Auditor General is doing and I suggest you all read that report - take a very close look at what the money managers are doing with these pension funds. We have a lot of issues - unfunded liabilities and the like to address regarding pension; but, specifically on the issue of investments, I submit to you that we are looking at an almost scandalous situation regarding how these dollars are being used and the fact that some of it is going to South Africa just makes that scandal even that much more heinous. I urge your support for this Amendment and for future Amendments on prospective restriction of investments in South Africa."

Speaker McPike: "The Lady moves for the adoption of Amendment #2. The question is, 'Shall Amendment #2 be adopted?' All those in favor signify by voting 'aye', opposed vote 'no'. The Lady from Champaign, to explain here vote, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, not really to explain my vote, but to say that I believe the Lady who spoke last is in error in regard to the current investment proceeds. What happened, a few years ago was that we lifted a number of restrictions that had been placed on the method of investment; and, since those restrictions have been lifted, we have, in fact, seen a much higher yield on investments in our pension systems. The 5% figure that she quotes is an outdated figure that came about at a time when we were restricting the way investments could be made in the pension systems."

Speaker McPike: "...all voted? Have all voted who wish? The Clerk will take the record. On this Amendment there are 32

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'ayes', 63 'nos', 13 voting 'present'. The Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative Capparelli - Terzich and McAuliffe."

Speaker McPike: "Representative Capparelli."

Capparelli: "I table that Amendment, please."

Speaker McPike: "The Gentleman withdraws Amendment #3. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representatives Capparelli - Terzich"

Speaker McPike: "Representative Capparelli, Amendment #4."

Capparelli: "Withdraw that Amendment."

Speaker McPike: "Gentleman withdraws Amendment #4. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. We will leave this Order of Business and go to Special Call - Civil Law Medical Malpractice. The first Bill is House Bill 1604. Mr. Clerk, the Amendments are not ready. Take this Bill out of the record. On page 33 of the Calendar... page 33 on the Calendar, Subject Matter - Public Utilities. We will take those Bills that need Amendments today so that they can be called on Third Reading tomorrow. House Bills Second Reading, Public Utilities, appears House Bill 1814. Clerk would like the House electrician to report to the floor. The Clerk would like the House electrician to report to the floor. Thank you. House Bill 1814. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1814, a Bill for an Act to amend Sections of an Act concerning public utilities. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker McPike: "Any Motions filed?"

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Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative Bowman."

Speaker McPike: "Representative Bowman, Amendment #3."

Bowman: "Leave to withdraw Amendment #3."

Speaker McPike: "The Gentleman withdraws Amendment #3. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representative Hastert."

Speaker McPike: "Representative Hastert, Amendment #4."

Hastert: "Leave to withdraw Amendment #4."

Speaker McPike: "The Gentleman withdraws Amendment #4. Further Amendments?"

Clerk O'Brien: "Floor Amendment #5, offered by Representative Huff."

Speaker McPike: "Amendment #5, Representative Huff."

Huff: "Leave to withdraw Amendment #5."

Speaker McPike: "Gentleman withdraws Amendment #5. Further Amendments?"

Clerk O'Brien: "Floor Amendment #6, offered by Representative Huff."

Speaker McPike: "Amendment #6, Representative..."

Huff: "Leave to withdraw Amendment #6."

Speaker McPike: "Gentleman withdraws Amendment #6. Further Amendments?"

Clerk O'Brien: "Floor Amendment #7, offered by Representative Huff."

Speaker McPike: "Representative Huff."

Huff: "Leave to withdraw."

Speaker McPike: "Gentleman withdraws Amendment #7. Further Amendments?"

Clerk O'Brien: "Floor Amendment #8, offered by Representative

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Capparelli."

Speaker McPike: "Representative Capparelli, on Amendment #8. Gentleman withdraws Amendment #8. Is that correct? No. Representative Capparelli, on Amendment #8."

Capparelli: "Withdraw the Amendment."

Speaker McPike: "Gentleman withdraws Amendment #8. Further Amendments?"

Clerk O'Brien: "Floor Amendment #9, offered by Representative Hoffman."

Speaker McPike: "Representative Hoffman withdraws Amendment #9. Further Amendments."

Clerk O'Brien: "Floor Amendment #10, offered by Representative Hastert - Levin and Huff."

Speaker McPike: "Representative Hastert, Amendment #10."

Hastert: "Thank you, Mr. Chairman (sic - Speaker), Ladies and Gentlemen of the House. Amendment #10 makes some technical Amendments and some substantive Amendments to the Bill. Basically, what they do... and incidentally, Amendment #10 is a Joint Sponsor Amendment by Representative Levin and Representative Huff and myself. What the Amendment does is make several technical administrative changes that were requested by the Illinois Commerce Commission. It... has a requirement that phone companies help consumers obtain at least... least expensive service option. It is an assurance that waivers is granted by the Illinois Commerce Commission to small companies not automatically be granted to large companies. It also contains an option for carriers to request that the Illinois Commerce Commission to classify a service as competitive. It also has the requirement for foreign phone companies to provide devices which enable deaf and hearing impaired individuals to communicate by telephone. It also has a requirement for phone bills to show the phone number to which the charges

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are billed and it also has a requirement for the Illinois Commerce Commission to study the effects of competition in the telephone industry in the State of Illinois."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #10. Is there any discussion? The Gentleman from Cook, Representative Huff."

Huff: "Yes, until recently, Ladies and Gentlemen, Mr. Speaker, the telecommunication industry has been heavily regulated on both state and federal levels, and rapid technological progress, plus the court enforced divestiture - has plunged the telecommunication industry into the competitive age. And the question before this Legislature is that competition be fair and equitable to all competitors. I think that ideal has been consummated in House Amendment 10 to 1814 and I move for the adoption of the same."

Speaker McPike: "Being no further discussion, the question is, 'Shall Amendment #10 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Are there any Members that have Bills on Public Utilities Third Reading, that need to be brought back to Second Reading for purposes of Amendment? Page 30 of the Calendar, House Bills Third Reading - Elections, appears House Bill 100. Representative Hartke. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 100, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker McPike: "Gentleman from Effingham, Representative Hartke. Ladies and Gentlemen of the House, we have a break down in our printer and we're trying to get it repaired. So, this Bill will be taken out of the record and we will try to do some Bills on Second Reading and see if we can move

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Amendments that do not need roll calls. Page 32 of the Calendar, House Bills Second Reading - Human Services. Representative McGann, House Bill 722. House Bill 722. Mr. Clerk."

Clerk O'Brien: "House Bill 722, a Bill for an Act to amend the Hospital Licensing Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative McGann."

Speaker McPike: "Representative McGann, Amendment #1."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. Amendment #1 to House Bill 722... and actually the... House Bill 722 is a follow-up of the legislation that was passed out of this Assembly last year to take care of our infants. Our perinatal infants. So, we are defining the word 'perinatal' and also taking care of the premature births. That's exactly what this Amendment does, and I would ask for its passage... adoption."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1 to House Bill 722. Is there any discussion? Any discussion on the Amendment? Being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative McGann."

Speaker McPike: "Representative McGann, Amendment #2."

McGann: "Mr... Mr. Speaker, I'm awfully sorry. Amendment #1 should have been tabled. Amendment #2 does the exact same."

Speaker McPike: "The Gentleman moves to table Amendment #1. All those in favor signify by saying 'aye', opposed 'no'. The

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'ayes' have it. Amendment #1 is tabled."

McGann: "And I look for the adoption of Amendment #2. It's the same basic conception of the perinatal and also taking care of the premature births after birth."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. And on that, the Lady from Lake. Representative Frederick."

Frederick: "Yes, Mr. Speaker, and Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker McPike: "He indicates he will."

Frederick: "Representative..."

Speaker McPike: "Give the... give the Lady your attention, please."

Frederick: "Representative McGann, as I understand the Bill originally, it provided for prenatal care in the first month after the baby was born and now with 44 weeks, it is two months. Is that correct?"

McGann: "That is because that was taken care of, the premature, that maybe earlier... and they... in the original Bill that we had placed in... that we put in place before, lacked the consideration for the premature births. This corrects that and extends it, and this was an agreement. On the 44 weeks, was an agreement with the... those concerned, the hospitals and Nurses Association on the 44 weeks."

Frederick: "Okay. Thank you."

Speaker McPike: "Further discussion? Being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative McGann."

Speaker McPike: "Representative McGann, Amendment #3."

McGann: "Table Amendment #3."

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Speaker McPike: "Gentleman withdraws Amendment #3. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Page 29 of the Calendar, House Bill 1800. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1800, a Bill for an Act in relation to certain infrastructure research technology development grants. Third Reading of the Bill."

Speaker McPike: "Representative Bowman, request this to be moved back to Second Reading?"

Bowman: "Yes, please, Mr. Speaker, I'd like to move it back to Second."

Speaker McPike: "House Bill 1800, Second Reading."

Clerk O'Brien: "Amendment #5, offered by Representative Hawkinson, amends House Bill 1800."

Speaker McPike: "Amendment #5, the Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. Leave to withdraw Amendment #5."

Speaker McPike: "The Gentleman withdraws Amendment #5. Further Amendments?"

Clerk O'Brien: "Floor Amendment #6, offered by Representative Bowman."

Speaker McPike: "Amendment #6, Representative Bowman."

Bowman: "Leave to withdraw Amendment #6."

Speaker McPike: "Gentleman withdraws Amendment #6. Further Amendments?"

Clerk O'Brien: "Floor Amendment #7, offered by Representative Hawkinson. Hawkinson."

Speaker McPike: "Amendment #7, Representative Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. Leave to withdraw Amendment #7."

Speaker McPike: "Gentleman withdraws Amendment #7. Further

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Amendments?"

Clerk O'Brien: "Floor Amendment #8, offered by Representative Bowman and Hawkinson."

Bowman: "Thank you, Mr. Speaker. We..."

Speaker McPike: "Representative Bowman, Amendment #8."

Bowman: "Thank you, Mr. Speaker. We finally got it right on this Amendment. Amendment #8 is an Amendment agreed to by Representative Hawkinson and myself. It adds to the Bill a concept of a state tax increment finance district and deletes any reference to incubator projects. That's the only difference from the Bill as amended by #1. I move adoption of Amendment #8."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #8. Is there any discussion? Being none, the question is, 'Shall Amendment #8 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Page 34 of the Calendar, House Bill 725. Correction. Correction. Page 31 of the Calendar, House Bill 725, Human Services. Representative White. Representative requests the Bill be moved back to Second Reading."

White: "Mr. Speaker and Ladies and Gentlemen of the House, I request to have House Bill 725 returned to Second Reading for the purpose of an Amendment."

Speaker McPike: "House Bill 725, Second Reading."

Clerk O'Brien: "Amendment #1, offered by Representative White, amends House..."

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

White: "Mr. Speaker and Ladies and Gentlemen of the House, Amendment 1 strikes everything after the enacting clause, and it places an agreed Amendment onto the Bill which

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addresses itself to... to AIDS and to sickle cell anemia."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. Is there any discussion? The Lady from Cook, Representative Wojcik."

Wojcik: "Yes, I rise in support of this Amendment."

Speaker McPike: "Further discussion? There being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. On page 33 of the Calendar appears House Bill 898. Mr. Clerk."

Clerk O'Brien: "House Bill 898, a Bill for an Act concerning environmental barriers in public facilities and multi-story housing units. Third Reading of the Bill."

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

Bowman: "Leave to move this Bill back to Second Reading, if I may."

Speaker McPike: "The Gentleman asks leave to return the Bill to Second Reading for purpose of Amendment. Is leave granted? Hearing no objection, leave is granted. Second Reading."

Clerk O'Brien: "Amendment #2, offered by Representative Bowman."

Speaker McPike: "Representative Bowman, Amendment #2."

Bowman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2 takes care of some objections raised to the Bill by the architect from the Structural Engineers and with this Amendment, they have no objections to the Bill. I move its adoption."

Speaker McPike: "The Gentleman moves the adoption of Amendment #2. Is there any discussion? Being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

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Clerk O'Brien: "Floor Amendment #3, offered by Representative Bowman."

Speaker McPike: "Representative Bowman, Amendment #3."

Bowman: "Leave to withdraw 3."

Speaker McPike: "The Gentleman withdraws Amendment #3. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representative Bowman."

Speaker McPike: "Representative Bowman, Amendment #4."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #4 just makes some technical changes. I move its adoption."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #4. Is there any discussion? Being none, the question is, 'Shall Amendment #4 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Page 34 of the Calendar, House Bill 894. Mr. Clerk, do you have the Bill? The Clerk will run the Roll Call now, on House Bill 164, Amendment #2, that was voted on earlier. We will finish this Bill. House Bill 994. The Gentleman asks leave to return House Bill 894 to Second Reading for purposes of an Amendment. There any objections? Hearing none, leave is granted. House Bill 994, Second Reading."

Clerk Leone: "House Bill 994, amends an Act in relationship to the installment of communication devices."

Speaker McPike: "Any Amendments?"

Clerk Leone: "Amendment #2, Bowman - Deuchler."

Speaker McPike: "Representative Bowman, Amendment #2."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Deuchler and I worked with the staff

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of the Department of Rehab Services and with the legislative staff to try and strike a balance between the Bill as introduced and the Bill as reported out of Committee. I believe it strikes that balance and so, I now moves for adoption of Amendment #2."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. Is there any discussion? On that, the Gentleman from DeWitt, Representative Vinson."

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

Speaker McPike: "Indicates he will."

Vinson: "Representative, I was... my attention was distracted, and I didn't hear your explanation."

Bowman: "Okay. Representative Deuchler and I worked this Amendment out with the staff of the Department of Rehab Services and the legislative staff. The Bill as introduced requires these telecommunication devices to be installed in, I believe, all transportation terminals in the state. Department of Transportation told us that there were, I don't know, some incredible figure - 400 or something like that. Well, we decided that that was more than we had in mind. So, we put an Amendment on in Committee to restrict the installation to just O'Hare Airport and Union Station in Chicago."

Vinson: "I understand now... have no opposition."

Bowman: "Okay. Thank you."

Speaker McPike: "The Gentleman moves the adoption of Amendment #2. Question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. Representative Bowman, for what

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reason do you rise?"

Bowman: "The last two Bills we amended are..."

Speaker McPike: "Representative Bowman."

Bowman: "Yes, Sir?"

Speaker McPike: "We are not... we are finished House Bill 994."

Bowman: "I understand. I just wanted to... It looks like you are about to move onto something else."

Speaker McPike: "We are. We're moving to House Bill 60."

Bowman: "I just wanted to say that this..."

Speaker McPike: "Mr. Clerk."

Clerk Leone: "House Bill 60, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker McPike: "We have three Bills on the Order of Pensions that need to be brought back to Second Reading for purposes of an Amendment. The first Bill is House Bill 60. Representative Curran? Gentleman asks leave to return the Bill to Second Reading for purposes of an Amendment. Are there any objections? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Mr. Speaker, what page is this one on?"

Speaker McPike: "This is under the Order of Pensions. We have three Bills beginning on page 35."

Vinson: "Thank you."

Speaker McPike: "First Bill is House Bill 60. The Gentleman has asked leave to return it to Second Reading. Are there any objections? Hearing none, leave is granted. House Bill 60, Second Reading."

Clerk Leone: "Amendment #2, Curran, amends House Bill 60 as amended."

Speaker McPike: "Representative Curran, Amendment #2."

Curran: "Mr. Speaker, I'd like to withdraw Amendment #2."

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

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Clerk Leone: "Floor Amendment #3, Curran, amends House Bill..."

Speaker McPike: "Representative Curran, Amendment #3."

Curran: "I'd like to withdraw Amendment #3 as well."

Speaker McPike: "Gentleman withdrew Amendment #3. Further Amendments?"

Clerk Leone: "Floor Amendment #4, Curran, amends House Bill 60."

Curran: "Mr. Speaker, I move to adopt Amendment #4. Amendment #4 amends the Downstate Fires (sic - Firemen's) Article of the Pension Code... the Illinois Pension Code... to specify that the types of workers' compensation benefits that are not subject to offset disability pension payments and the method of determining such offsets."

Speaker McPike: "Gentleman moves for the adoption of Amendment #4. Is there any discussion? Being none, the question is, 'Shall Amendment #4 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #5, Curran, amends House Bill 60."

Speaker McPike: "Amendment #5, Representative Curran."

Curran: "Mr. Speaker, move to withdraw Amendment #5."

Speaker McPike: "Gentleman withdraws Amendment #5. Further Amendments?"

Clerk Leone: "Floor Amendment #6, Curran."

Speaker McPike: "Representative Curran, Amendment #6."

Curran: "Mr. Speaker, I move to adopt Amendment #6. It would allow the members of the downstate firefighter pension systems to receive a refund of their contributions if the member has been on involuntary non-disciplinary layoff for more than 180 days."

Speaker McPike: "Gentleman moves for the adoption of Amendment #6. Is there any discussion? Being none, the question is, 'Shall Amendment #6 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it."

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The Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. On the same Order of Business appears House Bill 73, Representative Rea. Gentleman asks leave to return this to Second Reading of purposes of an Amendment. Is there any objections? Hearing none, House Bill 73 returned to Second Reading."

Clerk Leone: "Amendment #6, Rea, amends House Bill 73."

Speaker McPike: "Amendment #6, Representative Rea."

Rea: "Thank you, Mr. Speaker, Members of the House. Amendment 6 amends the military service provisions and the three state systems to make it more uniform, and I would move for the adoption."

Speaker McPike: "Gentleman moves for the adoption of Amendment #6. Is there any discussion? Gentleman from Cook, Representative Terzich, on Amendment #6"

Terzich: "Representative Rea, could you tell me what more uniform means? You said, making the military service more uniform. What does that mean?"

Rea: "Okay. It will extend the deadline for some of the service credit to January 1st of '89."

Terzich: "Very good. Thank you."

Speaker McPike: "Any further discussion? There being none, the question is, 'Shall Amendment #6 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. The final Bill in this Order that needs an Amendment is House Bill 1445, Representative Curran. Excuse me, Mr. Clerk. There are two more. The next one on this Order is House Bill 357, Representative Saltsman. 357."

Clerk Leone: "House Bill 357, a Bill for an Act to amend the

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Illinois Pension Code. Third Reading of the Bill."

Speaker McPike: "Gentleman asks leave to return House Bill 357 to Second Reading for purposes of Amendment. Is there any objection? Hearing none, leave is granted. House Bill 357, Second Reading."

Clerk Leone: "Amendment #2, Saltsman, amends House Bill 357."

Speaker McPike: "Representative Saltsman, Amendment #2."

Saltsman: "Yes, this is an Amendment that was created by several other Bills that don't have very much of a cost factor, and I ask that it be adopted."

Speaker McPike: "Gentleman moves for the adoption of Amendment #2. Is there any discussion? Being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. The last Bill on this Order, House Bill 1445."

Clerk Leone: "House Bill 1445, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker McPike: "Representative Curran asks leave to return House Bill 1445 to Second Reading for purposes of Amendment. Is there any objection? Hearing none, leave is granted. House Bill 1445, Second Reading."

Clerk O'Brien: "Amendment #2, Curran - Rea, amends House Bill 1445."

Speaker McPike: "Representative Curran, Amendment #2."

Curran: "Thank you, Mr. Speaker. Amendment #2 makes numerous changes in the state university's retirement system. The provisions that were in House Bill 73 that we just took out by Amendment, we are now putting in House Bill 1445."

Speaker McPike: "Gentleman moves for the adoption of Amendment #2. Is there any discussion? There being none, the

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question is, 'Shall this Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. The Chair has discovered another Bill on this Order of Reading - needs an Amendment. House Bill 202. Same page, 36 of the Calendar."

Clerk Leone: "House Bill 202, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker McPike: "Lady from Champaign, Representative Satterthwaite, asks leave to have House Bill 202 returned to Second Reading for purpose of Amendment. Any objections? Hearing none, leave is granted. House Bill 202, Second Reading. Any Amendments? Representative Satterthwaite."

Satterthwaite: "Mr. Speaker, I understand there is a Motion in regard to Amendment #3."

Speaker McPike: "Mr. Clerk, Amendment #3."

Clerk Leone: "Amendment #3, there is no Motion on file."

Speaker McPike: "Representative Young, are you seeking recognition."

Young: "Yes, I am, Mr. Speaker. I don't have my Motion on file; but, having being a Member of the prevailing Party on Amendment #3, I move to have that Amendment reconsidered... tabled."

Speaker McPike: "The Gentleman moves to table Amendment #3. Is there any discussion? Being none, the question is, 'Shall Amendment #3 be tabled?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is tabled. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. Are there any of the Bills on

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this Order of Reading... on this Order of Call that need Amendments? Representative Greiman."

Greiman: "Yes, I... Yes, Mr. Speaker, I... were there another Amendment?"

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

Satterthwaite: "There was another Amendment to be considered on 202 after that last action."

Speaker McPike: "Representative Satterthwaite, there were no Amendments on file."

Satterthwaite: "Amendment #4 was distributed a week or more ago."

Speaker McPike: "Representative Satterthwaite, Amendment #4 by Representative Giorgi lost on a Roll Call of 40 'aye', 60 'no'. There are no other Amendments on file. Representative Satterthwaite."

Satterthwaite: "Mr. Speaker, I believe if you recognize Representative Young."

Speaker McPike: "Alright, Mr. Clerk, House Bill 202. The Lady, again, asks leave to return it to Second Reading. Are there any objections? Hearing no objection, leave is granted. House Bill 202, Second Reading. Amendment #3 has been tabled. Are there any Motions on Amendment #4 which has lost? Representative Young."

Young: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, being a Member of the prevailing side on Amendment #4 which failed, I move to reconsider the Amendment."

Speaker McPike: "Having voted on the prevailing side, Representative Young moves to reconsider the vote by which Amendment #4 failed. And on that Motion, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Inquiry of the Chair on a point of parliamentary procedure."

Speaker McPike: "State your point."

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Vinson: "It's my recollection in the rules that there is a time limit on Motions to reconsider."

Speaker McPike: "Representative Vinson, under Rule 73(b), a Motion to reconsider a record vote and the adoption of Amendment may be made at anytime."

Vinson: "Alright, second inquiry, Mr. Speaker."

Speaker McPike: "State your inquiry."

Vinson: "Did I understand that somebody tabled Amendment #3?"

Speaker McPike: "Yes."

Vinson: "Who made that Motion?"

Speaker McPike: "Representative Young did."

Vinson: "Okay. That was the South African Amendment?"

Speaker McPike: "Representative Young."

Young: "Yes, Mr. Vinson, an answer to your inquiry, we are interested in placing the South Africa Amendment on those pension Bills that include new pension money, and we do not want that money invested in South Africa. It's my understanding that..."

Speaker McPike: "Thank you, Mr. Young. Representative Vinson, to answer your question. Representative Young made the Motion. There was no discussion and Amendment #3..."

Vinson: "I'm not arguing. I just wanted to make sure."

Speaker McPike: "...And Amendment #3 was tabled."

Vinson: "Sometimes these things move so fast, I have a hard time following them, Mr. Speaker, and I just wanted to check."

Speaker McPike: "Is there any... We're on the Motion to reconsider on Amendment #4. Is there any discussion of the Motion? Being none, the question is, 'Shall the vote on Amendment #4 be reconsidered?' Is there any objections? Hearing none, leave to use the Attendance Roll Call. Leave? Leave is granted. Attendance Roll Call will be used, and the Motion carries. Amendment #4."

Clerk Leone: "Amendment #4, Giorgi, amends House Bill 202 as

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amended."

Speaker McPike: "Representative Giorgi, Amendment #4."

Giorgi: "Mr. Speaker, Amendment #4 allows the Board of the IMRF to help and to allow that local governmental jurisdictions that contribute to IMRF to create health insurance programs for them. They pay their premium on their own. There is no cost to the state. All it... It allows the IMRF body to be the parent body for any health and accident insurance program. That's all this does."

Speaker McPike: "Gentleman moves for the adoption of Amendment..."

Giorgi: "I move for the adoption of the Amendment."

Speaker McPike: "...#4. And on that, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, again, we got going so fast I didn't quite hear the explanation. I wonder if the Gentlemen would yield for a question."

Speaker McPike: "He will."

Vinson: "Would you explain that again, Representative?"

Giorgi: "Yes. Representative Vinson, there are governmental jurisdictions that contribute to the IMRF, and they like jointly and collectively to buy..."

Vinson: "I understand thoroughly now."

Giorgi: "Should I speak Italian?"

Speaker McPike: "Representative Giorgi moves for the adoption of Amendment #4. The question is, 'Shall Amendment #4 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Representative Vinson has filed a fiscal note request. Mr. Clerk, is there one on file?"

Clerk Leone: "Fiscal note request, pursuant to Rule 34, filed by

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Representative Vinson."

Speaker McPike: "Right. There is a request on file. Is the note... fiscal note been filed?"

Clerk Leone: "There is no fiscal note as amended on file."

Speaker McPike: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker, my understanding is that the Amendment that had any fiscal impact was Amendment #1, and there is a fiscal note on file on House Bill 202 as amended with Amendment #1."

Speaker McPike: "Representative Vinson."

Vinson: "I think we just adopted Amendment #4."

Speaker McPike: "Mr. Vinson, I think you're correct on that. Representative Giorgi."

Giorgi: "Mr. Speaker, the program, if there ever is a program, is permissive..."

Speaker McPike: "Excuse me, Representative Giorgi. Representative Vinson."

Vinson: "I'm going to make easier on the Gentleman from Winnebago. I want to withdraw the fiscal note request as amended."

Speaker McPike: "Gentleman withdraws the request. House Bill 202, Third Reading. Page 34 of the Calendar, House Bill 896, Representative Madigan - Daniels - Bowman. Mr. Clerk."

Clerk Leone: "House Bill 896, a Bill for an Act to amend an Act in relationship to rehabilitation of disabled persons. Third Reading of the Bill."

Speaker McPike: "Representative Bowman asks leave to return this to Second Reading for purposes of Amendment. Any objections? Hearing none, leave is granted and House Bill 896, Second Reading."

Clerk Leone: "Amendment #1, Bowman, amends House Bill 896."

Speaker McPike: "Representative Bowman, Amendment #1."

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Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The underlined Bill requires that a particular study be done by the Department of Rehab Services. This Amendment, which is agreed to by the Department and the Governor's Planning Council and Developmental Disabilities, transfers the responsibility for that study to the Governor's Planning Council and Developmental Disabilities. I know of no opposition and I move for its adoption."

Speaker McPike: "Gentleman has moved for the adoption of Amendment #... Mr. Clerk, what the Amendment number? Amendment #1."

Clerk Leone: "Amendment #1."

Speaker McPike: "Is there any discussion? Being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. On page 33 of the Calendar, we will do those Bills under the Order of Senior Citizens that need Amendments. And the first request is from Representative Oblinger. House Bill 2273 on page 34."

Clerk Leone: "House Bill 2273, a Bill for an Act to amend an Act in relationship to the creation of golden illini card program for aged or disabled persons. Third Reading of the Bill."

Speaker McPike: "Representative Oblinger asks leave to bring the Bill to Second Reading. Are there any objections? Hearing none, leave is granted. House Bill 2273, Second Reading."

Clerk Leone: "Floor Amendment #2, Oblinger, amends House Bill 2273."

Speaker McPike: "Representative Oblinger, Amendment #2."

Oblinger: "Mr. Speaker and Members of the House, after we had passed Second Reading and the Bill was on Third Reading, I

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was advised that there is a new program in existence administered by South Western Bell. It seems that they have a program called the Silver Passport Program, which they're trying to introduce nation wide. As a result of this, they've already started in the East St. Louis and the Chicago areas to issue these cards. We understand that there will be a directory for the services available for senior citizens and disabled persons with those merchants who will offer a discount. The beauty of the whole program is that if you have a card in Illinois and you go to Los Angeles, and the program is now in existence there, you can use your card there. When we found this out, we realized we didn't want to have a duplicate program. So, this Amendment joins the two programs together. We have talked to the Department on Aging. The Secretary of State's Office which was to have this program and the senior citizen groups. This Amendment does three things. It reduces the age for the older people to get the card from 65 to 60. It enjoins the Secretary of State to be sure that the cards are issued statewide through senior centers, nutrition sites and be sure that the cards are available in every county in the state. I understand they are already in Adams County. And finally, that the Secretary of State shall coordinate this program and work toward the purpose of heading a directory for the State of Illinois. I would appreciate your vote or confidence in Amendment #2."

Speaker McPike: "The Lady moves for the adoption of Amendment #2. And on that, the Lady from Cook, Representative Currie."

Currie: "Thank you, Mr. Speaker, Members of the House. Will the Sponsor yield to a question?"

Speaker McPike: "She indicates she will."

Currie: "I'm not quite clear, Representative Oblinger, how this program works. It looks like a good concept. Tell me how

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a senior citizen would know about the program? How a person would sign up for this new card?"

Oblinger: "There are three methods at this point. They are the Secretary of State's Office is helping to distribute the Silver Passport Program card at all the senior centers and at the nutrition sites or any other place that seniors go. In addition, there is a 800 number that is available where people can call in to request the card or they can write by mail to the Secretary's Office there to be available throughout. I understand the other day one of the gentlemen from Adams County came in and got them. The people from Sangamon County have heard about it. They've taken them to the senior centers and are contacting all their seniors."

Currie: "Who funds the 800 phone number?"

Oblinger: "Southwestern Bell."

Currie: "And is there any plans for the Secretary of State to mail to senior citizens information about this new program?"

Oblinger: "The information, I have some of the fliers here, that will be made available throughout the State of Illinois."

Currie: "My question is, how will they be made available? Will the Secretary of State mail this information to senior citizens who might want to take advantage of this fine new program?"

Oblinger: "This is under the Secretary of State's responsibility. The cards shall be issued in every county and applications shall be made available at, but not limited, to nutrition sites, senior citizen centers and area agencies on aging."

Currie: "So, the Secretary of State could take this opportunity that you are presenting him to write nice letters to all the senior citizens in the state..."

Oblinger: "No."

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Currie: "...and advise them of this new opportunity. I don't understand, Representative Oblinger, why this program didn't go to the Department on Aging. A Department you were so influential in creating. I do understand that the Director of that Department is not a statewide elected official who might enjoy the opportunity to put his or her name out before an eager public. The Secretary of State on the other hand is, but it would seem to me more appropriate for this program to be in the Department on Aging. And I'm not quite clear why it's in the Secretary of State's Office instead."

Oblinger: "The Department on Aging, at the hearing in our Committee on Aging, was represented by their legislative liaison, who said the Department had no intention of handling this program - that they didn't have the capabilities. They were the ones that brought me the Amendment that placed it in the Secretary of State's Office. At that time, they wanted the Secretary of State to have the sole responsibility. When I found out that Southwestern Bell is willing to do it at no cost, they're printing the directory. They're printing the card. They're contacting the merchants. They're making the decals and presenting it to the merchants. They're entirely responsible for the program."

Currie: "Well, Representative Oblinger, it sounds like a terrific program. I'm just questioning why it is we're giving it to the Secretary of State. As I remember, he rejected an opportunity to work in the missing children program, but he eagerly accepts, in fact, I think it was at his request that this program is going to him rather than the Department on Aging."

Oblinger: "No. That's absolutely wrong. The Secretary of State came to me and said he wanted no part of this. I said

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there had to be some responsible person in state government that would see to it that this program went statewide because otherwise it was going to be Chicago area, including the collar counties, the East St. Louis area is part of St. Louis and that was going to be it."

Currie: "So, the Secretary of State, Jim Edgar, opposes this program. He opposes your Amendment and the Bill."

Oblinger: "He will accept this Amendment which allows Southwestern Bell to do the whole program, bear the whole cost and his part will be the coordination of the program."

Currie: "Thank you very much, Representative Oblinger. I'm sorry that the Secretary is not looking forward to using this program to share his name with an eager public, the elderly public, in the State of Illinois."

Oblinger: "Well, Representative Currie."

Currie: "Thank you. That's the end of my question."

Speaker McPike: "Further discussion? The Lady from Lake, Representative Frederick."

Frederick: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I simply rise to support this Amendment. Representative Oblinger has worked for a long time to get this in place. And the silver savers passport cards are available in our county and the collar counties in the City of Chicago. And I think this Amendment should go on the Bill."

Speaker McPike: "Further discussion? Representative Oblinger, to close."

Oblinger: "The reason I'm asking you to give the senior citizens and disabled persons in the rest of the state the same privilege that a number of people have enjoyed for a long time in the collar counties. It was underwritten by the county officials and the county board in conjunction with the VIP in DuPage County. It worked successfully there, and we've been trying for a long time to get this program

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to go statewide, and we finally have that opportunity. So, I would appreciate the adoption of this Amendment."

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

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. There are three more Bills on this Order of Reading that need Amendments. After that, we will go to Third Readings. Page 33, House Bill 83, Representative Wait."

Clerk Leone: "House Bill 83, a Bill for an Act to provide for the deferral of payment of special assessments on property of senior citizens and disabled persons. Third Reading of the Bill."

Speaker McPike: "Gentleman asks leave to return the Bill to Second Reading for purposes of Amendment. Are there any objections? Hearing none, leave is granted. Second Reading."

Clerk Leone: "Amendment #2, O'Connell."

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

O'Connell: "Thank you, Mr. Speaker. Amendment #2 includes in the Senior Citizens' Property Tax Deferral Act special service area taxes as well as special assessment taxes which were included in the original Bill. The Amendment is made with the full cooperation of Representative Wait. And I would ask for its favorable adoption."

Speaker McPike: "Gentleman moves for the adoption of Amendment #2. Is there any discussion? Being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it."

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The Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. Page 33 of the Calendar, House Bill 383, Representative Bowman."

Clerk Leone: "House Bill 383, a Bill for an Act to amend the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. Third Reading of the Bill."

Speaker McPike: "Representative Bowman asks leave to return to Second Reading for purposes of Amendment. Are there any objections? Hearing none, leave is granted. House Bill 383, Second Reading."

Clerk Leone: "Amendment #1, Bowman, amends House Bill 383."

Speaker McPike: "Representative Bowman, Amendment #1."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this Bill... this Amendment, rather, was drafted by the Department of Revenue to accomplish the purpose of the original Bill. There is no substantive change. The original intent is intact, but the Department of Revenue felt that this would be a better mechanism to accomplish that in and I'm pleased to accept it and offer it... move its adoption at this time."

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

Clerk Leone: "No further Amendments."

Speaker McPike: "House Bill... On page 34, House Bill 1476, Representative Soliz. Mr. Clerk."

Clerk Leone: "House Bill 1476, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker McPike: "Gentleman asks leave to return House Bill 1476

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to Second Reading for purpose of Amendment. There any objections? Hearing none, leave it granted. House Bill 1476, Second Reading."

Clerk Leone: "Amendment #2, Soliz, amends House Bill."

Speaker McPike: "Representative Soliz, Amendment #2."

Soliz: "Mr. Speaker, Ladies and Gentlemen, this Amendment was developed in cooperation with the Illinois Department of Public Aid. To my knowledge, there is no opposition and I move its adoption."

Speaker McPike: "The Gentleman moves the adoption of Amendment #2. Is there any discussion? There being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. Page 30 of the Calendar, House Bills Third Reading, Elections, appears House Bill 100, Representative Hartke. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 100, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 100 is a simple Bill that brings the Illinois Election Code into compliance with the Federal Election Code as it relates to temporarily physically incapacitated voter, the sight impaired voter, the hearing impaired voter. I would simply ask for your support."

Speaker McPike: "The Gentleman moves for the passage of House Bill 100. Is there any discussion? Gentleman from Lee, Representative Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Hartke, could you describe for the

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Members of the General Assembly, very briefly, the genesis for this, as applicable to Federal law?"

Speaker McPike: "Representative Hartke."

Hartke: "Right now, Federal law is requiring that we make polling places more accessible to the handicapped, and we're doing that with this Bill."

Olson: "Thank you very much. This Bill has bipartisan Sponsorship and in view of the Federal mandate, I would urge the passage of House Bill 100."

Speaker McPike: "The question is, 'Shall House Bill 100 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Representative Stern, to explain her vote."

Stern: "I only wanted to reiterate what Representative Olson said. This is a very important Bill."

Speaker McPike: "Have all voted? Cullerton, 'aye'. McPike, 'aye'. Dunn, 'aye'. McPike, 'aye'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill, there are 113 'ayes', 2 'nos', 1 voting 'present'. House Bill 100, having received a Constitutional Majority, is hereby declared passed. House Bill 481, Representative Nash. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 481, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker McPike: "Gentleman from Cook, Representative Nash."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill as amended would require that parties fill a vacancy so created within sixty days after the day of a general primary election. If the vacancy is not filled within sixty days of the primary, then the party may not place the candidates name on the ballot at the general election. I move for a favorable Roll Call."

Speaker McPike: "Gentleman moves for the passage of House Bill 481. On that, the Gentleman from Lee, Representative

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Olson."

Olson: "Would the Sponsor yield?"

Speaker McPike: "Indicates he will."

Olson: "Representative Nash, I think it would be helpful to the Members of the Assembly if you could reiterate the sixty day provision for slating following the primary. I think that might be of interest to a number of 'em."

Nash: "You're right, Representative Olson. What this Bill does as amended, if no one files to run in the primary, political parties can file a candidate up to the deadline before the general election. This... With this Bill, if no candidate files in the primary, the political parties can appoint... select someone to run within sixty days after the primary. No longer."

Olson: "One... One additional note, I noticed there is a September primary Bill coming over from the Senate. Of course, this would make this Bill moot, wouldn't it, as far as the slating?"

Nash: "Yes, it would."

Olson: "We can support recommendation of this Bill."

Speaker McPike: "Further discussion? There being none, the question is, 'Shall House Bill 481 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill, there are 111 'aye's, 2 'nos', 2 voting 'present'. House Bill 481, having received a Constitutional Majority, is hereby declared passed. House Bill 483, Representative Nash. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 483, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker McPike: "Representative Nash."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill as amended provides that write-in votes for any

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office should not be counted in either the primary or in the other election unless the candidate whose name is written in has filed a declaration of intent. I ask for a favorable Roll Call."

Speaker McPike: "Gentleman moves for the passage of House Bill 483. Question is, 'Shall House Bill 483 pass?' 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 Bill, there are 113 'ayes', 5 'nos' and none voting 'present'. House Bill 483, having received a Constitutional Majority, is hereby declared passed. House Bill 558, Representative Tuerk. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 558, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

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

Tuerk: "Mr. Speaker, Members of the House, I'll try and be as brief as possible on this Bill. When the Governor's Commission for Election Reform held a hearing in Peoria, it was brought to the attention of that Commission that there was a problem regarding challenging petitions, particularly if some streets and urban areas ran through more than one municipality. And that's what this Bill addresses, pure and simple, and it just... the Amendment on the Bill asks for either the rural route number or the address, as well as the municipality. And that's what the Bill does and I ask for your favorable support."

Speaker McPike: "Gentleman moves for passage of House Bill 558. Is there any discussion? Being none, the question is, 'Shall House Bill 558 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill,

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there are 116 'ayes', 1 'no', none voting 'present'. House Bill 558, having received a Constitutional Majority, is hereby declared passed. House Bill 574, Representative Preston. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 574..."

Speaker McPike: "Mr. Clerk, take this Bill out of the record. House Bill 615, Representative Friedrich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 615, a Bill for an Act to amend an Act relating to election laws. Third Reading of the Bill."

Speaker McPike: "Gentleman from Marion, Representative Friedrich."

Friedrich: "Mr. Speaker, Members of the House, this Bill merely says that in the case of election irregularities that if the local state's attorney fails to act or refuses to act after sixty days, the Attorney General may either concurrently with the state's attorney or with... or independently go in and investigate and prosecute in those cases. I found out that there are quite a few irregularities, particularly with regard to absentee voting in downstate Illinois. I talked to the State Board of Elections about it. They can investigate, but they can't prosecute so they do the investigation, turn it over to the state's attorney and he may or may not act. This is the only area in which he would be allowed to come in and take over and only then if the local state's attorney failed to act. At one time, the Cook County State's Attorney had an objection. He's withdrawn that objection. As far as I know, there is no objection at this point."

Speaker McPike: "Gentleman moves for the passage of House Bill 615. On that, the Gentleman from Cook, Representative Greiman."

Greiman: "Yes, I wonder if the Gentleman would yield for a

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question?"

Speaker McPike: "He indicates he will."

Greiman: "Alright, thank you. Now, when it says that they can file this concurrently, is that right? Concurrently."

Friedrich: "Currently, concurrently, with or independently. He can work..."

Greiman: "So you mean that each of them could file a separate action?"

Friedrich: "The Amendment, I think is the Bill. If you haven't got the Amendment, Representative Greiman, I... maybe it would be easier if I would read it to you."

Greiman: "Well, I do have the Amendment, I think, and... let me see..."

Friedrich: "When the state's attorney has declined in writing to initiate those proceedings..."

Greiman: "I'm sorry, excuse me. There is just a lot of noise. I can't hear."

Friedrich: "Well, it says, 'When the state's attorney has declined in writing..."

Speaker McPike: "Will you give the Gentleman your attention, please?"

Friedrich: "When the state's attorney has declined in writing to initiate proceedings or prosecute... or when the state's attorney has neither initiated the proceedings or prosecutions nor responded in writing to the Attorney General within sixty days of receipt of request, the Attorney General may - it isn't mandatory - concurrently with or independently of the state's attorney initiate such proceedings or prosecutions."

Greiman: "Well, I guess that's the word that I don't understand. As I understand it, you're saying if the state's attorney... no, if the Attorney General wants to file an action and the state's attorney doesn't respond to his

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request..."

Friedrich: "Right."

Greiman: "Or the state's attorney doesn't do anything..."

Friedrich: "Right."

Greiman: "The Attorney General then, it says, can concurrently file and action."

Friedrich: "I think concurrently means together with, Representative Greiman. That's my interpretation of it."

Greiman: "Concurrently means together with?"

Friedrich: "Means he can... He can work together with, concurrently or together with the state's attorney or he may do it independently."

Greiman: "Well, does this have a criminal sanction of some kind?"

Friedrich: "Well, I suppose if you are in violation of the election laws, it would be... have a criminal sanction. It doesn't change... It..."

Greiman: "So then we... we would have sort of double... we might have double jeopardy, in fact."

Friedrich: "It doesn't change the penalty for violation of the election laws. No, there's no double jeopardy. If the state's attorney doesn't act, the Attorney General may."

Greiman: "I wonder, you know, I mean sometimes we get skilled, all of us, at giving words sort of the meaning we want them to have. Could that mean cooperatively, that you mean... Concurrently means they do it at the same time. Now, it would be sort of unwieldy to imagine that you would have two prosecutorial agencies moving at the same time on the same issue."

Friedrich: "No, that is not the intent."

Greiman: "Now... So, it's not to be... it's to be cooperative, not concurrent."

Friedrich: "Well, I would have to tell you, Representative Greiman, this was an Amendment drawn by the Chairman of the

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Elections Committee over there and I took it for granted that it meant together with, not separately."

Greiman: "So, then you take it that this means..."

Friedrich: "One action."

Greiman: "One action. It means that the state's attorney and the Attorney General shall in some way cooperate and not go on separate tracks."

Friedrich: "Yes, or the... or the Attorney General may act independently, if the state's attorney fails to act."

Greiman: "Alright. Well, we have probably reached new entomological heights today, but I'm certainly willing to accept that. Thank you."

Friedrich: "Thank you."

Speaker McPike: "Further discussion? The Gentleman from Lee, Representative Olson."

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

Speaker McPike: "Indicates he will."

Olson: "Have you had anything in Jackson County in southern Illinois within the last sixty days which would be of interest to us here?"

Friedrich: "There were six indictments, but the state's attorney in that case acted."

Olson: "Was that relative to the 1984 elections?"

Friedrich: "Yes, it was and it had to do with absentee voting in most cases."

Olson: "And who were some of the people that were included in these cases?"

Friedrich: "Among others..."

Speaker McPike: "Representative Olson, would you address the Bill, please?"

Olson: "Yes, I am. The reason that I'm addressing this issue is that it has to do with the... ability of the Attorney

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General to intervene in an action of this nature. And I pointed this out to elicit a favorable response in behalf of House Bill 615."

Speaker McPike: "The question is, 'Shall House Bill 615 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill, there are 109 'ayes', 4 'nos' and 1 voting 'present'. House Bill 615, having received a Constitutional Majority, is hereby declared passed. House Bill 962, Representative Stern. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 962, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker McPike: "The Lady from Lake, Representative Stern."

Stern: "Mr. Speaker and Members of the House, House Bill 962 should have 100 percent acceptance in this House since it deals with a thing that each of us has to do every election year. This Bill would permit all candidates and their workers to distribute literature in shopping malls subject to the particular restraints put upon them by the owners of the shopping mall, as to time and place and number of people that perform. There was an Amendment added at the request of Representative Wolf which prevented the placing of fliers under windshield wipers and everything has to be given by hand. Now, it has come to my attention that there may be some opposition to this Bill. I cannot imagine that there would be. We have all been thrown out of shopping malls at one time or another. However, I would point out to you that in the year 1979, Gentleman and friends from across the aisle, in 1979, Representative 'Pate' Philips sponsored this very same Bill in the Senate and it came across to Representative Daniels in the House. Unfortunately, it was not successful, but you can see that

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it has received the blessing of the highest... at the highest levels of your party. Thank you. I will take questions."

Speaker McPike: "The Lady moves for passage of House Bill 962. On that, the Gentleman from Lee, Representative Olson."

Olson: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Would my good friend, Representative Stern, yield for a question or two?"

Speaker McPike: "She indicates she will."

Olson: "Are you aware of the fact that the Illinois Retail Merchants Association are not too thrilled with this proposal?"

Stern: "I am aware."

Olson: "And..."

Stern: "However... However, let... let me respond to that by saying I would think that the Illinois Retail Merchants Association would recognize the good American wisdom of permitting their shoppers to be exposed to political debate. I think this is what the small 'd' democratic system is about and that's why we are all here."

Olson: "Thank you. I believe that the United States Supreme Court, in a landmark case have indicated that the privacy rights of people to do business take precedence over the First Amendment of the ability to discuss issues. Our concern with this Bill is the fact that how do you define the areas specifically in which these people may be passing this literature? Right in front of the jeweler's store? Right in front of the clothing store? Some areas have big public areas, some don't have them. Would you describe that for us, please?"

Stern: "The Bill specifically indicates that the owner of the mall or the shopping area can limit the campaigning or the distribution of literature to the area, to the hours, to

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the number of workers that he/she chooses."

Olson: "Is this described in the Bill?"

Stern: "I believe so, Sir, yes."

Olson: "Where would that be described at, that the individual businesses might be able to make that statement?"

Stern: "Such distribution may be restricted by the management of the shopping center in a reasonable manner. The management may restrict the duration of the distribution to reasonable hours, restrict the number of persons distributing the literature and restrict the distribution to designated areas of the shopping center. Is that not what I just said?"

Olson: "Alright. Now, if we are in this situation, then they can pretty much put you in the position where you can't do what you are seeking. Is that correct?"

Stern: "I do not suspect the owners of shopping malls to be malicious. I feel sure that they will want to open their doors to the democratic process."

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

Speaker McPike: "Proceed."

Olson: "We just have a disagreement on the issue here relative to the ability of people who own shopping centers for merchandising purposes as opposed to people in our business, having the ability to go into those shopping centers and perhaps disturb people who might be in an area of a shopping mall. Therefore, we would have to oppose passage of House Bill 962."

Speaker McPike: "Gentleman from Cook, Representative Nash."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this piece of legislation. We have passed legislation here that doesn't let car dealers open on Sundays, that doesn't let people in private industry do all number of things and this is one more piece of

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legislation that would be a burden on the private industry and the people to run their businesses and make a living. I urge a 'no' vote on this Bill."

Speaker McPike: "Gentleman from Livingston, Representative Ewing."

Ewing: "Would the Sponsor yield?"

Speaker McPike: "She indicates she will."

Ewing: "Some of us poor downstate farmers, we don't have shopping malls and we... can we do this in somebody's business then? Are we allowed to do it in just a business establishment or do we have to have an enclosed mall?"

Stern: "I do not interpret this as meaning you can walk into anyone's store and do it. A shopping center is described in here as something consisting of at least two stores, no less than... Wait a minute. Here it is. Of not more than two... the owner or manager of a shopping center that consists of not more two retail sales establishments may, at the present time, prohibit leafletting. And I imagine that, therefore, if you extrapolate from that what you get is that a... anything that is made up of more than two retail establishments becomes subject to this Bill."

Ewing: "Subject to shopping center. Alright... Thank you. Mr. Speaker, Ladies and Gentlemen of the House, the Sponsor has billed this as the American way, that we got here because this was one of the undergirdings of the American election system. Well, I would just say just the opposite. It has been one of the undergirdings of our system that those who own private property had the right to use that private property as they saw fit so long as it wasn't to the detriment of other people. Now, we want to tell them what they are going to do in regard to elections we choose to run. They didn't necessarily ask us to run. Now, we are going to tell them how to use their property. I think it's

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a very bad concept and should be defeated."

Speaker McPike: "Gentleman from Cook, Representative Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield for a question, distinguished Representative?"

Speaker McPike: "She will."

Bullock: "Are there any court cases, Federal Court cases that you know of that, in fact, substantiate or, in fact, attempt to codify or direct the substance of this legislation?"

Stern: "I do not know of any, Sir."

Bullock: "Is in this legislation, is it your intention that management would still retain certain prerogatives with regards to the time and the... and the number of individuals who could participate in the shopping mall area?"

Stern: "Absolutely."

Bullock: "And is it your intent with this Bill that the legislation not infringe upon management right, but, in fact, enhance individual rights?"

Stern: "Absolutely."

Bullock: "Mr. Speaker and Ladies and Gentlemen of the House, to the Bill. The fact of the matter is there is not one Member of this chamber that took an oath of office that would dare stand on this floor and say that commercial rights take precedence over individual freedoms and First Amendment rights. I don't think there's a Member of this Body that would take a position in opposition to First Amendment rights and individual freedoms. The Lady is giving us a piece of legislation which, by the way, the U. S. Supreme Court has sustained in the 'Poonyard' case. The California Supreme Court approved it in the 'Kaiser - Etner' case. So there's ample case study, ample case law, ample precedents for her Bill. She also attempts in the

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Bill to provide safe-guards for management, yes, private corporate rights in that the shopping center owners and operators can restrict the hours that individuals distribute literature, can restrict the number of people who circulate petitions or literature in the shopping center. This is a First Amendment right and I say the loyal party to my right stands constantly for First Amendment rights and liberties. And if the Republican Party stands for anything you should stand for House Bill 962 and support Grace Mary Stern and vote 'aye'."

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

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

Speaker McPike: "Gentleman moves the previous question. The question is, 'Shall the previous question be put?' All those in favor signify by saying 'aye', opposed 'no'. Question is, 'Shall the previous question be put?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Motion, there are 64 'ayes' 53 'nos'. The Motion fails. Gentleman from Champaign, Representative Johnson."

Johnson: "Well, I... I just have to assume that Representative Bullock just... didn't mislead the Body intentionally, but he's absolutely wrong when he talks about the First Amendment as it's applicable to a private shopping center. Clearly, nobody ought to be able to prohibit leafletting in a parade in the appropriate circumstances, or a park, other public bodies, because that's what the First Amendment is all about. And the Fourteenth Amendment, that it specifically directs itself to state action. But we are not talking about state action here. We're talking about a private property. And the First Amendment and the

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Fourteenth Amendment don't have applicability where state action isn't involved. And contrary to what Representative Bullock said, the Supreme Court in two subsequent decisions has modified and for all practical purposes completely eroded any previous doctrine that equated a shopping center to state action. It's a different situation. If you have a private business, whether it's a shopping center or otherwise, it's not owned by the public, you have a right to make reasonable regulations with respect to that shopping center in the absence of the passage of this legislation. If it's a public property, or there is state action involved, then it's a different story and obviously the First Amendment and obviously the Fourteenth Amendment and the applicable provisions of the Illinois Constitution apply. But I don't think we want to send a message to business in this state that they now are in the situation of being like a government owned property and we can tell them... at least in this regard, what they can do and what they can't because it's a completely different issue. And, you know, you can vote how you think, in terms of public policy, but don't let anybody lead you to believe that this is a matter of Constitutional rights and the First Amendment because it just isn't so."

Speaker McPike: "Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen, I happen to be involved in a Chamber of Commerce that has over a thousand member firms in it and I happen to be past president. And involved in that Chamber happens to be the largest shopping center under one roof in the world. And I will assure you that I have heard from them that they do not want anybody soliciting or bringing anything into that shopping center to the extent that they have refused to allow even good, worthwhile causes to come into that

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shopping center. I will assure you that the majority of the major shopping centers in the... in the State of Illinois will not want this and I urge you to vote 'no' on this Bill."

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

Davis: "Well, to just continue a little bit, Mr. Speaker and Ladies and Gentlemen of the House, Representative Johnson alluded to the Supreme Court landmark decisions in this area and for the edification of Representative Bullock, I believe the 'Poonyard' case that he quoted was only gone to the California Supreme Court and not to the high court of the United State. However, in 1972, 'Lloydcorp Limited versus Tanner' and I quote, 'held that property does not lose its private character merely because the public is generally invited to use it for designated purposes. The essentially private character of a store and its privately owned abutting property does not change by virtue of being large or clustered with other stores in a modern shopping center.' And in its conclusion, the opinion of the high court, the United States Supreme Court was there has been no public dedication of the shopping center property, Fifth Amendment rights of private property supercede First Amendment rights of free speech. The Bill is clearly unconstitutional besides being a bad concept and I urge a 'no' vote on constitutional grounds, if no other."

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

Greiman: "Well, aren't you guys just silly? You know, I heard over the years I have been here about bad climate for business, how if we don't destroy workers' compensation system, it's a bad climate. And then if we don't give all of the machinery people a tax break on the replacement parts that that's a bad climate and they are going to run

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off to some other state and they are going to take all their... and recently I heard that the farmers were going to take their land out of Illinois because it was a bad climate. And now we come to sort of the ultimate. That exposing Illinois residents who shop to the humdrum boredom of election campaigning will drive the business community out of this state, will destroy a business, will make a bad business climate. Now, I can certainly see what..."

Speaker McPike: "Representative Greiman, I think you broke your mike. Proceed. Proceed. Well, I think it is broke. Representative Greiman, in Representative Giorgi's chair."

Greiman: "Thank you, Mr. Speaker. Ah, there we go. And so... And so, now we have come to really what's the ultimate. The election process is bad for business and, you know, I think there are Republicans that believe that in their heart. Now, I think this Bill is probably stupid for a lot of other reasons that have nothing to do with your objections. Now, I wonder if the Lady would yield for a question or two? Ms... Is there a criminal sanction for someone who puts a flier underneath... on the windshield... underneath the wiper?"

Stern: "No criminal sanctions, Sir."

Greiman: "Well, if you violate the Election Code, are there no criminal sanctions for that?"

Stern: "Well, forgive me. I don't think there is a criminal sanction..."

Greiman: "Well, I'd like to find out whether there is a criminal sanction for slipping a Stern for Representative under a windshield wiper. That's a pretty serious crime to me, I'll tell you that. Stern for Lieutenant Governor, perhaps."

Stern: "There is no sanction in the Amendment, Sir."

Greiman: "No, but in the Act. You see, this is part of an Act,

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the Election Code. There may be a violation there of the Election Code and that may call for it. Disregard of the Election Code, Section 29-12, 'a person who knowingly does any act prohibited by or declared unlawful by or fails to do any act required by this Code shall, unless a different punishment is prescribed by this Code, be guilty of a Class A misdemeanor.' So, if I walk down the block and give... ten cars or so, if they give me a consecutive... no, a concurrent - and we know concurrent means cooperative actually - a concurrent sentence, I can do it in may be a year. But if I hit ten cars and it's consecutive, I may have to have ten years. Well, it may be a little extreme, but then democracy has a price. Thank you."

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

Vinson: "Thank you, Mr. Speaker. Inquiry of the Chair. Has Amendment #1 been adopted to this Bill?"

Speaker McPike: "Mr. Clerk? Yes."

Vinson: "Thank you. To the Bill, Mr. Speaker."

Speaker McPike: "Proceed."

Vinson: "You know, I rarely agree with Representative Greiman. He did, however, in this particular case, focus on the right part of the Bill for analysis, but even he didn't realize how bad it was. What this portion of the Bill says is that campaign literature may not be placed on vehicles. I don't see how you can read that as anything else than a prohibition against bumper strips and car tops on cars in the State of Illinois. Now, everybody knows that that's the cheapest way there is to campaign anymore. What the Lady is doing with that prohibition on bumper strips and car tops is forcing people into expensive television ads. Now, I can't understand... Now, maybe if you come from the north shore, you know, maybe you can afford those kinds of campaigns, but it seems to me that a prohibition on bumper

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strips and car tops ought to be laughed right out of this Assembly just as Mr. Greiman did and I would strongly urge a 'no' vote. And should it appear to get the requisite number of votes, I would ask for a verification."

Speaker McPike: "There being no... no one else seeking recognition, Representative Stern, do you wish to close?"

Stern: "Yes. May I close in the spirit of 'Pate' Philip and Lee Daniels who supported this so long ago. Representative Parke made the statement that even good worthwhile causes were excluded from the shops of which he was a member of the Chamber of Commerce. I sort of hate to see us knuckle down to the idea that we are not a good worthwhile cause and that we are, therefore something ignoble in the presence of commerce. I think this is very unfortunate. The shopping malls of 1985 are what used to be the main streets of the... of ten years ago. Instead of campaigning in front of Doc's Pharmacy, we are now campaigning in front of, God help us, Neiman-Marcus, and I think it is inappropriate to bar the small 'd' democratic system from the place where the people are assembled. I urge an 'aye' vote. Thank you."

Speaker McPike: "Representative Stern, is this your first Bill?"

Stern: "Except for one on the Consent Calendar."

Speaker McPike: "The Lady moves for the passage of House Bill 962. All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill, there are 32 'ayes', 80 'nos', 1 voting 'present'. House Bill 962, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 1020, Representative Sutker. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1020, a Bill for an Act to provide funding for election campaigns. Third Reading of the

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Bill."

Speaker McPike: "Gentleman from Cook, Representative Sutker."

Sutker: "Mr. Speaker, Ladies and Gentlemen of the House. If you liked the last Bill, you'll love this one. This Bill provides for a one dollar check off on an income tax refund that each individual filing such return is entitled to. In a joint return, it would be two dollars. The provision is that this money would be directed toward political parties in the State of Illinois, namely the Republican Party and the Democratic Party. I don't, however, consider this a party Bill. I consider this a citizen's Bill. I consider this a Bill which transcends political parties and political concerns. It should be clearly noted, Ladies and Gentlemen, that this Bill does not provide for funding in either party directed in primary campaigns. I know that many of you have had that concern. It is not provided for intraparty contests. Additionally, for those who had concerns about federally funded candidates, they are ineligible for money from this source. In addition to that, it causes no expense to the state at all. It is a personal contribution made by the individual. It is not a matching grant. Ladies and Gentlemen, I urge you to help enhance the party you're a Member of by providing a system whereby it can be funded in part from grass roots participation, that the party may even be more important than the individual and that each of us should make it more possible to tempt more people to involve himself or herself in the party of his or her choice. Ladies and Gentlemen, 19 states have some kind of system such as this. Nothing has suffered in those states. What has benefitted is the political process. Thank you, Mr. Speaker."

Speaker McPike: "Gentleman has moved the passage of House Bill 1020. On that, the Gentleman from DeKalb, Representative

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Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. With all due respect to Representative Sutker and his Bill, and I know his position in his party and I respect that for I have held position in my party. But I think the Gentleman's Bill here deals with a subject which is very delicate and one which we ought to analyze. What he is saying in his Bill is that you can check off your income tax return and send it to your party. I don't think his Bill will favor his party or my party. I don't think that's the question. I think the question is what people are willing to do with their income tax refunds. Yesterday we passed a Bill which I cosponsored with Representative Pangle allowing for contributions to the Illinois State Scholarship Commission. We already have four needy causes, the Veterans' Home Fund, the non-wildlife... Non-game Wildlife Conservation Fund, the Child Abuse Prevention Fund, the Illinois food and Housing Assistance Fund, which are check offs on the income tax return. I think it's a question of priority. I think political parties ought to go out and raise their own money. I have done it for my party and I know the Sponsor of this Bill has done it for his and he does an admirable job. But it's a question of priorities. When people get down to making those check offs, I believe that check off ought to be limited to charitable and needy causes and, unfortunately, I don't agree that our political parties are needy causes. Let those people who really want to contribute to our parties do so by writing out that check. They get a federal income tax credit for contributions which I'm certain we are all aware, being in the political arena. I think that that's enough and that's sufficient to provide an incentive for them and I think we ought to leave the income tax return

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alone and particularly in Illinois. And I would request a 'no' vote on this Bill. Thank you."

Speaker McPike: "Gentleman from Lake, Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, if there is any scandal in this state and in this country, it's the high cost of elections. Everyone of us knows how costly elections are and everyone knows that the more costly the elections are, the more that somebody may influence your vote. This is a way that we can get people voluntarily... voluntarily to contribute to their political party. I don't think there is anything wrong with that. That takes the onus off of political parties having to rely on big contributors. These are one dollars, one dollars that we are talking about. Who can be influenced by one dollar or two dollars at the most in a family? I think this is a good public policy. This is a way to get the scandal out of politics. Put it to the people to voluntarily contribute a buck. They do it on their own. I see nothing wrong with this and I commend the Gentleman for introducing this type of Bill and I commend it to your vote."

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

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

Speaker McPike: "He will."

Olson: "Happy birthday, Cal. Welcome to the General Assembly."

Sutker: "I appreciate that, Representative Olson."

Olson: "We have... some of the concerns that have been previously expressed, does your Bill limit this contribution processes to the Republican and Democratic Parties?"

Sutker: "The Bill defines 'party', Representative Olson, as that party which received five percent or more of the total vote in the county and state in the last general election. In effect, it limits it to the Democrat and Republican Party."

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Olson: "Well, wouldn't that be unhappiness if down the road someplace after this would become law, should it become law, that some party would not have an opportunity for access to this system when they are struggling stage, say the Socialists, for example, or some other party?"

Sutker: "When they reach the threshold, Representative Olson, of five percent of the vote, they would participate in this fund."

Olson: "Well, wouldn't this make it tough for them to do it because the two major parties would be very well funded?"

Sutker: "Well, it might give them incentives to reach out and do better in the electoral process. But I suspect that this is a Bill that enhances the two party system, you are correct."

Olson: "I noticed now in some of the check offs and Representative Countryman alluded to some of them, I have been only here four springs and we have gone through a number of check offs, the Child Abuse Prevention Fund, the Food and Housing Assistance Fund, the Non-game Wildlife, Veterans' Home. Do you think that our people out there are ready for still another box to check or do you think we might put them in a situation where they will be hard-pressed to make a decision?"

Sutker: "No, Representative Olson, I think they would welcome the opportunity to be tempted to participate in the system. It is true that it affords an opportunity to people who are sometimes unwilling to mail a contribution in, sometimes negligently forget to support the party of his or her choice. I suspect that when the final count occurs that the Republican and Democratic Party will participate equally in the fund. I might suggest to you that I am anticipating, were this to be enacted into law, that the amount of money to be divided between the two parties would

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not exceed \$200,000. I note that the Veterans'... the Veterans' Home Fund received \$52,000 last year. The Wildlife Fund received \$97,000 last year. The Child Abuse Fund received \$159,000 last year and the Food and Housing Fund received \$48,000 last year. I would suggest that the political process of this state is at least as important as its wildlife."

Olson: "To the Bill, Mr. Speaker. Thank you very much, Representative Sutker."

Speaker McPike: "Yes, proceed."

Olson: "I have received no calls whatsoever from the Chairman of the Republican State Central Committee encouraging us to support this initiative and they are aware of it because we made them aware of that. I would prefer that we do it the old-fashioned way, as they say in the Smith Barney ads, go out and work for it and earn it. And, therefore, I would regretfully have to oppose the passage of House Bill 1020."

Speaker McPike: "Gentleman from Cook, Representative Greiman."

Greiman: "Gentleman would yield for a question or two."

Speaker McPike: "He will."

Greiman: "Representative Sutker, can you tell me, if you know, you may not know, how much the Republican State Central Committee reported in 19... reported in the last year in its campaign disclosure?"

Sutker: "Yes, I can tell you with envy that the Republican State Central Committee expended \$2,600,000 last year in the... through and by its State Chairman. Obviously, that's the reason State Chairman Don Adams did not communicate with his Leadership here."

Greiman: "So, the Republicans' State Central Committee whipped up about two and a half million... mil, and you, Sutker? What did you get, not you, the Democratic State Central Committee?"

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Sutker: "I'm embarrassed to... I'm embarrassed to say that it is our goal to one day attain the heights that the Republican Party has in the State of Illinois in terms of fund raising. But I think it's important, Representative Greiman, that we seek out in participatory democracy the grass roots of both of our parties. I don't think that either party wants to be the elongated shadow of an individual or a personality."

Greiman: "Thank you. Wait, I was asking a question..."

Sutker: "Oh, I'm sorry."

Greiman: "Was there an amount that you received approximately?"

Sutker: "I beg your pardon?"

Greiman: "An amount that the Cook... that the Central Committee of the Democrats received?"

Sutker: "The Democratic Party received approximately a half a million dollars. Last year was a... it was an election year, as you know..."

Greiman: "So... Well, alright. So, let me get this straight. The Republican State Central Committee received \$2,600,000 and the Democratic State Central Committee received a half a million dollars. Well, now I understand why Countryman and Olson are against it, of course."

Speaker McPike: "Gentleman from Cook, Representative Nash."

Nash: "Thank you, Mr. Speaker. Question of the Sponsor. Question of the Sponsor, Mr. Speaker."

Speaker McPike: "Yes, proceed."

Nash: "Representative Sutker, is this your first Bill?"

Sutker: "It's my first Bill. It's my birthday, and my good friend, Representative Olson has been so kind to me up to now that I suspect that he had something waiting for me in the weeds."

Nash: "In that case, I ask for an 'aye' vote and move the previous question."

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Speaker McPike: "Representative Sutker, to close."

Sutker: "Yes, I understand that there is much that divides us in this Assembly. I have been here only a short time. I have learned to know people and have friends on both sides of the aisle. I recognize that there is more than an aisle that separates us. I recognize that we differ in many instances philosophically. We differ in terms of our party goals. We differ in terms of our perception. But I think, importantly, that we are bound to each other by certain common concerns and certain mutual regards, and among those mutual regards is mutual respect for each other's party, mutual respect for the two party system, mutual concern for the political process and a mutual concern to make that process better. It seem to me that we would want to bring in more of the one dollar contributions into each of our parties, that there is a special interest of the individual which we too often overlook. I would urge my colleagues on the Republican side to recognize this is your chance to outreach to those in your party who by impulse or temptation or maybe out of guilt will suddenly want to show his or her solidarity with you and contribute one dollar to your party. I suggest an 'aye' vote."

Speaker McPike: "The Gentleman has moved for passage of House Bill 1020. The question is, 'Shall House Bill 1020 pass?' 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. Representative McCracken, just give the Chair a chance to announce the vote. On this Bill, there are 65 'ayes', 51 'nos', 2 voting 'present'. Gentleman from DuPage, Representative McCracken."

McCracken: "I ask for a verification."

Speaker McPike: "Gentleman has asked for a verification. Representative McNamara would like to be verified."

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Representative DeLeo would like to be verified.
Representative O'Connell."

O'Connell: "Mr. Speaker, can you change my 'aye' vote to a
'present'?"

Speaker McPike: "Yes, we could. Mr. Clerk, change Representative
O'Connell from 'aye' to 'present'. Representative
Leverenz."

Leverenz: "Just leave to be verified."

Speaker McPike: "Leave to be verified. Leave. Now, before we
proceed, the Chair would announce that the dinners... the
chicken dinners have arrived and they are in the corridor
out here for Members only. The announcement does not
include those guests in the balcony. Mr. Clerk, proceed
with the verification."

Clerk O'Brien: "Alexander. Berrios. Bowman. Braun."

Speaker McPike: "Excuse me, Mr. Clerk. Representative Ewing."

Ewing: "Yes, I wouldn't interrupt you, but it's rather important
now. When you said your Members... our Members..."

Speaker McPike: "No, all Members. All Members."

Ewing: "All Members. Well, maybe somebody ought to tell some of
us disenfranchised Republicans where we pick up ours."

Speaker McPike: "No, there is no discrimination here. It's the
aisle right outside the Democratic side. If you can get
there..."

Ewing: "We want to thank you very much."

Speaker McPike: "Maybe we could have a page bring Representative
Ewing his chicken dinner. Representative Ronan."

Ronan: "Yeah, I'd like leave for Representative Ronan and Kulas
to be verified."

Speaker McPike: "Leave. Proceed, Mr. Clerk."

Clerk O'Brien: "Breslin. Brookins. Brunsvold. Bullock.
Capparelli. Christensen. Cullerton. Curran. Currie.
DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers.

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Giglio. Giorgi. Greiman. Hannig. Hartke. Hicks.
Homer. Huff. Keane. Krska. Kulas. Laurino. LeFlore.
Leverenz. Levin. Matijevich. McNamara. McPike.
Mulcahey. Nash. Panayotovich. Pangle. Phelps. Preston.
Rea. Rice. Richmond. Ronan. Saltsman. Satterthwaite.
Shaw. Soliz. Steczo. Stern. Sutker. Terzich. Turner.
Van Duynes. Vitek. Washington. White. Wolf. Anthony
Young. Wyvetter Younge. And Mr. Speaker."

Speaker McPike: "Representative McGann, were you seeking recognition?"

McGann: "Yes, Mr. Speaker. I was and I had my light on for some time and I know you didn't want to interrupt, but would you change my vote from 'present' to 'aye'?"

Speaker McPike: "Representative McGann changes from 'present' to 'aye'. Representative McCracken."

McCracken: "Where are we starting?"

Speaker McPike: "Mr. Clerk? 65 'ayes', 51 'nos'."

McCracken: "Thank you. Shall I begin?"

Speaker McPike: "Yes."

McCracken: "Representative Flinn."

Speaker McPike: "Representative Flinn is... Representative Flinn is..."

McCracken: "He's gone."

Speaker McPike: "Everyone is pointing, so I'm... I'm looking for Representative Flinn. Is the Gentleman here?"

McCracken: "No, it doesn't count."

Speaker McPike: "Well, remove Representative Flinn from the Roll Call. Representative Flinn has returned. Return Representative Flinn."

McCracken: "Representative Laurino."

Speaker McPike: "Representative Laurino. The Gentleman here? Representative Laurino. Gentleman is right here."

McCracken: "Bill, when you walk out again..."

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Speaker McPike: "And Representative Berrios asks leave to be verified also."

McCracken: "Representative Panayotovich."

Speaker McPike: "Yes, and Representative Panayotovich is right here with him."

McCracken: "Is Representative Brunsvold back?"

Speaker McPike: "Yes, he's in the aisle."

McCracken: "Representative Braun."

Speaker McPike: "Representative Brown?"

McCracken: "Braun."

Speaker McPike: "Oh, I thought you said Brown. Representative Braun is not here. Remove Representative Braun."

McCracken: "Representative Dunn."

Speaker McPike: "Representative Dunn. Gentleman here? He's not. Remove him from the Roll Call."

McCracken: "Representative Bowman."

Speaker McPike: "Representative Bowman is in his chair."

McCracken: "Eating chicken. Representative Hicks."

Speaker McPike: "Representative Hicks is in his chair."

McCracken: "Nothing else."

Speaker McPike: "No further questions? Mr. Clerk, what's the count? On this Bill there are 63 'ayes', 51 'nos', 2 voting 'present' and House Bill 1020, having received the Constitutional Majority, is hereby declared passed. And returning to the Bill that was removed... that was taken out of the record, House Bill 574, Representative Preston. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 574, a Bill for an Act to amend an Act relating to public financing of gubernatorial campaigns. Third Reading of the Bill."

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

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

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House. House Bill 574 has been well debated in previous occasions in this chamber. The Bill creates an Act relating to the public financing of gubernatorial campaigns and provides for a one dollar check off on Illinois income tax returns to be paid into the gubernatorial elections fund. The Bill provides that qualified candidates for Governor and Lieutenant Governor in Illinois may receive payments from this fund for the primary or general elections and in order to receive these funds, there are certain criteria that has been established to make this a voluntary program that a person may or may not participate in as he or she determines. In order to receive these public matching funds in the gubernatorial campaign, the candidate must raise a threshold amount of money by themselves. That threshold amount is \$100,000 and that must be in contributions of \$500 or less. The candidate must not accept contributions from any individual in order to qualify for this program that is in excess of \$1000 during the primary campaign and \$1000 during the general election campaign. Further, the candidate who is seeking this matching fund program cannot accept any corporate, union, association or political committee contributions in excess of \$5000 during the primary and \$5000 during the general election campaign. Further, the candidate cannot expend from personal or family funds money in excess of \$35,000 for the primary campaign and excess of \$35,000 for the general election campaign. Finally, and most importantly, the candidate, in order to be eligible for these matching funds must agree in writing not to expend more than one and a half million dollars in the primary election campaign and agree in writing not to expend more than two million dollars in the general election campaign. Now, if I could have some order, Mr. Speaker. I know we

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are all anxious to eat dinner, but this is an important Bill that's been worked on at length. The reason for..."

Speaker McPike: "Could the Gentleman have some order."

Preston: "Thank you, Mr. Speaker."

Speaker McPike: "Certainly."

Preston: "The reason for the necessity for this legislation is because of the perception and more often than not, the wrong perception, but nonetheless, the perception in the eye of the public, in the mind of the public, that large contributions buys a person undue influence over the highest office in the State of Illinois. And the people are entitled to be free of that perception so that they can feel unconcerned that a fat pocketbook, a fat checkbook will buy you something that a little person in our state can't have which is the unbiased voice and the unbiased ear of the Governor of Illinois. Now, this has been popular to unfortunately characterize this as an anti-Governor Thompson Bill which it is most assuredly not. The Governor is a decent and honorable man and he has served well in the highest office in Illinois. This, however, gives the public protection that they deserve, that we deserve, that we deserve to give to people in our communities so that they have security in knowing that our highest office holder is an office holder that is free of the kind of influence that large dollar contributions might buy. We, in the past gubernatorial election, have seen millions and millions of dollars spent, both in the primary and general elections for people to get elected to that office. And it's unconscionable to have that ever increasing millions of dollars increase year after year to new and new... newer and newer highs. This Bill will achieve that and if Representative Olson finally understands the provisions of this Bill, I hope you will all vote 'aye'."

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Speaker McPike: "The Gentleman has moved for the passage of House Bill 574. On that, the Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Without being repetitious to the last Bill, I think the question before us is priorities. In my district, my constituents are saying, 'How are you, Representative Countryman, going to aid us in funding the education of our children? How are you, when the declining real estate values and the declining state aid formulas continue to effect the education and the welfare of all of our community, how are you going to bring more dollars back to your district?' And I say to them we have to be fair and equitable all over the state. We have to do a good job down here and we have to set our priorities. And I'll tell you, Ladies and Gentlemen of the House, taking income tax dollars from our kids, from the educational funding and giving them to the candidates for governor, who have in the past had no problem raising those sums, is the wrong way to go. And if, in fact, we vote for this Bill, then we have made gubernatorial campaigns a higher priority than the education of our children. I think that this Bill is something that is not needed. We have not had any problems in this area in this state. In the... In the five and a half years I served on the Board of Elections, we have filed and had the disclosure of all of the gubernatorial candidates and we continue to do it. It's a full and complete disclosure. It's a good law. It does the job. The constituents in our districts, the constituents of the Governor all know where the money is coming from. They can take that in mind before they vote for the candidate for Governor. It's the people who can afford it are contributing the money. The people who want to contribute

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the money. The tax dollars of this state are important to the education, the vitality of this state and I say let's defeat this Bill and put those dollars in the education of our youngsters. I urge a 'no' vote."

Speaker McPike: "The Gentleman from Cook, Speaker Madigan."

Speaker Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, I rise to speak in support of this Bill as one who has given some thought to the possibility of a state-wide candidacy for public office. The best reason that can be offered in support of this legislation is the history of the last Governor's election between Mr. Stevenson and Mr. Thompson where both candidates together spent in excess of six million dollars just to occupy the office of Governor or Illinois. For an ordinary citizen of this state, whatever their background, either in public life or in private life who contemplates the thought of a campaign for state-wide office and in particular, a campaign for Governor, that realization is very close to being totally prohibitive of the campaign. Just reflect on it yourself for a while and think of what would be required to raise in the neighborhood of three to four million dollars to conduct a campaign for public office. And as John Cullerton just said, a lot of fund raisers and a lot of meetings with interest groups and a lot of meeting with people that for whatever reason would have an interest in your occupancy of that office. This Bill would eliminate the need for that. This Bill would provide that, yes, there would still be private fund raising because there is a threshold requirement where each candidate must raise a certain requirement before they qualify for the public financing. But these requirements are drastically reduced and they are brought within the realm of reality. Thereafter the public component comes into play and lastly, it puts a lid on

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campaign expenditures. So there would be a ceiling on the amount of money used and expended in gubernatorial campaigns. The truth of the matter is that the bulk of this money is just going for TV advertisement and it's becoming repetitious and if you live in the Chicago area, you know what happened in the last Mayor's election in terms of TV advertisements. I think this is a good Bill. I realize that there will be a partisan division on the Bill. I would simply say to our friends on the other side of the aisle, don't march too long with your friend the Governor because he does change course from time to time and this may be one of those cases. I'd recommend an 'aye' vote."

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

Davis: "Well, thank you, Mr. Speaker. I guess the sails are set with this Governor and we don't know what course he's on at the moment, but nevertheless, if it's good for the Governor... there was a good Amendment offered to this Bill and it ought to be good for the City because the Speaker himself just acknowledged that we were bombarded in the last Mayor elections with expensive television commercials and I shudder to think how much money is going to be raised and spent in the next Mayoralty election. The Bill is bad for a lot of reasons. I suppose the only answer to this, Representative Preston, because you had this Bill in front of the Legislature for a long time, is really this and that's to mandate, through a change in the lottery law, that all lotto winners - there's your pool for Governor and they have to run if you win the lotto."

Speaker McPike: "Gentleman from Livingston, Representative Ewing."

Ewing: "Would the Sponsor yield?"

Speaker McPike: "Yes."

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Ewing: "Representative Preston, what happens if one candidate chooses to take state financing and the other chooses to raise theirs privately?"

Preston: "The candidate that chooses to take public funds must abide by the decision... by the requirements of the Bill. That means that they have to raise the money from contributions of... they get matching funds for contributions they have received of \$150 or less. They don't get matching funds for contributions they received of over \$150. They have to have raised the threshold amount of \$100,000 from \$500 or less contributions before they are eligible. They have to agree in writing to spend no more than one and a half million dollars in the primary campaign and agree in writing to spend no more than two million dollars in the general election campaign. And the other candidate who does not want to get matching funds will be forced, first of all, that will be a public issue and a campaign issue of the person... And John Connelly, when... John Connelly declared himself as a president... as a candidate for president decided not to take federal matching funds and he financed his campaign through privately raised contributions. And he was free to do that just as someone would be free to do that in this instance."

Ewing: "So, if you chose to go the private route, there would be no limitations on the amount you could spend?"

Preston: "That is correct."

Ewing: "And you could have quite a disparity then between what is spent by the one on the private sector and one using government funds?"

Preston: "Theoretically, you could have that disparity, but you would also give... by accepting private... the public funding, what you do, as Speaker Madigan indicated, is you make the little contributor much more important than he or

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she was in the past because every \$150 that is contributed by that small contributor is matched through public funds, where large contributors are prohibited from making excessive contributions. So, the influence or the perception of influence of the large contributor is reduced where the importance of getting as many people out there to be supportive of a campaign is enhanced. Do I assume you are now voting 'aye', Representative Ewing?"

Ewing: "There is then a limitation in the contributions that you can receive even if you choose to go the private route?"

Preston: "No."

Ewing: "Are you sure of that?"

Preston: "I seem to have been abandoned by staff here, but that is my belief."

Ewing: "Section 4 of the Bill says, 'No individual shall make any contribution or series of contributions to any candidate or pair of candidates for nomination and election to the Office of Governor or principal campaign committee in excess of \$1000. No candidate of any pair of candidates and no official of any principal campaign committee shall knowingly accept.' It would look to me like and our staff indicates that..."

Preston: "Well, your staff disagrees with our staff and..."

Ewing: "Well, ours is right, I'm sure."

Preston: "Well, I'm not... I'm not so certain of that..."

Ewing: "Your staff has gone off to eat chicken."

Preston: "Well, let me make it real clear. It is the... It is the intent of this Bill that private funding remains under the same law that we are under today and that you can raise and spend, if you choose not to voluntarily participate in this program, you can raise and spend as your little heart desires. However, if you want to use public funding, then that you get something for that and you give something for

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that and what you give is limitations on excessive contributions and expenditure."

Ewing: "Thank you, Representative. I think that this Bill is not that well refined. There certainly is some disagreements on what the limitations are on anyone who might choose to go the private route. I think, in addition, if there aren't limitations, as the Sponsor would indicate, on the amount that you can raise, I would think that anyone going the private route could certainly far outdistance the one using public funds. Now, I don't really think that would be a campaign detriment in at least a great part of this state. In fact, I believe that the candidate using private contributions would find that he has really pleased the public a great deal more than the one using private... the public funds and I think that maybe we should send this Bill back to the drawing boards or maybe even further and vote 'no' on this."

Speaker McPike: "Gentlemen from Cook, Representative Huff."

Huff: "The Sponsor yield?"

Speaker McPike: "Yes, he will."

Huff: "Yeah, Representative Preston, what... what would be the role of the PACs in this situation?"

Preston: "The role of the PACs would be the same role they have today, but what the... if you are talking about a candidate who has voluntarily chosen to participate in the public funds portion, the PACs are limited in the amount of contribution that they could make to the candidate. So that a PAC could make a \$5000 contribution to the candidate in the primary and a \$5000 in the general election campaign, but not \$25,000."

Huff: "Yeah, but you remember how the PACs were used in the last presidential campaign where both candidates were under the federal restriction for using federal funds, the PACs went

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out and bought..."

Preston: "On their own."

Huff: "On their own."

Preston: "Yeah, that would not change here. You can't restrict the right of a PAC on their own without the authority of a candidate to support a candidate. That would... That would remain the same and I'm not sure we should be in the business of doing that because we still admire freedom of speech and expression even in a political campaign. But a PAC would be restricted... a candidate would be restricted in terms of the donations that he or she could receive from a PAC. Doesn't mean a PAC can't go off and spend it themselves, but if they give the candidate money, there is a limitation on how much money that can be and a total limitation on how much a candidate can expend."

Huff: "Yeah, well, because of the participation and the very real participation of the PACs, I'm reminded of an old Greek mythology about the feast of Bacchus where all the guests who sat at the table, the more they ate, the more there was to eat. I suspect that with the PACs involved in the situation, the more campaign money that's spent, the more there will be to spend."

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

Peterson: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker McPike: "Yes, he will."

Peterson: "Back before PACs, we used to have a way of doing things where AFL-CIO and COPE and their little book on how to win and all that, they used to make a great contribution to the campaign, the kind of thing we call in kind and of course they are still doing that. And before PACs, when we caught up a little bit, we felt that that had a tremendous

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effect on elections. The question I have is whether or not this limit on spending and so on includes those in kind contributions?"

Preston: "Yes, Representative, it does include in kind

contributions, but again, I don't want to let someone be

confused with the difference between an in kind

contribution to a candidates campaign fund and a

contribution or support that the PAC may give the candidate

on their own. There is that distinction. For example, if

a PAC were to give a candidate office furniture to use

during the campaign, that's included in the monetary

limitation on the amount of money that candidate can

receive in that campaign."

Peterson: "Well, I think what we are talking about are the kind,

you know, all those high salaries that people that work for

the unions who... you know, actively participate in the

campaign and nobody really knows much about it. It's just

... they are just out there working, being paid and so on."

Speaker McPike: "Gentleman from Cook, Representative Vittek."

Vittek: "Mr. Speaker, thank you. I move the previous question."

Speaker McPike: "Gentleman moves the previous question. The

question is, 'Shall the previous question be put?' All

those in favor say 'aye', opposed 'no'. The 'ayes' have it

and the previous question is put. Representative Preston,

to close."

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

House. Again, the intent of this bill is to allow the

small non-bigshot, non-moneyed party to have a meaningful

voice in the campaigns for the highest office in Illinois,

at the same time, reducing the perception of too great an

influence that a large contribution gains for an individual

or for a PAC or for a corporate contribution. That's what

the intent is of the bill. We are not alleging that there

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has been wrongdoing in the past. We are only alleging and I think it's very clear that the public has a perception that there is the opportunity for wrongdoing and the public perception is that there has been wrongdoing done or there is at least that appearance and they deserve to be free from that appearance. It is substituting the \$35,000 contributors impact on a candidates campaign for the \$150 contributors impact. It's bringing more people into the process who now feel left out of the process because they feel that what can they do for a candidate? They don't have fat checkbooks. They don't have fat bank accounts. They can only do a little bit. And right now, we are increasing what that little bit is and the importance of that little bit because as you put a ceiling on the total amount of contributions in a campaign, you make every single small contribution all that much more important. It's a good Bill and I'd ask for your 'aye' vote."

Speaker McPike: "Gentleman moves for passage of House Bill 574. The question is, 'Shall House Bill 574 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Gentleman from DeWitt, Representative Vinson, to explain his vote."

Vinson: "Thank you, Mr. Speaker. Ladies and Gentlemen of the Assembly, I did appreciate the spirit of the speaker's remarks in regard to this Bill because he did address it in a fashion that demonstrated his long term thought on the problem. I think that there is another perspective on this issue that I would like Members to consider in casting their votes and that is the difference in the two political parties. The Democrat... The Republican Party has evolved into a party with a philosophy which primarily raises its money through direct mail efforts and small donations. That has been repeatedly demonstrated time after time. The

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problem that the Democrat Party has is that instead of a philosophy, they have become a coalition of special interests in search of the taxpayers pocketbook and I think that that is demonstrated best here where in running their campaigns, they want to get into the public's pocketbook itself. So I would urge a 'no' vote."

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

Olson: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. The one thing that we didn't have a chance to discuss is the fiscal impact, an item supplied by the Illinois Department of Revenue which indicated it could probably be in the area of 6.8 million together with the administrative costs which I think has been estimated by the State Board of Elections at \$45,000. Also another thing we best keep in mind is if this becomes law, then what's next? Other constitutional officers and Legislators. That's why I'm casting a 'no' vote."

Speaker McPike: "The Gentleman from DuPage, Representative Barger, to explain his vote, one minute."

Barger: "Thank you, Mr. Speaker. There are those people who eat lotus blossoms and those people probably believe in this kind of a Bill. There are also those of us who understand politics and know that those who will drain the public funds into their own personal campaign will have an auxiliary campaign that is run by people who are not closely associated with them who will spend the balance of the fund to turn a two or three million dollar campaign into a seven or nine million dollar campaign. This Bill is absolutely ridiculous. All it does is add this much more of the taxpayers money to the money that's wasted on the campaign. Not only will we see the incumbent Governor's face more often than we care to, we will also see his

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opponent's face on television more often than we care to. And so, I would appreciate everyone voting against this so I won't have to watch those Governor's candidates on my television set when I would much prefer to be watching Myrtle and Maude or anything else. Thank you."

Speaker McPike: "Representative Hicks, to explain his vote, one minute."

Hicks: "Yes, Mr. Chairman, Ladies and Gentlemen of the House, I have traditionally been opposed to the idea of this, but due to the debate here on the floor today and due to all the great concern that we see, I'm going to change my vote. For once, it changes. I'm going to vote 'aye'. I think it's a good Bill."

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

Stern: "I don't know if it is possible that I am the only person in this chamber who would have been eligible for this money had it been available three years ago, but I would say to you that... Oh, criminy. But I would say to you that the burden of fundraising can take the focus of attention in a campaign away from important issues and put it on trivia. And I can only tell you that this is the kind of thing that's badly needed, Representative Barger's cynicism notwithstanding. I would definitely urge an 'aye' vote and a mop."

Speaker McPike: "Gentleman from Marion, Representative Friedrich, one minute to explain your vote. Give the Gentleman your attention, please."

Friedrich: "I... I'm having a little trouble competing with that, Mr. Speaker. Mr. Speaker, Members of the House, I guess after hearing the arguments, there's something to be said about elections in Russia. They don't have any problems with big contributors. The government pays for it all, and

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they don't have the election fraud because the guys that running the election win. And they control the election fraud too. So I don't think I want to get into that kind of situation, but I think I hear that's what's coming across here."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 66 'ayes', 52 'nos', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1104, Representative Hastert. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1104, a Bill for an Act in relation to election of the supervisor of assessments. Third Reading of the Bill."

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

Hastert: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I bring before you a nonpartisan election Bill. What this Bill does, basically, says that if counties do elect to elect their supervisors of assessments, those supervisors of assessments must have the same qualifications as appointed supervisors of assessments. A very simple... Bill - no more, no less."

Speaker McPike: "The Gentleman moves for passage of House Bill 1104. Is there any discussion? The Gentleman from Madison, Representative Wolf."

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

Speaker McPike: "He will."

Wolf: "Representative Hastert, is there anything in this Bill that would require the election of a supervisor of assessments in any particular county?"

Hastert: "No."

Wolf: "Thank you."

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Speaker McPike: "Being no further discussion, the question is, 'Shall House Bill 1104 pass?' 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 Bill, there are 116 'ayes', 1 'no', none voting 'present'. House Bill 1104, having received a Constitutional Majority, is hereby declared passed. House Bill 1179, Representative Giglio. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1179, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

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

Giglio: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1179 provides that no public question shall be submitted to the voters of a political subdivision at a regular scheduled election at which time such voters are not scheduled to cast votes for candidates, or nomination, or the election or retention of public office. What happened in the last election, the primary election in February, to have brought my attention... Two... Two different... Three different school board districts had elections on February 26 when there were no... no other candidates or no other people running where they could have waited just 30 days and had it on the regular election, when most of the municipal elections candidates were running. I think what the consolidation of Election Law was supposed to do was to consolidate the elections and here we are having public questions being put on a ballot when there are no candidates running. It costs taxpayers a lot of extra money for the polling places, for the judges, and I think it's just an irate situation where you were spending taxpayers money where these people can have their election when the other candidates are running. They could

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have waited 30 days. I would ask for your favorable support."

Speaker McPike: "The Gentleman moves for the passage of House Bill 1179. Is there any discussion? Being none, the question... Excuse me, the Gentleman from Cook, Representative Piel."

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

Speaker McPike: "He will."

Piel: "Representative, can you explain to us what do you... what happens if you have a situation to where a referendum is brought up, this referendum goes into more than one municipality, certain municipalities have candidates and other ones don't?"

Giglio: "Well, on the scheduled election day like there was on April 2nd in your district and in mine, that referendum could have been placed then. But if you remember, they had elections in Dalton and in Riverdale on February 26th and there were no primers and no candidates running. These school boards decided to put it on that day which cost the taxpayers in our area a lot of money for the polling places and the judges. They could have waited 30 more days for the regular scheduled election, which was the municipal election on April 2nd."

Piel: "But what I'm talking about something that is let's say township wide where you have a referendum that is set for a specific date, whether it be a, you know, county wide, a township wide or maybe even a statewide referendum. What do you have when you have municipalities or jurisdictions that do not have candidates, because the way the Bill states is that if there are no candidates on the ballot for that jurisdiction that the referendum could not be placed on there."

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Giglio: "Well, then in... in my judgment, in my mind, they should wait till the next election which is not that far away. In this year, the regular school board elections are in November, which the school boards and park boards election are supposed to take place, and if they want to put a question on a ballot, then they have like the April election. So it's not that far."

Piel: "Okay, but let's say that you've got the April election. You've got a referendum to be placed on the ballot, and you used Dalton/Riverdale. Let's say that it's going for our area, you've got Thornton Township. It's going to be put on for Thornton Township, but Dalton or Riverdale or maybe both, they're only one of so many communities, but they don't have any candidates. The way the Bill's written, you're saying, if there are no candidates on the ballot for that specific community, what if that would be the only question on the ballot. Would that community be, you know, knocked out of the election because they had no candidates?"

Giglio: "No. The regular scheduled municipal elections I would assume would be in April. That's a regular scheduled election for all municipalities, just like the regular scheduled election for referendums in the school board elections are in November."

Piel: "But if you had a referendum, let's say that it was not on that specific date, where you had certain communities... this is what I'm trying to do is clarify the intent. If you have certain communities that do not, let's say out of 20 communities that you have two that have no candidates, but everybody else does, and it's scheduled to be put on the ballot on that specific date. The way I interpret the way the Bill is written that if a community does not have any candidates then they would not be able to put it in."

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They would not be able to have the election in that specific community. Is that precluding that community from putting the referendum on?"

Giglio: "No. No. Not... Not in my mind, and that's not the intent... that's not the intent of the Bill. Their regular scheduled election like all the other election would be on that day. I don't interpret it that way, Representative Piel."

Piel: "So in other words, if it's in a specific community, they don't have the candidates, then it would not be on that date. But if it was more than a community, county wide, district wide type of a thing, even though there was a community it would still go in that specific community."

Giglio: "Right."

Piel: "Fine. Thank you."

Speaker McPike: "Further discussion? There being none, the question is, 'Shall House Bill 1179 pass?' 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 Bill, there are 105 'ayes', 9 'nos', 2 voting 'present'. Currie... Representative Currie, 'aye'. 106 'ayes', 9 'nos', 2 voting 'present'. House Bill 1179, having received a Constitutional Majority, is hereby declared passed. House Bill 1187, Representative Saltsman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1187, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Peoria, Representative Saltsman."

Saltsman: "Thank you, Mr. Speaker. Members of the House, this Bill provides a court hearing any election contest shall grant a petition for recount properly filed where, based on the facts alleged in the petition, there appears to be a

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reasonable likelihood the recount will change the results of the election. The Illinois Supreme Court, in its opinion, recognized that case law in this state had established that a court will grant a recount only when the petitioner alleges and proves the likelihood that the result of an election will be changed by the recount. I ask for passage of this Bill."

Speaker McPike: "The Gentleman has moved for passage of House Bill 1187. Is there any discussion? Being none, the question is, 'Shall House Bill 1187 pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Representative DeJaegher to explain his vote. Is the Gentleman there? No. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 110 'ayes', 5 'nos', none voting 'present'. House Bill 1187, having received a Constitutional Majority, is hereby declared passed. House Bill 1193, Representative Stern. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1193, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

Speaker McPike: "The Lady from Lake, Representative Stern."

Stern: "Speaker....Mr. Speaker and Members of the House, this is a nice uncontroversial Bill to be my first Bill to pass, I hope. House Bill 1193 simply requires that each election authority shall prepare within 60 days following the canvass of a general election a full precinct by precinct report, either computer generated or typewritten, so that it can be read. You may think that your election authority does this anyway and, in fact, most of them do. But there are a few who still do not and they... the two major parties in those counties are having difficulty getting records they can use. The reason for the Amendment that said typewritten or computer generated was because this is

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the sort of form in which they came in at one time. It is, I think, rather simple to explain, and I will be happy to answer questions if you have any."

Speaker McPike: "The Lady moves for the passage of House Bill 1193. The Gentleman from Madison, Representative Wolf. Representative Breslin in the Chair."

Wolf: "Thank you, Mr. Speaker and Members of the House. I rise in support of House Bill 1193. This Bill provides a service and information that I had assumed all along was furnished by all counties. I guess we're a little bit spoiled in Madison County because we have an excellent county clerk that has provided this information for years within the period of 60 days. I think it's information that all counties should be entitled to, and I would request your support."

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

Pullen: "I'd like to ask a question please."

Speaker Breslin: "The Lady will respond to a question."

Pullen: "Is this your real first Bill?"

Stern: "This is my second first Bill."

Pullen: "Thank you."

Stern: "This is not a virgin, this Bill."

Speaker Breslin: "The question is, 'Shall House Bill 1193 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 117 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1424. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1424, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

Speaker Breslin: "Representative Hicks."

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Hicks: "Yes, Madam Speaker, I'd like leave of the House to take the Bill back to Second for purposes of an Amendment."

Speaker Breslin: "Representative Hicks."

Hicks: "Yes, I'd like leave of the House to take the Bill back to Second for purposes of an Amendment."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Are there any objections? Hearing no objections, the Gentleman has leave. Read the Bill on Second Reading, Mr. Clerk."

Clerk O'Brien: "Amendment #1, offered by Representative Hicks."

Hicks: "Yes, Madam Speaker, Ladies and Gentlemen of the House, Amendment #1 simply says... makes the change whereby it requires the county clerk shall promptly with written notice... notification send to the precinct committeemen of both parties a written cancellation of any elector who is pulled from the rolls and who is no longer on the rolls. And I'd ask for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 1424. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #1 to House Bill 1424 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Hicks."

Speaker Breslin: "Representative Hicks."

Hicks: "Yes, Amendment #2 simply makes a one line change whereby it says that both major political parties may have a... a person who would observe the opening of the mail in the county clerk's office any time that absentee ballots would

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be opened or be coming into the county clerk's office, and I'd ask for its adoption."

Speaker Breslin: "The Gentlemen has moved for the adoption of Amendment #2 to House Bill 1424. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #2 to House Bill 1424 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative Hicks."

Speaker Breslin: "Representative Hicks."

Hicks: "Yes, Madam Speaker, Ladies and Gentlemen of the House, Amendment #3 simple brings voting of absentee votes into the same type of situation that you have currently on those who go into the polls on election day and vote for having someone to help a person with an absentee vote. There has been a little discrepancy on the Bill... on the Amendment itself and probably will be some clarification language put on in the Senate whereby we cannot just have anyone walking around helping out people with their absentee votes, and I've agreed to do that with Representative Olson."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to House Bill 1424. And on that question, the Gentleman from Lee, Representative Olson."

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Representative Hicks, you and I have talked about this potential Amendment. I think you asked a number of days ago to have a..."

Hicks: "That's correct."

Olson: "...a corrected Amendment drafted. Is that correct?"

Hicks: "That's correct, Sir. We don't have the type of language

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that we currently want in the Bill, and I'm perfectly willing to work with you and with the Senate Sponsor until we get the type of language that will be necessary for us both to be happy with."

Olson: "Let's explore that a little bit. Rather than describing that as another individual, might we tighten that up into the area of a member of the same family, a guardian or something of that nature?"

Hicks: "Well, I would think something along the lines of either a close friend. I would not want someone who is not a friend of that person to come in and do so. Some people don't have family in their areas, and so I would not want to restrict it only to a family member, but I would be willing to restrict it to someone who is, you know, a close friend of the family or something like that, yes."

Olson: "How about an exclusionary rule relative to ward committeemen, precinct committeemen, things of that nature."

Hicks: "I would have no problem with that if they did not fall into the category of being a friend."

Olson: "Thank you very much."

Speake: Breslin: "The Lady from Cook, Representative Alexander."

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

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

Alexander: "Representative Hicks, your last... What are we on Amendment #3?"

Hicks: "Yes."

Alexander: "Your Amendment #1, #2, #3, weren't they former Bills that were to be heard in the Election Commission and which you did not bring before the Committee but asked to be put in Interim Study bypassing the Committee?"

Hicks: "Some of the provisions in which I'm asking are those type of things, yes, Ma'am."

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Alexander: "Thank you. I just want to get that out into the open. Thank you."

Hicks: "Yes, Ma'am."

Speaker Breslin: "The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Madam Speaker. Will the Gentleman yield?"

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

Countryman: "Representative Hicks, Amendment #3, did you... Have you reviewed House Bill #100, which we just passed earlier this afternoon?"

Hicks: "Yes, I have seen some of the provisions in the Bill."

Countryman: "How would this differ from House Bill #100?"

Hicks: "I would have to look at the analysis of both Bills and compare them before I could answer that, Sir."

Countryman: "Well, doesn't House Bill 100 address this sort of a problem?"

Hicks: "As I understand it with looking at the analysis here, House Bill 100 talks about in secret in the absentee ballot clause, and what I'm trying to do, Sir, is... is currently if you go into a poll on election day and you request that I go in with you to help you identify how you want to vote on that ballot on that day, you have that right to do so. If you are a person who's incapacitated, for instance, at home, you cannot have anyone help you with your ballot. It is against the law. And recently we had a lady in my district who was convicted of two felony counts for helping a person with their ballot. And I think that's totally wrong. You're able to do it on election day. Certainly if I want to help my mother or my father, and if they request me to do so, I think this should be allowed. But right now, under current law, if I do that with an absentee ballot, I've committed a felony in this state, and I think

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that's wrong."

Countryman: "Thank you, Madam Speaker, to the Amendment."

Speaker Breslin: "Proceed."

Countryman: "I, frankly, think we shouldn't pass these Amendments or adopt these Amendments until they're in order. I think maybe Representative Hicks has a good point, but we have been working on these election Bills for some montas. We've worked hard in the Elections Committee. I believe he had this in the form of a separate Bill, and I don't think we ought to pass this with this Amendment on it. And I think if he... he's got some good ideas here, and if he puts this Amendment on the Bill, he'll make it a bad Bill. And then we'd all have to vote against it. If, in fact, he wants to clarify the Amendment, I would suggest he withdraw it and take it over to the Senate and draw an Amendment that's acceptable to us and then bring it back for concurrence. And I'd urge a 'no' vote and ask for a Roll Call."

Speaker Breslin: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Madam Speaker. Will the... Will he... Sponsor yield, please?"

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

Phelps: "Just a question to clarify, Representative Hicks. As former county clerk, I'm interested in this very much. Did you not say... refer to the condition of someone coming into the county clerk's office for an in-person absentee ballot, did you address that or did I hear you right?"

Hicks: "No, Sir, I didn't address that. I addressed it on election day, if a person goes to the polling place to vote, then he may request someone to help him in the booth itself. And he has that right to do so. Currently, if you as an absentee voter though are incapacitated, for

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instance, and are at home, and let's say you can't even write or you can't punch that ticket for... on a punchcard, then it is impossible, under the current election law, for you to vote. And I think that's wrong."

Phelps: "Well, I rise in support of this Bill (sic - Amendment) because I had witnessed as former county clerk where if you request an absentee ballot, you are discriminated against in many ways. One instance is that the judges on the night of the election when they are opening the absentee ballots, they can say your affidavit was incomplete by saying you did not have your... the precinct down or you did not answer the city of or the township of, and they can cast your ballot aside, whereas if you vote in person at the polls, you have a much better chance of being counted. So for various reasons of clouds hanging over the freedom of absentee balloting, I rise in support of this very good Bill."

Speaker Breslin: "The question is, 'Shall Amendment #3 to House Bill 1424 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it... All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 52 voting 'aye', 47 voting 'no' and 9 voting 'present', and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Amendment #4, Hicks, amends House Bill 1424."

Speaker Breslin: "Representative Hicks."

Hicks: "Madam Speaker, Amendment #4 does need to have a correction on its face. The Amendment should say 1424 instead of 1724, and it has been amended on its face."

Speaker Breslin: "The Gentleman asks to amend the House Bill number on its face. Does the Gentleman have leave? The

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Gentleman has leave. Proceed, Representative Hicks."

Hicks: "Yes, Amendment #4 is really a merely Amendment if there is such a thing as a merely as I heard some of my colleagues say awhile ago. It simply says that a county clerk upon request of any... of any registrar who's going out to register votes can request at least 100 cards for voter registration cards, and I'd ask for its adoption."

Speaker Braun: "The Gentleman has moved for the adoption of Amendment #4 to House Bill 1424. And on that question, the Gentleman from Lee, Representative Olson."

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Representative Hicks, would you just embellish the fundamental aspects of Amendment #4? Would you go over that so everyone has a good grasp of what you're saying?"

Hicks: "I'd be very happy to, Sir. The Bill... The Amendment came about due to the fact that there has been some run-ins with certain county clerks around the state who, and I can give you a specific instance where a county clerk said, 'Five voter registration cards is enough for a deputy registrar to have to go out to register voters.' If you go out as a deputy registrar and you register four people to vote, for instance, and you take your four voter cards back into the county clerk, that county clerk said, 'You still have one more.' And let's say you're going to go out and register another family of four, until you have all five of your voter registration cards filled out and turned into the county clerk, they have refused to give you any more voter registration cards - keeping track of each one you have. And all this Bill says is if you are out, actively trying to register voters that you have a sufficient supply of voter registration cards to do so."

Olson: "One other question, in... this in no way disturbs the time frame in returning them to the county clerk or the

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accurate accounting of who has them at what point."

Hicks: "No, Sir, not in any way. It simply says that they will provide you with plenty of cards, the maximum number being 100 if you request it."

Olson: "Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall Amendment #4 to House Bill 1424 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. The Gentleman now asks leave for immediate consideration of House Bill 1424 on Third Reading. Is there any objection? Hearing no objection, the Gentleman has leave. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1424, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker Breslin: "Representative Hicks."

Hicks: "Yes, Madam Speaker, Ladies and Gentlemen of the House, House Bill 1424, as amended, additional to the Amendments, will also require that within 70 days of any election that no voter may be knocked off the voter rolls because of a failure to vote within the past four years, and I'd be happy to answer any questions on the Bill."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1424. And on that question, is there any discussion? The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. As I said a few minutes ago, I think the Sponsor has some good legislation, but Amendment #3 makes this a bad Bill. The language in Amendment #3 is 'inartfully' drawn and is not something that we should pass

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out in a very important election matter. The Sponsor of this Bill has come up with some good ideas in elections both this year and last year, and I've supported him on many occasions; however, this Amendment #3 allows a voter at any time that absentee voting is taking place to get assistance of another individual. And that instance does not indicate who that individual may be, where that may occur. This could easily lead to vote fraud, all of the things that we've been trying to cure in this state by cleaning up the elections. It's a bad Amendment. I would suggest the Sponsor withdraw it, and then we could vote for the Bill. But until he does, I'd have to vote 'no' and urge my fellow Members to vote the same."

Speaker Breslin: "There being no further discussion, Representative Hicks to close."

Hicks: "Yes, Madam Speaker, Ladies and Gentlemen of the House, I would simply say to you that currently... and to address the issue of Amendment #3, that currently under Illinois law, this Amendment does not change anything that you currently are not allowed to do as a voter who walks into the polling place on election day. It gives an absentee voter the same rights as everyone else who can walk, or who can write their own name or who can walk into the polling place on election day and vote. And I'd certainly ask for your approval of the Bill."

Speaker Breslin: "The question is, 'Shall House Bill 1424 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? This is final action. Have all voted who wish? The Clerk will take the record. On this question, there are 61 voting 'aye', 49 voting 'no' and 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House

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Bill 1806, Representative Stern. Clerk, read the Bill."

Clerk Leone: "House Bill 1806, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker Breslin: "Representative Stern."

Stern: "Speaker and Members of the House, 1806 is a Bill requested by the State Board of Elections. It simply tidies up the statute, removes absolute language and inconsistencies, and I believe it has bipartisan support. I urge your 'aye' vote."

Speaker Breslin: "The Lady has moved for the passage of House Bill 1806. And on that question, the Gentleman from Lee, Representative Olson."

Olson: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, I'm happy to join Representative Stern as Cosponsor of this Bill which was given to us by the State Board. It will be of much service to them. I move for a..."

Speaker Breslin: "The question is, 'Shall House Bill 1806 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 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 115 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared... Representative Stern asks to be voted 'aye'. There are 116 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1813, Representative Stern."

Clerk O'Brien: "House Bill 1813, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker Breslin: "Representative Stern."

Stern: "Madam Speaker and Members of the House, let's try this once more without the can, right. House Bill 1813 also

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requested by the State Board of Elections. Oh, I had the page open before I spilled Pepsi all over it. Anyway, the thrust of it is that in those situations where there's a special election for a school district that crosses a county line and there are 25 or less voters in one particular precinct, the election authority may make arrangements for those voters to vote in a different precinct. It is a very special situation, and retains the privacy of the ballot."

Speaker Breslin: "The Lady has moved for the passage of House Bill 1813. And on that question, is there any discussion? The Gentleman from Will, Representative Davis."

Davis: "Thank you, Madam Speaker. I'd just like to ask the House for leave for Representative Stern to vote 'aye'."

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

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

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

Vinson: "Instead of spilling Pepsi were you referring to the skin on the cocoa?"

Stern: "Oh, Mr. Vinson, Sir, that wounds. This is a very simple Bill, Sir, and I think you will want to support it."

Speaker Breslin: "The question is, 'Shall House Bill 1813 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 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 116 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2096, Representative Countryman. Clerk, read the Bill."

Clerk Leone: "House Bill 2096, a Bill for an Act to amend the

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Election Code. Third Reading of the Bill."

Speaker Breslin: "Representative Countryman."

Countryman: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, House Bill 2096 is a very simple Bill. It amends the Election Code to provide that a write-in candidate can be nominated or elected if he or she receives more votes than a candidate whose name was printed on the ballot. What happened in the Chicago's 28th Ward, a Republican Ward Committeemen received more write-in candidates than did his opponent, who was on the ballot, yet the opponent was declared the winner. Court decisions would indicate that this would be unconstitutional and, therefore, we're seeking to amend the law. And I'd ask for a favorable Roll Call."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2096. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 2096 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? The Clerk will take the record. On this question, there are 115 voting 'aye', 2 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2184, Representative Countryman. Clerk, read the Bill."

Clerk Leone: "House Bill 2184, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker Breslin: "Representative Countryman."

Countryman: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, House Bill 2184 amends the Election Code to provide if there are fewer than four precincts in an election jurisdiction in a district where a candidate has filed a petition for discovery recount, the discovery

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recount is permitted in one precinct. Under current law, you're allowed discovery recounts in 25% of the precincts. This is a rare instance, but has happened before and could happen again. It would allow discovery in less than 25% of the precincts in that one instance and ask for a favorable Roll Call."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 2184. And on that question, the Gentleman from Jersey, Representative Ryder."

Ryder: "I also speak... I also speak in favor of the Bill. This did happen in a municipal election in my district to the dismay of a number of people, and it does settle an... anomaly in the law. Thank you."

Speaker Breslin: "The question is, 'Shall House Bill 2184 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? The Clerk will take the record. Representative Panayotovich, did you wish to speak? He does not. On this question, there are 116 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House... House Bill 2249. Clerk, read the Bill."

Clerk Leone: "House Bill 2249, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Breslin: "Representative Flinn."

Flinn: "Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, Amendment #1 struck down most of the Bill. And all that's left in the Bill now is it requires for any change in the tax rate limitations must be filed six months before the elections rather than 78 days. And this is the state... this is the same as the state issues are concerned. I know of no opposition and move for the adoption of the Bill."

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Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2249. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 2249 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 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 114 voting 'aye', 3 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2408. Clerk, read the Bill."

Clerk Leone: "House Bill 2408, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker Breslin: "Representative Countryman."

Countryman: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, House Bill 2408 is a State Board of Elections codification Bill. It does clarify a problem and return, in essence, to existing or to law what I believe many of us thought the law was. It provides for the filling of... provides, in essence, for the data certification by the State Board of Elections and the data certification by the State Board to the county clerks. The problem that it really solves deals with filling of vacancies in nomination. I think we're all kind of familiar with the managing committees which fill vacancies in nomination when they do occur. Sometimes vacancies of nomination are the result of the failure of any candidate to file for his or her party primary. What has happened in recent months, an Attorney General's opinion has been issued saying that... that the date of certification by the county clerk to the State Board of Elections of the results of the primary elections is the last day to fill a vacancy in nomination. This Bill would... would clarify that and put... put that

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day to be the day of the certification by the State Board of Elections. Effectively under current law right now, rather than being a March date, it would put it to the first week or so of September. It's been requested by the State Board of Elections. I think it's a good Bill and will allow each of the political parties to continue to operate..."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2408. And on that question, the Gentleman from Cook, Representative Nash."

Nash: "Thank you, Madam Speaker. A question of the Sponsor."

Speaker Breslin: "Proceed."

Nash: "Representative Countryman, is this identical to the Bill that Representative Cullerton passed last Session?"

Countryman: "No."

Nash: "What's the difference?"

Countryman: "I don't know what Bill Representative Cullerton passed last Session."

Nash: "Then how do you know it's different?"

Countryman: "Mr. 'Haggen' tells me there's a difference."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the question is, 'Shall House Bill 2408 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? The Clerk will take the record. On this question, there are 114 voting 'aye', 2 voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2475, Representative Olson. Clerk, read the Bill."

Clerk Leone: "House Bill 2475, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker Breslin: "Representative Olson."

Olson: "Thank you, Madam Speaker. Ladies and Gentlemen of the

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House, House Bill 2475, as amended, permits the public to examine absentee ballot applications from the time they are received until 30 days after the election, except for the time they are in the hands of the election judges. I believe there are no concerns with this Bill in the view of the fact it came out unanimously in Committee. We'd appreciate an affirmative vote."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2475. And on that question, the Gentleman from Marion, Representative Friedrich."

Friedrich: "Will the Sponsor yield?"

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

Friedrich: "Would this allow anyone that inspected those to make copies of them since they're a public record? Could..."

Olson: "I didn't hear the question."

Friedrich: "Could I go into the county clerk's office and make copies of those applications since they're a public record?"

Olson: "It doesn't provide for that. It merely permits you to examine them, Representative Friedrich."

Friedrich: "I'd be happier if I could make copies, but I'll take this. Thank you."

Olson: "Thank you very much."

Speaker Breslin: "The question is, 'Shall House Bill 2475 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? The Clerk will take the record. On this question, there are 115 voting 'aye', 1 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we have the tabulations from the Bills that we voted on on the Consent Calendar. All of those Bills passed with the exception of House Bill 2015 and 2023. House Bill 2015 and

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2023 will appear on the Order of Postponed Consideration. With the exception of those two Bills, they have reached the Constitutional Majority and are hereby declared passed. Ladies and Gentlemen, we have to take a five minute recess in order to change the tape. Once we change that tape, we will come back and go to the Order of Senior Citizens. So would... there will be a five minute recess. Excuse me, Representative Flinn, for what reason do you rise? Representative Flinn."

Flinn: "Would you mind repeating the numbers that did not pass? I didn't get them."

Speaker Breslin: "The two Bills that did not pass were House Bill 2015 and House Bill 2023."

Flinn: "Thank you."

Speaker Breslin: "Representative Keane, for what reason do you rise? Representative Keane. Proceed..."

Keane: "Thank you, Madam Speaker. We have some Bills on Second Reading that... I have one that needs an Amendment, and if you wish, we could run... I'd be happy to run that at this time."

Speaker Breslin: "Unfortunately, the reason we have to take the recess is because the tape is not running."

Keane: "Oh, alright. I didn't understand then."

Speaker Breslin: "...have to have everything on tape. Right. So we can't do anything."

Keane: "Just another point. Is Senior Citizens supposed to be a Friday Order of Call?"

Speaker Breslin: "I'll look and see. Yes, it is."

Keane: "Have we touched on all the Thursday Orders of Call? I have a few Bills on Thursday Order of Call that I..."

Speaker Breslin: "Not all. No, not all, Sir."

Keane: "...I don't think we've had a chance to hear. Are we going to go... Will we... Do you know offhand whether or

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not we will hit all of Thursdays?"

Speaker Breslin: "We don't know, but I will inquire for you."

Keane: "Thank you."

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

Van Duyne: "Thank... Thank you, Madam Speaker. I was thinking the same thing. You know, I... I'm one of the fellows that have a Bill on Thursday's Call under Transportation, Thursday, May 23rd. And I'm wondering... the same as Mr. Keane why we're going to Friday when we haven't..."

Speaker Breslin: "I will inquire for you, Sir, but we cannot change the tape until people quit talking."

Van Duyne: "Will you come down here..."

Speaker Breslin: "Okay? So in five minutes, we'll come back and carry on this discussion, otherwise... Ladies and Gentlemen, we are ready to go again. As to Representative Keane and Representative Van Duyne, you are correct. The Order of Senior Citizens should not be called next because it is scheduled to be heard on Friday. We will go to the Order of House Bills Third Reading - Economic Development, page 27 on the Calendar. The first Bill is House Bill 49, Representative Younge. Clerk, read the Bill."

Clerk Leone: "House Bill 49, a Bill for an Act relating to the creating the East St. Louis Development Authority. Third Reading of the Bill."

Speaker Breslin: "Representative Younge."

Younge: "Thank you, Madam Speaker. Could that be taken back to Second Reading for purposes of an Amendment?"

Speaker Breslin: "The Lady wishes to move this Bill back to the Order of Second Reading for the purposes of an Amendment. Are there any objections? Hearing no objections, the Lady has leave. Read the Bill on Second Reading, Sir."

Clerk Leone: "House Bill 49, which is a Bill for an Act relating

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to the creating the East St. Louis Development Authority.

Amendment #7, Younge, amends House Bill 49 on page one and so forth."

Speaker Breslin: "Representative Younge."

Younge: "Yes, may I withdraw Amendment #7?"

Speaker Breslin: "The Lady withdraws Amendment #7. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #8, Younge."

Speaker Breslin: "Representative Younge."

Younge: "Thank you, Madam Speaker and Members of the House. Amendment #8 to House Bill 49 makes a corrective and technical corrections to the Bill, and I move for the passage of the Amendment."

Speaker Breslin: "The Lady moves for the adoption of Amendment #8 to House Bill 49. And on that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Point of order. Is the... Or parliamentary inquiry. Has the Amendment been distributed, #8?"

Speaker Breslin: "No, it has not. Representative Younge, we cannot go forward with this Amendment. Do you wish to have the Bill amended or do you wish to go to Third Reading on this Bill?"

Younge: "I wish to go to Third Reading."

Speaker Breslin: "The Bill... Representative Vinson, for what reason do you rise?"

Vinson: "Was an Amendment to the Bill tabled on Second just then?"

Speaker Breslin: "Was there... Excuse me, Sir?"

Vinson: "Did the Lady table an Amendment..."

Speaker Breslin: "No, she did not."

Vinson: "...that had been previously adopted?"

Speaker Breslin: "No, she did not."

Vinson: "Okay. Thank you."

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Speaker Breslin: "Third Reading. Mr. Clerk, read the Bill on Third Reading."

Clerk Leone: "House Bill 49, a Bill for an Act creating the East St. Louis Development Authority. Third Reading of the Bill."

Speaker Breslin: "Representative Younge."

Younge: "Thank you very much, Madam Speaker. House Bill 49 creates the East St. Louis Development Authority. This is the same Bill, House Bill 1004, that was vetoed by the Governor with the understanding that I would get together with the principle parties and come to an agreed Bill. This Bill is support now by the Governor's Office and is supported by DCCA which has assured me it will try to get the Governor's signature. And I ask for the passage of this Bill."

Speaker Breslin: "The Lady has moved to... for the passage of House Bill 49. And on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Madam Speaker, Members of the Assembly, I rise in opposition to this Bill. On Second Reading the Lady rejected, and opposed and spoke against an Amendment that would have limited the total amount of spending in this Bill to one trillion dollars. I don't believe that we can afford to authorize spending in excess of a trillion dollars for anything, and I would urge a 'no' vote."

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

McCracken: "Will the Sponsor yield?"

Speaker Breslin: "She will yield for a question."

McCracken: "Representative Younge, was the Governor's support contingent upon the adoption of Amendment #8?"

Younge: "No, it was not."

McCracken: "What would Amendment #8, if it had been adopted

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provided for?"

Younge: "It was my effort to make some corrections that had to do with a misplaced word, and some capitalization and things like that. I was trying to correct an error in the Bill, but I'll do that in the Senate."

McCracken: "What was the error?"

Younge: "One of the errors was that 'chartered organizations' was capitalized and 'ancillary' was used in place of... The word ancient was used in the place of 'ancillary', for example."

Speaker Breslin: "The Lady from Cook, Representative Alexander, for what reason do you rise? Representative Alexander."

Alexander: "Point of order. Amendment #8 is not before this House at this present time, and Representative Younge has... went back... went to Second, went back to Third for the Bill... because Amendment #8 was not before this Body. Why discuss it?"

Speaker Breslin: "Your point is well taken, Representative Alexander. Do you have any further questions, Representative McCracken?"

McCracken: "Point of order. Apparently, the Amendment (sic - Bill) is not in proper form or else we wouldn't have had the attempt to adopt Amendment #8."

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

Young: "Madam Speaker, Ladies and Gentlemen of the House, I just rise in support of the Bill and would point out to Member of both sides of the Bill... of the aisle rather than obvious merits of the Bill, and it was demonstrated most.. by Representative Vinson who could find nothing wrong with the Bill other than his facetious remark about a trillion dollars. So based on being no opposition on either sides of the aisle, I would urge 'aye' votes."

Speaker Breslin: "There being no further discussion, the...

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Representative Younge to close."

Younge: "I ask for your support in reference to this local management tool that is needed in the East St. Louis area to promote economic development."

Speaker Breslin: "The question is, 'Shall House Bill 49 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Madison, Representative McPike, one minute to explain your vote."

McPike: "Well, thank you, Madam Speaker. I rise in support of this Bill. It's my understanding that Amendment #8 has been adopt. Oh, shoot. Well, I'm still for the Bill... still for the Bill. This is the one that Representative Vinson was trying to limit earlier and was unsuccessful. And I had never supported placing a limitation on this Bill, and I think his was... was unreasonable and was rightly defeated. Now, the Bill, as it stands, without Amendment #8, I think is a much more reasonable approach to develop the Authority and condemn property. And... And the limitation in here for issuing bonds for only four years will give the General Assembly a chance to review the success or the failure of the Authority. I think that's the fairest way to limit this, rather than putting some artificial dollar limit of a billion... a trillion dollars... Instead of putting an artificial dollar limit of one trillion, I think it makes a lot more sense just to limit it to... to the amount of revenue bonds that can be issued in four years. So I rise in support of the Bill."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 61 voting 'aye', 46 voting 'no' and 8 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 68, Representative Rea. Clerk, read the Bill."

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Clerk Leone: "House Bill 68, a Bill for an Act to amend the Illinois Purchasing Act. Third Reading of the Bill."

Speaker Breslin: "Representative Rea."

Rea: "Thank you, Madam Speaker, Members of the House. House Bill 68 is a good economic development Bill. It is a Bill that will promote jobs and gives an economic preference to bidders of contracts in the State of Illinois. This is one that we are having some problems with in the past of too many contracts going out of state, too many of our state agencies purchasing from out of state when we should be promoting business here in the State of Illinois. This Bill will seek to give Illinois bidders preference over nonresident bidders if the resident bid is up to 5% higher than that of the out of state bidder, which means then that the instate would be allowed to lower his bid to that... down to the 5% for the lowest bid. This is a Bill that certainly will encourage retaining and keeping jobs. It will also help promote small businesses and do more business in the State of Illinois. And I would ask for an 'aye' vote."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 68. And on that question, the Gentleman from Cook, Representative Piel."

Piel: "Thank you, Madam Speaker. Will the Gentleman yield, please?"

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

Piel: "Representative Rea, would you explain how this bidding process is supposed to go exactly?"

Rea: "Will you repeat your question, please?"

Piel: "Would you please explain to the chamber exactly how this bidding process takes place?"

Rea: "Okay, the bidding process would take place just the same as any other bidding of contracts under the Illinois

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Purchasing Act. The only difference here is that when the bids are taken, there would not be a second bid or whatever. When the bids are taken and you have, for instance, an out of state bidder that may bid 3% under, then when it comes to the awarding of that contract, the Illinois bidder will be offered it if he will lower his down to that 3%, the same as the out of state bidder."

Piel: "Okay. Just out of curiosity then, is there a... I'm sitting here looking for it. Alright. The fiscal note, is there an idea of what this is going to cost the state, because obviously the state is going to have to pay more money or be losing money, I'm sorry, be losing money on this."

Rea: "No, one of the... In fact, with this Bill, the... this.. the Amendment takes care of that, and it would not cost the state any additional money whatsoever. In fact, it would be a gain because these are the people in Illinois that are paying taxes and supporting our institutions in the state."

Piel: "The reason I'm asking the question is because I'm looking at a fiscal... fiscal note. Now, the question I've got is from the... have you seen the CMS fiscal note?"

Rea: "Yes, but that was... that note was, I think, prior to the Amendment there too, as originally introduced. Yes."

Piel: "The..."

Rea: "And the Amendment takes care... There's no cost to the state whatsoever."

Piel: "It's... Alright. But it's not going to, you know, the state is not going to... is not going to lose any money on this? I'm trying to..."

Rea: "None whatsoever, because a bid would be lowered down. They would not be paying a higher percent whatsoever. They would be lowering their bid, the state contractor, down to that of an out of state. So they'd be paying exactly the

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same thing, but your instate contractor is the one paying the various taxes to support our businesses and institutions in the state."

Speaker Breslin: "The Gentleman... Are you finished?"

Piel: "Okay. No further questions."

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

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

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

Ropp: "Yeah, Representative, just to go into this a very brief bit more. A hypothetical case, then if there was a building project in Illinois that would cost a million dollars, and... or let's say 100 million dollars and an Indiana firm would do it for 100 million, and an Illinois firm would do it for 100 million 500... 100 million 5 thousand... 5 million, they would, in fact, be given the option to get a second opportunity to say, 'Okay. Your bid is too high. You're an Illinois firm. But if you come down that 5%, you will be able to get the bid here in Illinois.'"

Rea: "They would be able to match the bid."

Ropp: "But what if you had two or three firms from Illinois that fell in the same category, which one would you give it to?"

Rea: "Your... Your lowest Illinois bidder would be given the preference there."

Ropp: "Even though they both fell within the 5% limit?"

Rea: "And if they meet the other bid specifications in the delivery."

Ropp: "Okay. Let's... Let's suppose though that you had two Illinois firms, and they both fell within the 5% limit. One was 4% and one was 3. Would the one who had the 3% higher limit be the one that would be given the option?"

Rea: "Would you repeat your question please?"

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- Ropp: "Okay. You have two firms. Both have bid over the lowest bidder, which is an out of state bidder, and both are under the 5% allowable limit over that bid. Which one of the two firms in Illinois would you permit to pick up the bid for the construction or the supplying of products?"
- Rea: "The lowest one would be given the opportunity to match that out of state bid. And if they... if they both happen to be the same instate bid, it would be under the same process as occurring today under the Purchasing Act."
- Ropp: "Does this new kind of venture somewhat in... discourage out of state companies or contractors from bidding in Illinois at lower figures when, in fact, they know they may never get a bid because instate bidders will have at least another chance to bid?"
- Rea: "Not in the least. In fact, it encourages them to bid lower."
- Ropp: "It encourages them to bid over?"
- Rea: "Lower."
- Ropp: "Lower?"
- Rea: "Yes."
- Ropp: "You mean an out of state company would be encouraged to want to come in and..."
- Rea: "Yes, to... to attempt to beat the 5% spread there. It would be an incentive to them."
- Ropp: "Okay, in other words, then we would be possibly getting a product at a lower figure because an out of state bidder would come in low and then our own companies would meet that lower bid even though they had bid up to 5% above and beyond that initial contract."
- Rea: "That's correct."
- Ropp: "Okay. I think this is certainly a new process that we're establishing here. It seems to me like it would, in fact, discourage out of state bidders in spite of the fact that

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it might on the surface sound like we're giving instate bidders an opportunity to bid higher knowing that they can always come down at least 5%. It's a new approach. I think I'm going to take a look at it and really vote red."

Speaker Breslin: "The Gentleman from Grundy, Representative Christensen."

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

Speaker Breslin: "Representative Christensen moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the main question is put. Representative Rea to close."

Rea: "This is a very important Bill and will certainly encourage business and encourage our people in the State of Illinois to bid. It will not discourage them in the least. It will encourage them to bid. We will have more business going on here in the State of Illinois, which means at a very crucial time it will retain some of our businesses that may be operating on a marginal basis. This is a good economic development Bill, and I would ask for an 'aye' vote."

Speaker Breslin: "The question is, 'Shall House Bill 68 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Will, Representative Began, one minute to explain your vote."

Regan: "Thank you, Madam Speaker. Members of the House, we had a similar thing the first part of the Bill in Will County which was a 5% deviation outside of the county. If a... If a contractor bid 5% lower than a Will County person, he would get the work. There was no opportunity for him to go back to a Will County bidder. Now what this is going to create here, in the State of Illinois, is that nobody's going to bid here knowing that the other person can drop

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the bid below and get the work from inside the state. So no one from outside the state's going to bid. And then the inside contractors are going to raise all their rates, and we're going to pay more for everything in the state. I think it's a bad Bill. I intend to vote 'no'."

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

Friedrich: "It takes a lot of time and money to prepare for a bid, and you have to have a bid bond. Any out of state bidder would be out of his head to bid on a deal like this, so you won't have any out of state bidders, if that's what you want."

Speaker Breslin: "The Gentleman from Adams, Representative Mays, one minute to explain your vote."

Mays: "Thank you very much. In explaining my 'no' vote, I just view this Bill as an administrative nightmare. What happens in the case where you have two Illinois bidders under the 5% competitive margin? How... You know, what's going to happen in that case? I think if you want to really make it fair and competitive and stuff like that, maybe we ought to require out of state bidders to bid at the same workers' comp cost, and unemployment insurance cost and every other cost that we impose on our businesses here in this state and keep the percentage difference the same."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 75 voting 'aye', 42 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 132. Clerk, read the Bill."

Clerk Leone: "House Bill 132, a Bill for an Act in relationship to charitable contributions to designated zone organizations under the Illinois Enterprise Zone Act."

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Third Reading of the Bill."

Speaker Breslin: "Representative Giorgi."

Giorgi: "Madam Speaker and Members of the House, when we wrote the original Enterprise Zone Act we provided for corporations to make charitable contributions to... to enterprises in these zones. And we allowed them a tax deduction for some of their contributions. But we made it so difficult for them to... to contribute that only up till now 35 dollars has been approved as a donation by the Department of Commerce and Community Affairs. So we've changed the law to read that they can get a credit from their income tax liabilities for up to 50% of their... of their credit, but we put a max on of a million dollars. The state could only see a million dollars in revenues disappearing in the year from corporations making charitable contributions to enterprises in the enterprise zone. So this is... There is no opposition to this Bill. In fact, the Department of Commerce and Community Affairs would think that this would be an incentive for more charitable contributions, and I urge the support of the House for this Bill."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 132. And on that question, the Gentleman from DeWitt, Representative Vinson."

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

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

Vinson: "Is this another tax loophole, Representative, for big corporations?"

Giorgi: "Representative Vinson, had it been, I think corporations would have climbed over each other to get into this business. But in as much as only 35 dollars has been recorded, it doesn't seem to be... to be any bonanza for anyone. And people in the enterprise zones are suffering

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because corporations are not making the contributions we expected when we wrote the original Enterprise Zone Law."

Vinson: "But your proposal is another tax loophole for big corporations, isn't it?"

Giorgi: "Yes, and I'm really, I think, reading what your intentions are. You'd like to support it because it is a break for big business."

Vinson: "Mr. (sic - Madam) Speaker, to the Bill. I understand that... the Gentleman's intention to be for welfare for everybody. In this case, I think we ought to be against welfare for corporations, and I'd urge a 'no' vote."

Speaker Breslin: "The Gentleman from Winnebago, Representative Giorgi, to close."

Giorgi: "As I said earlier, there is... this Bill has been... We've talked it over with the Department of Commerce and Community Affairs. We've talked it over with some of the people in the enterprise zone. This is desperately needed by the people that have created enterprise zones. They'd like to invite corporations to make contributions. They haven't been able to... this time. We put a limit of a million dollars. The old Bill had a limit of 15 million dollars and only 35 dollars was taken advantage of. So I think, Sam, this is a pretty honest attempt to do something about the situation... enterprise zones. I think you'll support the Bill."

Speaker Breslin: "The question is, 'Shall House Bill 132 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 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 86 voting 'aye', 30 voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 147, Representative Shaw. Clerk, read

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the Bill."

Clerk Leone: "House Bill 147, a Bill for an Act to amend... concerning job training. Third Reading of the Bill."

Speaker Breslin: "Representative Shaw."

Shaw: "Yes, House Bill 147 is a Illinois Job Training Act of 1985. And what this Bill does, it sets up job training programs, job counselling, job search assistance, and displaced workers and Vietnam veterans. And what this does is retrain the people in those... that have been displaced and unemployed for jobs that are going to be in existence for the... over the next 20 years... 10 to 20 years, rather than train people for a job that's already out of existence. And I think it's a good Bill, and it's a good program. And I think it's needed in Illinois. And I think that the Members of the House should vote for it, and I ask..."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 147. And on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Madam Speaker, I... inquiry of the Chair."

Speaker Breslin: "State your inquiry."

Vinson: "Insofar as this appears to authorize the issuance of general obligation funds, how many votes are required for passage?"

Speaker Breslin: "We will look at the Bill. In the meantime, the Gentleman from McLean, Representative Ropp."

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

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

Ropp: "Representative, can you tell me the difference between this Bill and the current Federal Job Training Partnership Act that we have, and why this one is needed?"

Speaker Breslin: "Representative Shaw, to answer the question."

Shaw: "Yes. Yes, Representative Ropp, the difference between

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this Bill is... than the Federal Job Training Program, is that many people that have administered the Job... the Federal Job Training Program has trained people for outdated jobs. They're still training people for steel mill jobs, I understand. And this would... this Bill would not allow them to do that."

Ropp: "Well, I don't really think that's true. We're spending 286 million 588 thousand dollars now from the Federal Government on the Job Training Partnership Act right now. This is being conducted throughout the state in a number of excellent programs throughout the state. There's no reason, and if you know areas where they're training people to do jobs that are obsolete, I'd be more than happy for you to give me their names. I happen to serve on some of these state committees that deal with vocational training, and we don't want to waste money teaching people how to learn old programs that are no longer in existence. This is a program, Ladies and Gentlemen of the House, that is not needed. We do have federal programs. We do have a number of vocational programs going throughout the state, and certainly, we don't need to duplicate ongoing satisfactory programs. And I urge a 'no' vote."

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

Shaw: "Yes, Madam Chairman (sic - Speaker), I think this is... I think this is a program that's needed, and it's been demonstrated throughout Illinois. In Peoria, Illinois where Caterpillar Tractor and... has gone out of business, the people there have not had meaningful training. In my area, where... that the steel mill workers has been laid off and dislocated, the people have not had meaningful training, and those people are still unemployed today. And what this is designed for is to remove the people off of

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the welfare rolls where that they can become taxpayers rather than tax eaters. And I think that Illinois need this program, and I think that the men and women of the General Assembly should vote for... green on this program. I ask for an 'aye' vote."

Speaker Breslin: "In response to Representative Vinson's inquiry. This Bill requires 71 votes for passage because it authorizes general obligation bonds. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final passage. 71 votes are required for passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 50 voting 'aye', 62 voting 'no' and 1 voting 'present'. Representative Shaw."

Shaw: "Yeah, Postponed Consideration, please."

Speaker Breslin: "The Gentleman asks for Postponed Consideration, and it shall be placed on the Order of Postponed Consideration. House Bill 255, Representative Dunn. Representative Dunn. Is the Gentleman in the chamber? Out of the record. House Bill 334, Representative Brunsvold. Clerk, read the Bill."

Clerk Leone: "House Bill 334, a Bill for an Act to amend the Illinois Enterprise Zone Act. Third Reading of the Bill."

Speaker Breslin: "Representative Brunsvold."

Brunsvold: "Madam Speaker, permission to move this back to Second for a clarifying Amendment."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? Hearing no objection, the Gentleman has leave, and the Bill is on Second Reading. Mr. Clerk, read the Bill."

Clerk Leone: "Amendment #3, Brunsvold - et al, amends House..."

Speaker Breslin: "Representative Brunsvold."

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Brunsvold: "Amendment #3 simply clarifies two lines on page three so that it definitely identifies 12 zones for 1985. The original Amendment 2 that was put on by Representative Barnes was not clear on that... on that point, and that's all the Amendment does. Ask for the adoption of the Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to House Bill 334. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #3 to House Bill 334 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. The Gentleman now asks leave for immediate consideration of House Bill 334 as amended. Hearing no objection, the Gentleman has leave. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 334, a Bill for an Act to amend Sections of the Illinois Enterprise Zone Act. Third Reading of the Bill."

Speaker Breslin: "Representative Brunsvold."

Brunsvold: "House Bill 334, which now is Amendment 2 with clarifying Amendment 3, would simply raise from eight to twelve the number of enterprise zones granted in 1985. DCCA is in support of the... of the Bill and ask for the passage."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 334. And on that question, the Gentleman from Knox, Representative Hawkinson."

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

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

Hawkinson: "Joel, I didn't hear the explanation on Amendment #3.
Was that a... simply a technical Amendment?"

Brunsvold: "The Amendment that Representative Barnes put on was
not crystal clear as to how many Amendments (sic - zones)
were going to be in '84 as opposed to '85, and the Bill...
the Amendment that Representative Barnes put on was
supposed to state clearly that it was supposed to be 12 in
1985."

Hawkinson: "Thank you."

Brunsvold: "And this simply clarifies that point."

Hawkinson: "Thank you."

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

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

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

Mays: "Does the Bill as amended now specify what those additional
four enterprise zones must be?"

Brunsvold: "No, there's no specification. My original Bill
specified an enterprise zone specifically for Rock Island
County. That was amended out by Representative Barnes'
Second Amendment."

Mays: "Okay. So then as it stands, we're just going to be doing
12 instead of eight."

Brunsvold: "No... specific enterprise zone will be named in
any... in any specific place."

Mays: "Thank you very much. I rise in support of the Bill."

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

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

Speaker Breslin: "The Gentleman moves the previous question. The
question is, 'Shall the main question be put?' All those
in favor say 'aye', all those opposed say 'nay'. In the

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opinion of the Chair, the 'ayes' have it, and the main question is put. Representative Brunsvold to close."

Brunsvold: "Thank you, and I just ask for your affirmative vote."

Speaker Breslin: "The Gentleman... The question is, 'Shall House Bill 334 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 115 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional... Representative Piel asks to be voted 'aye'. There are 116 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1111, Representative Ronan. Clerk, read the Bill."

Clerk Leone: "House Bill 1111, a Bill for an Act to create the Illinois Capital Budget and Five Year Capital Improvement Programs within the Governor's Office of Planning. Third Reading of the Bill."

Speaker Breslin: "Representative Ronan."

Ronan: "Thank you, Madam Speaker and Members of the House. This House Bill 1111 I think is an important concept that we have to get established in the law here in the State of Illinois, especially as we embark upon the Governor's ambitious building program. What my plan calls for is that there be a five year capital budget established for State Government under the coordination of the Governor's Office of Planning. It's important that agencies, as they do capital planning and as they prepare for future capital expenditures, make sure it be done in a coordinated basis so we don't have any kind of duplication or wasteful expenditures. I feel it's an important concept. This will finally put capital planning into a reasonable rationale basis, and I move for the passage of House Bill 1111."

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Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1111. And on that question, the Gentleman from McLean, Representative Ropp."

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

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

Ropp: "Representative Bonan, doesn't the Governor's Office have an Office of Planning now, and if they do is this project not included?"

Bonan: "No, it's not included, Representative Ropp."

Ropp: "What does the Governor's Office on Planning do now then if this is not a part of it?"

Bonan: "You can ask the Governor's Office of Planning what they do now. I know they don't do capital planning. State Government under Jim Thompson said five years ago that we should have capital planning for State Government. It was mandated in 1980... the Bureau of the Budget did it. But so far no one's doing it."

Ropp: "Okay. Good."

Speaker Breslin: "There being no further discussion, the question is, 'Shall House Bill 1111 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 117 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1202, Representative Klemm - Sutker. Clerk, read the Bill."

Clerk Leone: "House Bill 1202, a Bill for an Act to amend the Comprehensive Solar Energy Act. Third Reading of the Bill."

Speaker Breslin: "Representative Sutker."

Sutker: "Madam Speaker, Ladies and Gentlemen of the House, this

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is Representative Klemm's Bill. He's the primary Sponsor. Unfortunately, he couldn't be here at this time, but I'd like to tell you that it's a concept which... whose day has come. To implement this Bill will require grants and appropriations. None have yet been submitted. The Bill provides for a grant of 20% of the first 10 thousand dollars expended for single family residential buildings and the first 50 thousand dollars for multi-family structures and commercial structures. It provides for expanding consideration for solar energy systems and provides for implementation between now and January of 1988. I recommend its adoption."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1202. And on that question, the Gentleman from Madison, Representative McPike."

McPike: "Thank you, Madam Speaker. Will the Sponsor yield?"

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

McPike: "This... This Bill's a little confusing to me. Now the way I read the Bill, the State of Illinois pays people to install certain types of heating units?"

Sutker: "Yes, if grants are provided by the Federal Government. The expectation is that there will be some action on the part of the Federal Government to implement the 40% tax credit now provided for such systems. The suggestion has been to have this kind of system in place. There is no accompanying appropriation with this Bill at this time. It's merely in the conceptual stage."

McPike: "So you don't intend to pay these people out of state money."

Sutker: "No money will be paid from state funds."

McPike: "So this would be kind of like a... a federal PIK program for farmers, except this would be..."

Sutker: "Only for municipal dwellers."

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McPike: "This would be, yeah, for Yuppies?"

Sutker: "If they qualify."

McPike: "Right. But no state money."

Sutker: "No state money at all, and there's no appropriation."

McPike: "And... And there's no intention to put in any appropriations Bill for this."

Sutker: "There's no intention to do so. There's an expectation there that there will be subsequent federal grants."

McPike: "Well, okay... Thanks."

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

Harris: "Question of the Sponsor, Madam Speaker."

Speaker Breslin: "Proceed."

Harris: "Representative, you indicate that there will be no state funds. Where in the Bill does it indicate that we'll use only federal funds?"

Sutker: "The Bill does not spell out the funding; however, there is no appropriation provided for. And it's our expectation that all or any appropriations will come from federal grants. And we're not planning to do anything further except have a concept in place and a statute which amended the Comprehensive Solar Energy Act of 1977."

Harris: "Well, it seems to me that the... the Bill, unless I'm misreading it, is very direct. It simply says, 'A direct grant will be paid by the Department of Energy and Natural Resources to the purchaser...' et cetera. That kind of tells me, it seems, where the money is coming from. On a related subject though, is not the federal tax credit for energy... energy purchases do to expire at the end of this year."

Sutker: "That's correct. And that's why there is an expectation of a new approach to this solar energy problem and the solar energy future."

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Harris: "Well, to the Bill, Madam Chairman..."

Speaker Breslin: "Proceed."

Harris: "...Madam Speaker. The concept I think is very good. I would certainly consider myself if the State of Illinois, which it looks like here is going to pay me two thousand dollars of the first 10 thousand that I invest, they're going to pay be two thousand of that, I would certainly consider putting that on my system. But although it's a good idea, I think it might be, perhaps, improperly crafted, and we may want to try this some... some other time, and I would recommend a 'no' vote."

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

Wolf: "Thank you, Madam Speaker. Would the Sponsor yield to a question?"

Speaker Breslin: "He will."

Wolf: "Cal, in the Bill, it provides for the establishment of certain performance standards for solar systems eligible under this program. Is there anything in this Bill that would require performance standards of those firms who would be contracted to install such systems?"

Sutker: "It's expected that the Department of Energy and Natural Resources will promulgate rules with respect to the entire project."

Wolf: "Well, I... I might tell you, the reason I asked that question is that in my district I have had several cases that I have had considerable trouble with and have had to eventually route these people to the Attorney General's Office to get them resolved. And I would suggest to you, Sir, that somewhere in this legislation, if it makes the full cycle that a provision be made in there to require firms responsible for installing such systems to be fully responsible. Thank you very much."

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Speaker Breslin: "There being no further discussion, Representative Sutker to close."

Sutker: "I would hope for an affirmative vote on this very important concept. I think that we're all aware of the need to emphasize solar energy in the future. We all, I believe, recognize that this is a method by which we can reduce our dependency on other forms of energy, and I hope that this will be the outline of a plan to come."

Speaker Breslin: "The question is, 'Shall House Bill 1202 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 76 voting 'aye', 40 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1224, Representative Younge. Clerk, read the Bill."

Clerk Leone: "House Bill 1224, a Bill for an Act to amend the Capital Development Board Act. Third Reading of the Bill."

Speaker Breslin: "Representative Younge."

Younge: "May that be taken back to Second Reading for purposes of an Amendment?"

Speaker Breslin: "The Lady asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Hearing no objection, the Lady has leave. Second Reading, Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1224, which amends the Capital Development Board Act, Second Reading of the Bill. Amendment #1, Stephens, amends House Bill 1224."

Speaker Breslin: "Representative Stephens."

Stephens: "House Bill (sic - Amendment) 1 to 1224 amends the Bill to change the wording by deleting the City of East St. Louis and replacing that with the territory of the Metro East Mass Transit District created under the Local Mass

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Transit District Act."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 1224. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, will the Sponsor yield?"

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

Cullerton: "What was wrong with the Bill the way it was drafted by Mrs. Younge?"

Stephens: "Well, in particular, I thought that we should look at the entire Metro East area and just... not just the East St. Louis area. I conferred with Representative Younge and she concurred."

Cullerton: "And what... How do you define the Metro East area as opposed to the... merely the East St. Louis area?"

Stephens: "Well, as you're probably aware, Sir, East St. Louis is a city. The Metro East area in the St. Louis metropolitan area is that area including Illinois..."

Cullerton: "Missouri?"

Stephens: "Counties of Madison..."

Cullerton: "Missouri?"

Stephens: "Including the Illinois Counties of Madison, St. Clair and surrounding areas."

Cullerton: "Does it include Missouri?"

Stephens: "No, Sir, it does not."

Cullerton: "Why not?"

Stephens: "Because it's east of the river, Sir."

Cullerton: "Oh, it's East St. Louis."

Stephens: "They're in the term Metro East."

Cullerton: "I see. And the Bill is designed to study what - the possibility of a sports stadium?"

Stephens: "There is the possibility of a major sports stadium coming to the Metro East area."

Cullerton: "Why would you want to put it anywhere but in the

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heart of East St. Louis?"

Stephens: "That's a very good question, Sir."

Cullerton: "And that's what your Amendment goes to, right?"

Stephens: "My... The reason, Sir, that we have this is that about three or four months ago, I initiated contact with the owner of the football stadium and we had... we entertained the notion that there were several possible locations in the Metro East..."

Cullerton: "That would be Mr. Bidwell... St. Louis Cardinals?"

Stephens: "Yes, Sir."

Cullerton: "Did he talk to you about off-track betting while he had you on the phone?"

Stephens: "We met in person, Sir, and we did not."

Cullerton: "I see. And so what you're saying is with this Amendment being adopted, it's possible we might be able to get the St. Louis Cardinals to become the East St. Louis Cardinals..."

Stephens: "I don't believe..."

Cullerton: "...but only if they don't have to have their stadium in East St. Louis."

Stephens: "I don't believe they'll change their name."

Speaker Breslin: "Let's confine our remarks to the Amendment, Gentlemen."

Cullerton: "Well, I think that it's a bad Amendment, and I think that if the Sponsor of the Bill agreed to it, I think she probably made a mistake. Because if we're to have a pro sports stadium, it should definitely be in the economically deprived area of the city itself and not out in the affluent suburbs. And, as a result, I would ask for a Roll Call and oppose the Amendment."

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

McCracken: "Would the Sponsor of the Amendment yield?"

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Speaker Breslin: "He will."

McCracken: "Representative Stephens, is this Amendment agreed to by the Sponsor of the Bill?"

Stephens: "She approached me and asked me to enter the Amendment."

McCracken: "Okay. Now, I would suggest to the Body that in light of that fact that custom and courtesy dictates that the Bill be put in a posture for Third Reading according to the wishes of the Sponsor. And if we're going to talk about economic development, economic development is that which attracts private industry. And this is something we should all be in favor of and we should all be proud of. And if we can get the East St. Louis Cardinals on this side of the river, more power to us. So let's vote for it."

Speaker Breslin: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Madam Chairman (sic - Speaker). I also join in support of this Amendment. It is in accordance with the Lady's Bill. And we're talking about jobs and economic development. And wherever that's done within the State of Illinois then we all should be looking very seriously at that. And I believe that this... this Amendment deserves and 'aye' vote."

Speaker Breslin: "The Lady from St. Clair, Representative Younge."

Younge: "Thank you, Madam Speaker and Members of the House. I join with Representative Stephens in reference to his Amendment because I believe that the State of Illinois would be better served by an independent study as to the best site for the location of a sports stadium in the Metro East area. I don't fear such a study and a broadening of my Bill because I do believe that the study will show that the East St. Louis riverfront is the best site. But

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believing that very strongly, I am willing to agree with Representative Stephens that the Capital Development Board should have the prerogative to take the sites that have been offered and then come to the best conclusion. And for that reason, I concur in his Amendment and ask for its adoption."

Speaker Breslin: "The question is, 'Shall Amendment #1 to House Bill 1224 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 93 voting 'aye', 15 voting 'no' and 3 voting 'present', and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. The Lady now asks leave for immediate consideration of House Bill 1224 on Third Reading. Is there any objection? Hearing no objection, the Lady has leave. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1224, a Bill for an Act to amend the Capital Development Board Act. Third Reading of the Bill."

Speaker Breslin: "Representative Younge."

Younge: "Thank you very much, Madam Speaker. I have talked with the Executive Director of the Capital Development Board and he is very willing to make this study. And I believe that St. Louis, Missouri finds itself in a very unfortunate spot, and that is, it is land locked. It has built Busch Stadium that is too small. It has built the Cervantes Convention Center that is too small, and I think that we here, in Illinois, have an magnificent opportunity to capture a professional sports stadium on the metro east side. And for that reason, I ask you to join with me and with Representative Stephens to request and authorize the Capital Development Board to see what is the best site on

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the meto east side for a new sports stadium."

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

McCracken: "We're with you. This is a great idea. Let's get the football team over here."

Speaker Breslin: "The question is, 'Shall House Bill...' The question is, 'Shall House Bill 1224 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 113 voting 'aye', 1 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1228, Representative Young. Clerk, read the Bill."

Clerk Leone: "House Bill 1228, a Bill for an Act to create the Office of Urban Assistance. Third Reading of the Bill."

Speaker Breslin: "Representative Tony Young."

Young: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 1228 is an Act to create the Office of Urban Assistance within the State of Illinois. The purpose of this Bill is to try to address the problems of the depressed urban areas within this state."

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

McCracken: "Point of order, Madam Speaker."

Speaker Breslin: "State your point"

McCracken: "I believe Wyvetter Younge is the Sponsor of the Bill."

Speaker Breslin: "She is. The hyphenated Cosponsor is allowed to present the Bill, and he is so doing. Continue, Representative Young."

McCracken: "I don't see him hyph..."

Speaker Breslin: "Look on your Calendar, Sir. Look on your

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Calendar, Sir. Proceed, Representative Young."

Young: "Okay. The purpose of this Bill, again, is to create the Office of Urban Assistance. This office would be a seven member board appointed by the Governor to study the problems of the urban city. The need for this Bill is simply because none of the current programs, either federal, state or local, actually address the issue of studying problems within the urban cities. The duties of this office would be to coordinate all state, local and federal programs regarding aid to urban areas. This office would work with DCCA and the other state agencies which do not have a policy making arm. The key to this Bill is that they would study the urban problems and try to attempt to come up with long range solutions. This is not a program, but a research and study idea. This office would request proposals from the private sector rather than create a new government agency. Another one of the purpose would be to assist in the development of industrial state parks within the urban areas and also would include DCCA's ideas of small business incubators, which again provide services but do not really provide programs. Another purpose of the office would be to study youth unemployment throughout this state. Right now, all our youth unemployment programs address summer employment and not youth unemployment on a yearly basis. I'd like to point out that this is not a Bill for Chicago or for East St. Louis, but it is for all the urban areas throughout the state, including Rockford, and Peoria and Decatur and Quincy and East St. Louis, and East Moline and Cairo and Carbondale and Mt. Vernon. I urge your 'aye' vote on this important piece.."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1228. And on that question, the Gentleman from Cook, Representative Cullerton"

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Cullerton: "Yes, thank you, Madam Speaker. Representative, I believe Amendment #1 was filed to the Bill and was not adopted. And I believe it's a housekeeping Amendment, technical Amendment. I thought perhaps that you may want to bring the Bill back to Second Reading for the purposes of that Amendment. Is that correct, Representative Young Young, or Representative Young?"

Speaker Breslin: "Representative Young."

Young: "There is an Amendment #1 which was filed. I was under the impression it was adopted."

Speaker Breslin: "The Clerk advises me that it has not been adopted. Do you wish it to be adopted? The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of the adopting of Amendment #1. Does the Gentleman have leave? Hearing no objection, the Gentleman has leave. Read the Bill on Second Reading, Mr. Clerk."

Clerk Leone: "House Bill 1228, on Second Reading. Amendment #1, Wyvetter Younge, amends House Bill 1228."

Speaker Breslin: "Representative Younge. Wyvetter Younge."

Younge: "Thank you, Madam Speaker. Amendment #1 is a housekeeping Amendment, and it takes out excessive words and makes correction. And I ask for the adoption of the Amendment."

Speaker Breslin: "The Lady moves for the adoption of Amendment #1 to House Bill 1228. And on that question, Representative McCracken, do you wish to discuss this Amendment? No. And on that question, the question is, 'Shall Amendment #1 to House Bill 1228 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. The Gentleman asks leave..."

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Representative Tony Young now asks leave for immediate consideration of House Bill 1228 as amended. Is there any objection? Hearing no objection, the Gentleman has leave. Mr. Clerk, read the Bill on..."

Clerk Leone: "House Bill 1228, a Bill for an Act to create the Office of Urban Assistance. Third Reading of the Bill."

Speaker Breslin: "Representative Young has already presented his arguments for the adoption of this Bill on Third Reading. Is there any further discussion of it? The Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think we all understand the conditions which prompt a response such as that envisioned by House Bill 1228. The intent is certainly good. The problems are certainly real. I think the question is and what separates each side of the aisle is what to do about it, how to make it better. You know, we made a lot of jokes about the last Bill and the East St. Louis Cardinals, but I think you found a lot of support here because that was an outstanding demonstration of a Legislator who took advantage of an opportunity to bring about true economic development. Economic development is not the creature of study or the creature of government fiat. Economic development is based upon choice dictated by profitability and business decisions which are governed on considerations which are dictated by what is going to work within our economic system. Now, I don't know why certain areas are depressed and others aren't, but I do know that a Bill which creates a system, a board, a paid board of 25,000 dollars per member and 30,000 dollars for the Chairman subject to the Compensation Review Board and a board with a general mandate to study a problem which has been with us since time immemorial and which will probably not come up with

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any new ideas, a problem... a board which duplicates to great extent, regardless of the Sponsor's contentions, programs already in existence sponsored by various agencies under various guises, including the Department of Commerce and Community Affairs, which runs the community development assistance program, the small business assistance office, the office of local government services, the enterprise zone program, the civic center support program, and in addition to House Bill 49 which recently passed out of here. We're not talking about a lack of empathy. We're not talking about a lack of concern. And it would denigrate unnecessarily the debate to reduce it to those terms. The point I want to make is that Build Illinois is with us now. The Sponsor of the Bill had an opportunity and may very well have introduced various Amendments as appropriations to that measure. DCCA has been authorized by the Build Illinois Bill, if it becomes law, to invest 27 million dollars in small business incubators. Small business incubators is one of the major features of HB1228. What I'm suggesting is that we are creating more government in... which is incapable of creating economic climate or conditions which you seek to create. If they don't exist, the study isn't going to tell you how to create them. We already know why they exist, where they exist. Your last Bill, Representative, was an outstanding Bill. It was a great opportunity. I hope that the economic development can be worked on, but this just creates another council. It just creates another layer of bureaucracy. It's well intended, but it should not be supported. I respectfully ask for a 'no' vote."

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

Preston: "Thank you, Madam Speaker. I missed a couple of things

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that the previous speaker said. Would he mind repeating what he had just said?"

McCracken: "I could never repeat that."

Speaker Breslin: "There being no further discussion, Representative Tony Young, to close."

Young: "Thank you, Madam Speaker, Ladies and Gentlemen. I'd like to start by pointing out, in some of Representative McCracken's remarks, he did admit that there are serious problems that we really don't know what to do. He said he doesn't know how to solve them. I don't know how to solve them. This Body does not know how to solve them. There are problems that are unique to urban cities that we have not solved. The reason for this Bill is to create professionals. Mr. McCracken also talked about the salaries of this board. Of course this board has to be paid. This is going to be a full-time job of professional people trained in areas that neither myself nor Mr. McCracken have been trained in in how to study. Before you can solve these problems, you have to study them. Again, I would like to point out, as far as DCCA and their small business incubators, there are provisions in this Bill to house some of those incubators within this office. Those incubators as conceived by DCCA provide services. They do not provide solutions to problems. Right now, the urban areas of this state are faced with problems that we don't have solutions for. This Bill would help try to study and find those solutions. Again, as far as the Governor's own Build Illinois program, I think that is the testimony to the fact that we need a program to rebuild Illinois, to rebuild our urban areas. We have allowed them to crumble. And the main reason we've allowed them to crumble is because we really just don't know what to do. I urge your vote on this important piece of legislation."

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Speaker Breslin: "The question is, 'Shall House Bill 1228 pass?'

All those in favor vote 'aye', all those opposed vote 'no'.

Voting is open. This is final passage. Have all voted who wish? The Lady from St. Clair, Representative Younger, one minute to explain your vote"

Younger: "I want to add to what Representative Younger has said about House Bill 1228; that what we have to do is to come up with a program to help people in severely depressed urban areas to become self sufficient. The state, right now, is a great deal of the economy of urban depressed areas. Through an Office of Urban Assistance which would be created by House Bill 1228, we would have a board and a group of professional people who would be working around the clock to do the planning and research that will be necessary to create enterprise and development in area... in urban areas. The enterprise zones in urban areas have not flourished because there is not sufficient staff in these areas. An example of that would be the East St. Louis..."

Speaker Breslin: "Your time is up, Representative."

Younger: "Thank you."

Speaker Breslin: "The Gentleman from Jersey, Representative Ryder. Have all voted who wish? The Clerk will take the record. On this question there are 34 voting 'aye', 66 voting 'no' and 8 voting 'present'. This Bill, having failed to receive the necessary Constitutional Majority, is hereby declared lost. House Bill 1233, Representative Younger. Clerk, read the Bill"

Clerk O'Brien: "House Bill 1233, a Bill for an Act to amend the Illinois Community Development Finance Corporation Act. Third Reading of the Bill."

Speaker Breslin: "Representative Wyvetter Younger."

Younger: "Thank you very much, Madam Speaker, Members of the

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House. House Bill 1233 would amend the Community Development Finance Corporation. Two years ago, this House and the Senate sent to the Governor a Bill to create the Community Development Finance Corporation. This Bill was signed into law; but, as a result of a study by a consultant, the Board of Directors has never been appointed, and the Bill has never been made operable. The Amendment here before you in House Bill 1233 would amend into law the things that will help this Community Development Finance Corporation to become a functioning corporation. I have shared with many Members here on the House floor a letter that George Ryan, Lieutenant Governor, has written to me in which he has indicated that he supports this Bill and these Amendments. Basically, the Amendments would correct the fact that this corporation would be able to and would have a responsibility for creating local development corporations. It would also be able to receive grants from the State of Illinois and appropriations from the State of Illinois in addition to selling its ten million dollars worth of stock to private industry. Also, there would be tax credits for the sale of three million dollars of the stock. The Monsanto Chemical Company supports this Bill and also the Governor has withdrawn his opposition based on the Lieutenant Governor's support. And I ask for your support."

Speaker Breslin: "The Lady has moved for the passage of House Bill 1233. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 1233 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? The Lady from St. Clair, one minute to explain her vote."

Younge: "This is a very important Bill. The Amendment that is

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before you straightens out many of the defects in the original corporation, and I ask for your support. The Lieutenant Governor supports this concept, and the Governor has withdrawn his opposition to it. And I would appreciate your giving your support to this very important development bank Bill that will help to develop the enterprise zones in the very severely depressed areas. Without small business loans at low interest rates, it will be impossible for their to be entrepreneur development. And this concept is very, very much needed in the... in the enterprise zones and in the urban areas. And I ask your support."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 56 voting 'aye', 51 voting 'no' and 2 voting 'present'. Representative Younge asks for a Poll of the Absentees. Poll the absentees, Mr. Clerk."

Clerk O'Brien: "Poll of the Absentees. Brunsvold. Dunn. Flinn."

Speaker Breslin: "Representative Keane asks to be voted 'aye'. Representative Pangle asks to be voted 'aye'. Proceed, Mr. Clerk. Proceed, Mr. Clerk."

Clerk O'Brien: "Continuing the Poll of the Absentees. Klemm. Laurino. Leverenz. Richmond. Steczo. No further"

Speaker Breslin: "On this question there are 58 voting 'aye', 51 voting 'no' and 2 voting 'present'. Excuse me, 1 voting 'present'. Representative Laurino from the gallery wishes to be recorded as voting 'aye'. The Clerk advises me that that is not an appropriate place to vote from, Representative Laurino. Representative... Representative Flinn. Representative Flinn and Representative Steczo both ask to be voted 'aye'. Representative Wolf asks to be recorded as voting 'aye'. Representative Laurino, voting from the proper place, votes 'aye'. On this question there

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are 63 voting 'aye', 51 voting 'no' and 1 voting... 62 voting 'aye', 51 voting 'no' and 1 voting 'present'. Representative McCracken asks for a Verification of the Affirmative Roll. Proceed with a Poll of the Affirmative, Mr. Clerk."

Clerk O'Brien: "Alexander. Berrios. Bowman. Braun. Breslin. Brookins. Bullock. Capparelli. Christensen. Countryman. Cullerton. Currie. DeJaegher. DeLeo. Deuchler. Farley. Plinn. Flowers. Giglio. Giorgi. Goforth. Greiman. Hannig. Homer. Huff. Keane. Krska. Kulas. Laurino. LeFlore. Levin. Matijevich. McNamara. McPike. Nash. Panayotovich. Pangle. Phelps. Preston. Rea. Rice. Ronan. Ropp. Saltsman. Shaw. Soliz. Steczko. Stephens. Stern. Sutker. Terzich. Turner. Van Duynes. Vitek. Wait. Washington. White. Williamson. Wolf. Anthony Young. Wyvetter Young. And Mr. Speaker."

Speaker Breslin: "Do you have any questions of the Affirmative Roll, Mr. McCracken?"

McCracken: "Yes. Yes, Madam Chairman. Question of the Chair. Where are we starting?"

Speaker Breslin: "62 'ayes'."

McCracken: "Representative Capparelli."

Speaker Breslin: "Representative Capparelli? Representative Capparelli is in the chamber."

McCracken: "Representative Terzich."

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

McCracken: "Representative Krska."

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

McCracken: "Representative... Representative Berrios."

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

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McCracken: "Representative DeJaegher."

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

McCracken: "Representative Brunsvold".

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

Clerk O'Brien: "Gentleman is not voting."

Speaker Breslin: "Representative Brunsvold is not voting."

McCracken: "Sorry. Representative Countryman."

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

McCracken: "Representative Deuchler."

Speaker Breslin: "Representative Deuchler is in her chair."

McCracken: "Representative Ropp."

Speaker Breslin: "Representative Ropp is in his chair."

McCracken: "Representative Panayotovich."

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

McCracken: "Representative Huff."

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

McCracken: "No further questions. Representative Homer."

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

McCracken: "No further questions."

Speaker Breslin: "Mr. Clerk, what's the count? On this question there are 56 voting 'aye', 50 voting 'no' and 1 voting 'present'. Representative Younge. The Lady requests Postponed Consideration. The next Bill on the call is House Bill 1250, Representative Soliz. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1250, a Bill for an Act to award state contracts in target areas. Third Reading of the Bill."

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Speaker Breslin: "Representative Soliz."

Soliz: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is a Bill which is designed to help the high risk unemployed in this state. It's a Bill which is designed to help companies that operate or do business in distressed areas in the state. And what the Bill does is essentially give a preference to those companies which employ high risk unemployed in any distressed area in the state. What we are trying to do with this particular Bill is to try to cope with the high unemployment rate in this state and also, at the same time, award companies that perform certain jobs in distressed areas in the state as well as employ the high risk unemployed in the State of Illinois. There is a system of preferences that is established by the law. For example, it would provide for a one percent preference if five to nine percent of the total work force of that particular company is a high risk unemployed; a two percent preference if ten to fourteen percent of the total work force is a high risk unemployed and then, progressively, it provides for a preference system that gives a small amount of preference to those companies that employ from distressed areas or the high risk unemployed. High risk unemployed is defined specifically by the Act. It provides for the... in the definition of high risk unemployed to include disadvantaged youth, disadvantaged Viet Nam era veterans, disadvantaged convicts, rehabilitation referrals and others as specified by the Act. If any one company violates any provision of this Act by misinforming or misrepresenting that they have hired high risk unemployed or that they have operated in a distressed area, then there are provisions in the Act which provide for sanctions against that particular company. I think this is a very good Bill which, again, will foster

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economic development in the State of Illinois, will provide for helping those that are chronically unemployed in this state, and I urge support for this Bill."

Speaker Breslin: "Gentleman has moved for the passage of House Bill 1250. And on that question, the Gentleman from Knox, Representative Hawkinson"

Hawkinson: "Thank you, Madam Speaker. Will the Sponsor yield?"

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

Hawkinson: "Representative, when we heard this Bill in Economic Development Committee, we had information in front of us that indicated that the definitions of distressed area and urban area would preclude most of the downstate distressed areas from any benefits in your bid, including our area in Galesburg which a few months ago had 25 percent unemployment. Have you changed any of those definitions since this has come out of Committee?"

Soliz: "No, I haven't. I disagree with that interpretation. My interpretation of this particular Bill would apply to distressed areas throughout the state. And, in fact, it would provide for... and there are certain provisions in the Act that provide for certain preferences when a company, although they may not be in a distressed area, just by virtue of employing high risk unemployed individuals anywhere in the state, would qualify for certain preferences. So that that would not really exclude any company throughout this state doing business."

Hawkinson: "Thank you, Representative. To the Bill, Madam Speaker. We had this Bill in Committee, and I know the Representatives from the Quad Cities and from, in my case, from Galesburg and other downstate areas, and I think all... all downstate Representatives should be particularly concerned. Thank you, Madam Speaker. The problem with the definitions in this Bill is that it would exclude the

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employment of companies and workers from downstate distressed areas. And, for example, in my area in Knox County which a few months ago had unemployment as high as 25 percent, and the Quad City and Peoria area with high unemployment, it would give preference to companies from the Chicago area to come down with Chicago employees and do jobs in the Galesburg or Quad Cities or Peoria corridor with high unemployment and take jobs that ought to go to the people who are unemployed and living in the areas that do not meet the urban categories and the distressed categories combined. We had maps in front of us in Committee. None of those statistics were refuted, and there have been no Amendments on the Bill. I would urge a 'no' vote on this Bill."

Speaker Breslin: "Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Madam Chairman. Would the Gentleman yield for a question?"

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

Ryder: "Representative, we just passed out of here a Bill sponsored by Representative Rea which was to encourage businesses to come into this state. And now, if I read your Bill, we're putting restrictions on how businesses are to conduct themselves. Are we trying to invite businesses into this state, or are we trying to tell businesses not to be here?"

Soliz: "Madam Speaker, is that a question?"

Ryder: "No."

Speaker Breslin: "Representative Soliz, in answer to the question."

Soliz: "Thank you, Madam Speaker. This Bill is designed to try to encourage businesses that, one, either operate or do business in distressed areas, or, businesses anywhere in the state that employ individuals that are classified as

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high risk unemployed. There are individuals that are high risk unemployed throughout this state, unfortunately, and what we are trying to do with this particular Bill is to encourage the employment of those individuals by giving companies that hire them certain preferences when they bid on state contracts. That is simply all we're trying to do with this Bill"

Ryder: "Representative, you indicate that's all you're trying to do with this Bill but, yet, I read in the Bill certain requirements that mandate where these jobs are to be done, who's to do these jobs, the percentage of these jobs, and I read into that requirements that are telling businesses that if you come to Illinois, not only are you going to have to pay higher prices, but you have to do it in a certain way and where we tell you. Is that not the intent of your Bill?"

Soliz: "That is not the intent of my Bill. The intent of my Bill, as I've indicated several times now, is to stimulate the employment of the high risk unemployed, one, and secondly, to try to stimulate and help those companies that operate in distressed areas. Those are very simply the two purposes for this Bill. Now, there could be the situation where a company would not qualify because... for certain preferences because they're not doing business in a distressed area. But that doesn't mean that that particular company could not qualify if they are hiring the high risk unemployed, because the provisions of the Bill are very clear that certain preferences are allotted when high risk unemployed individuals are hired by companies that do business anywhere in the state."

Ryder: "To the Bill, Madam Speaker."

Speaker Breslin: "Proceed."

Ryder: "Thank you. We've been bombarded by buzz words of Build

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Illinois, educate Illinois, teach Illinois, but if we have these kinds of Bills coming before us, we're going to have close Illinois, because these are the kinds of Bills that send the signal that we're going to tell business where to have their business, how to run their business, increase the costs of running that business. If we're talking about jobs, we've got to have the businesses in this state to produce those jobs. Now, I would very much appreciate the opportunity to place businesses in the Representative's district because he has a significant problem. And no one in this General Assembly has done more creative things to attempt to address that issue. But in his creativity, he is seeing the trees, but he's losing the forest. Because the forest is the jobs are dependent upon the business being here. And this Bill sends a very clear signal that we're telling business the wrong things to do. The intention is laudable. However, the content of the Bill is inappropriate, and I request a red button."

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

Soliz: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I simply would like to urge support for this very important piece of legislation. I don't have any forest in my district, but I do have a lot of unemployed as does Moline, as does Peoria, as does Rockford, East St. Louis, throughout this state. And we're simply trying to stimulate companies and help those companies that help the unemployed. Thank you very much. I urge support for this Bill."

Speaker Breslin: "The question is, 'Shall House Bill 1250 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final passage. The Gentleman from Cook, Representative Bullock,

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one minute to explain your vote."

Bullock: "Thank you, Madam Speaker and Ladies of the House. I rise in support of House Bill 1250 as a hyphenated Sponsor. I did not speak in debate because I felt Representative Soliz was quite cogent on his own. The concepts in House Bill 1250 are not new to this Assembly. We have, in fact, passed this Bill before. It has gone to the Governor's desk; and, on one occasion, he vetoed the measure because of a technicality or provision in the Bill that he didn't think was workable at the time. The fact of the matter is if we're going to reduce the Unemployment Insurance Trust Fund, if we're going to increase state income tax revenues, if we're going to reduce reliance on the public aid and welfare rolls, and if, in fact, we're going to make the state an attractive place to be, we need provisions in House Bill 1250. House Bill 1250 says, in effect, that for contracts exceeding 100,000 dollars, that companies willing to come into a certain area can, in fact, receive up to a 15 percent preference. I believe that that preference will be important in reducing the income deficit that we have in Illinois and certainly reducing our reliance on public aid and other types of social welfare programs. It's a good concept, and I think we should seriously..'

Speaker Breslin: "Your one minute is up, Sir."

Bullock: "... give it consideration and, of course, pass the Bill"

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 46 voting 'aye', 61 voting 'no' and 2 voting 'present'. And this Bill, having failed to receive the necessary Constitutional Majority, is hereby declared lost. Ladies and Gentlemen, we are going to change the Order of Business. We are going to the Order of... the Subject Matter of Civil Law - Medical

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Malpractice. The first Bill to be called is House Bill 1604, Representative Daniels. This Bill is on... Excuse me. We're going to change this. We have two Bills to do first, and then we will be right back to that Order. The first Bill will be in Government Reorganization, House Bill 2009. It's on Second Reading. It's on page 26 on your Calendar. House Bill 2009. Read the Bill."

Clerk O'Brien: "House Bill 2009, a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendments 3, 5 and 6 were adopted previously."

Speaker Breslin: "Are there any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Has the fiscal note been filed?"

Clerk O'Brien: "Fiscal note is filed."

Speaker Breslin: "The Bill can then move to Third Reading. Third Reading. House Bill 2299 appears on page seven on your Calendar. The Bill is on Second Reading and needs Amendment. House Bill 2299. Mr. Clerk, read the Bill on Second Reading."

Clerk O'Brien: "House Bill 2299, a Bill for an Act in relation to the Institute of Robotics. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Are there any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Vinson and Countryman."

Speaker Breslin: "Representative Vinson."

Vinson: "Thank you, Madam Speaker. Amendment #2 becomes the Bill. It creates an Institute of Robotics at the University of Illinois to encourage and foster direct links

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between academic and corporate personnel engaged in robotics research. It is an Amendment that has taken into account questions the U of I raised in regard to the Institute, and I don't believe there's any controversy in regard to the Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 2299. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #2 to House Bill 2299 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative Vinson and Countryman."

Speaker Breslin: "Representative Vinson."

Vinson: "I'm sorry, Madam Speaker. What I said in regard to Amendment #2 actually applied to Amendment #3. Amendment #3 becomes the Bill. It wipes out Amendment #2, and I move for the adoption of Amendment #3."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #3 to House Bill 2299. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #3 to House Bill 2299 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Now, Ladies and Gentlemen, we are ready to go to the Subject Matter of Civil Law - Medical Malpractice. The first Bill is House Bill 1604, Representative Daniels. Clerk, read the Bill."

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Clerk O'Brien: "House Bill 1604, a Bill for an Act to amend the Code of Civil Procedure. This Bill has been read a second time previously. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk O'Brien: "Amendment #1 was tabled. Amendment 2 through 12 were ruled out of order. Floor Amendment #13... Amendment #13 lost. Floor Amendment #14, Zwick and Johnson, amends House Bill 1604 by deleting the title and so forth."

Speaker Breslin: "Representative Zwick, on Amendment #14. Zwick and Johnson. Representative Johnson. Representative Daniels, for what reason do you rise?"

Daniels: "Madam Speaker, I think that maybe I can assist in shortcutting some time here in the interest of the Ladies and Gentlemen of the House and ask leave of the House to table or withdraw all Amendments up until Amendment #76, which would be the Amendment that we would run with. And if there's no objections, I would move that that be the case. Now, before anyone comments on that, let me just indicate to you, Madam Speaker, that the Amendments that I have filed prior to that with... in my name I intend to withdraw, and I think you'll find that every other Amendment then would be out of order up until #76."

Speaker Breslin: "On the question, the Gentleman from Cook, Representative Preston."

Preston: "Madam Speaker, I have a question of the Chair. There were some Amendments filed after Amendment 77 that would be in order; but, to my knowledge, they have not as yet been printed and distributed. That being the case, unless they have been printed and distributed, I object to the Gentleman's Motion."

Speaker Breslin: "I understand that they are in the process of coming up from the printing room right now, Representative Preston. So your concern is unwarranted. Is that okay?"

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Preston: "Well, it's only okay to the extent that are... they will be considered after 77 is considered."

Speaker Breslin: "Representative Daniels, as the Sponsor of this Bill, will you hold the Bill until the further Amendments can be heard?"

Daniels: "Madam Speaker, I have no control over what the Gentleman... what Amendments he's filed. It's certainly not my intention to cause him any undue concern. All I could tell you, Mr. Preston, is I intend to move this Bill as quickly and efficiently as possible, certainly not intending to deprive you of any opportunity to talk about the Amendments. However, we have Amendment #76 which, as you know, is the subject of the agreement between the Medical Society, the Trial Lawyers and the four Legislative Leaders and the Governor's Office, and that's the one we intend to run with. Now, I don't know how many Amendments you want to file. I think right now there's several hundred going towards the well. Somewhere along the line, this process must move forward."

Speaker Breslin: "Representative Preston."

Preston: "Madam Speaker, I don't know if the Gentleman had mentioned that the trial lawyers were part of that agreement. They indeed were not. But my question..."

Daniels: "I certainly didn't mean to indicate that. I will tell you that Mr. Hart was part of the negotiations."

Preston: "Well, my only concern is this. I filed some Amendments assuming that 77 was the Amendment that you were going forward... 76 or 77 was the Amendment you were going forward with."

Daniels: "#76."

Preston: "76. And there is some Amendments that I had filed afterwards, and I think it's 80, 81 and 82. I don't ... They haven't yet come across my desk. I have no objection

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to going to 77 provided we will have an opportunity to hear those Amendments. And I believe Representative Johnson has some as well."

Speaker Breslin: "Representative Preston, I have already told you that I know the Amendments are coming up right now from the printing office, and I believe they will be distributed. So I really don't think you have cause for concern. I expect them to be here within a few minutes."

Preston: "Well, that being the case, Madam Speaker, I don't mean to be fighting with you in any way, if that's the case, couldn't you go to some other Order of Business till they are here? There has been a lot of work on this, as you know. I want to make sure they're printed and distributed so they can be considered."

Speaker Breslin: "Sir..."

Preston: "Now, if the Gentleman will agree that he will not go to Third Reading until those Amendments are considered, that's fine. But if he will not make that concession, I'd like to go to Amendment 14, 15 and the whole way."

Speaker Breslin: "We will make that request again, Representative Preston. Representative Johnson, for what reason do you rise?"

Johnson: "Well, nor do I have any intention of trying to slow the process up, but like Representative Preston, this will be the third time we've had to refile, in mine and Representative Slater's and others effort..."

Speaker Breslin: "Representative Johnson, the Amendment's are being..."

Johnson: "... of ten or... No, they're not. I don't think they've been introduced yet, because we've had to refile them two or three times because there is always a new main Bill that renders all the previous ones out of order. And there's eight or nine issues that I've had... this will be

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the... If they come up in the Reference Bureau, and they should be on their way now, it will be the third time that we've had to refile those same issues. And they're issues that are, at best, collateral to the... to the, quote, 'agreed Bill', and certainly ones that, without trying to obstruct the process, I want to have a chance to vote on."

Speaker Breslin: "Representative Johnson, we understand that every Amendment that has been filed has been printed and they are being distributed right now."

Johnson: "That's my... Madam Speaker, if I might, that's the point. I had introduced 58 through 75 in various combinations, but those aren't in order anymore because now there's a 75 and 76. And in those 17 or 18 Amendments, there's a number of substantive points that have not now been introduced. They were introduced earlier in 15 through 29. Then there was a new Bill, 33, or something. And then we had to reintroduce them as a new number. And now because there's a new second or third main Amendment, 'agreed Bill', quote, unquote, in order to comply with the rules of the House, I thought we had to reintroduce them and we have not yet introduced them, because they're still on their way out. If you want to... I don't know the best way to resolve that."

Speaker Breslin: "Representative..."

Johnson: "But I'm not trying to obstruct anything, and I don't think Representative Daniels' or anyone else is either, because I think there was some minor changes they made in previous Bills but they're ones some people believe very sincerely in and that the Members of the House ought to have an opportunity to hear."

Speaker Breslin: "Then there are objections raised, Representative Daniels. I think it would be best that we start with Amendment #14. Who is the Sponsor of Amendment

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#14?"

Clerk O'Brien: "Representative Zwick..."

Daniels: "Madam Speaker, I would think that they are all out of order up then, and the ones that have my name on I would withdraw, and then I would move that Amendments all the way up to #76 be declared to be out of order and make that Motion."

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

Bullock: "Well, Madam Speaker, I was rising on an inquiry, but I'll rise on a point of..."

Speaker Breslin: "State your inquiry."

Bullock: "I'll change it. I'll rise on a point or order. I agree with Representative Daniels. We're here dealing in the hypothesis and the speculative. We're going... hopefully give Johnson and Preston their time at bat, but I don't think we need to badger and banter here about what if and hypothesis. We know that the Leaders, Daniels and Madigan, have said to us as a consensus - everybody in this chamber knows that. I request that the Chair make a ruling on Representative Daniels request and let's get on with the business, and we'll take these guys' Amendments when they come up."

Speaker Breslin: "We will do that, Sir. But it will take a while to look at all of them. Representative Johnson, for what reason do you rise?"

Johnson: "I don't... I mean, it seems clear to me that a number of the Amendments wouldn't be out of order. It's just that if 76 were adopted, then a lot of them would be rendered negatory by..."

Speaker Breslin: "We are presently looking at all of the Amendments, Sir. Representative Preston."

Preston: "Thank you, Madam Speaker. As far... just so this

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controversy is understood. My Amendments have now been printed and distributed. I understand we're waiting for Representative Johnson's; but, since he is concerned about his Amendments being considered, the Chair, looking at all the Amendments, I'm going to want to know Amendment by Amendment, if it is ruled out of order, not in total that they're all out of order because I say so. I want to..."

Speaker Breslin: "Representative..."

Preston: "... know why each one is out of order."

Speaker Breslin: "Very good. Representative Preston, the first Amendment, Amendment #14 is not out of order. So we will go forward with Amendment #14. Representative Zwick. Representative Daniels, for what reason do you rise?"

Daniels: "Madam Speaker, may I inquire of the Chair how many Amendments have been filed?"

Speaker Breslin: "Eighty-three."

Daniels: "How many have been printed and are being distributed?"

Speaker Breslin: "Eighty-three."

Daniels: "Then what's the problem?"

Speaker Breslin: "The problem is that Representative Johnson does not agree with your Motion to table all of the Amendments or withdraw any of the Amendments?"

Daniels: "You mean... Representative Johnson, we have 83 Amendments filed. Eighty-three Amendments have been distributed. I don't understand the problem."

Speaker Breslin: "The Gentleman has further Amendments that he would like to file, Sir. They are not further Amendments. See, he wishes to let you know that he has filed them before. They are now out of order because of your changes in the Amendments on two or three occasions."

Daniels: "I see. I see. Okay. Representative Preston, we will move forward point by point to make sure that you have your say, that we can go forward in this most important issue,

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which four Leaders, the Governor and many people have signed off on. But I want to make sure that they are heard, and I will make sure that's true. Okay? Let's do that."

Speaker Breslin: "Representative Johnson."

Johnson: "Well, it will become quickly obvious that I'm going to look like an obstructionist and that, because we're here late at night and because, through no fault of anybody, we've tried to introduce substantive issues, then they'll all be voted on totally without regard to the merits of them. There's some very subtle points in these Bills, but, you know, sometimes the process, I guess, works in spite of us or against it with no one at fault. And I don't know what to do. I have no desire to frustrate this process or Representative Daniels. There's some points that I believe in very sincerely. And I guess nobody wants to hear them. They want to go home and vote them up or down. So, I don't know. I..."

Speaker Breslin: "Representative Johnson, we will begin by calling Amendment #14."

Johnson: "No, it's alright."

Speaker Breslin: "You are not the Chief Sponsor of Amendment #14. Representative Zwick is. Proceed, Representative Zwick."

Zwick: "Thank you, Madam Speaker, Members of the House. At this time, I know that Amendment #14 is in order, but it would seem rather dilatory to consider that issue at this time since it's not part of the compromise package, and it will probably be knocked off later anyhow by future Amendments. So I will withdraw it."

Speaker Breslin: "The Lady withdraws Amendment #14. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #15, offered by Representative Preston."

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Speaker Breslin: "Representative Preston."

Preston: "I withdraw Amendment 15."

Speaker Breslin: "The Gentleman withdraws Amendment #15. Are there any further Amendments?"

Clerk O'Brien: "Amendment #16, offered by Representative Slater."

Speaker Breslin: "Representative Slater."

Slater: "Madam Speaker, I withdraw that Amendment."

Speaker Breslin: "The Gentleman withdraws Amendment #16. Are there any further Amendments?"

Clerk O'Brien: "Amendment 17, offered by Representative Johnson."

Speaker Breslin: "Representative Johnson. The Gentleman withdraws Amendment #17. Are there any further Amendments?"

Clerk O'Brien: "Amendment 18, offered by Representative Preston."

Speaker Breslin: "Representative Preston."

Preston: "I withdraw Amendment 18."

Speaker Breslin: "The Gentleman withdraws Amendment #18. Are there any further Amendments?"

Clerk O'Brien: "19, offered by Representative Johnson."

Speaker Breslin: "Representative Johnson. Representative Johnson. The Gentleman withdraws Amendment #19. Are there any further Amendments?"

Clerk O'Brien: "20, offered by Representative Slater."

Speaker Breslin: "Representative Slater."

Slater: "I withdraw Amendment #20, and I believe..."

Speaker Breslin: "The Gentleman..."

Slater: "... that Mr. Preston and Mr. Johnson will join me in withdrawing all Amendments up to #76."

Speaker Breslin: "Representative Johnson, do you..."

Johnson: "No, I wish that we had an opportunity to consider this issue in a deliberative way. And, again, I'm not pointing a finger at anyone except the system. And I think it's really sad in some ways that we're not going to be able to

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consider some issues that ought to be considered. But I respect my colleagues as much as anyone in the world. And I don't want to make them stay here and go through this on an issue that, frankly, eight or ten people are deeply interested in and concerned with and have a variance of opinion on but... but that the rest of us tend to look at in somewhat black and white terms. So I'm going to save everybody's time and, with the leave of Representative Zwick and Preston and Slater, and in spite of my conscience to the contrary, I just move to withdraw all the Amendments all the way up to the, quote, 'agreed', end of quote, Amendment."

Speaker Breslin: "Representative Preston, do you agree with that? The Gent... the question before us is... or the Gentlemen have all withdrawn all Amendments from Amendment #20 to Amendment #75. The next Amendment is Amendment #76, Representative Daniels."

Daniels: "Ladies and Gentlemen of the House, Amendment #76 is the subject of the memos that you have received under date of May 23rd previously distributed to the Republican side of the aisle and, as I understand, also to the Democrat side of the aisle. This is the Amendment that is the result of the agreed negotiations between the parties that you are now all familiar with, and I move for the adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #76 to House Bill 1604. And on that question, is there any discussion? The Gentleman from Cook, Representative Preston."

Preston: "Thank you, Madam Speaker. Would the Gentlemen yield for a question?"

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

Preston: "Representative Daniels, is Amendment #76 essentially the same as the previous Amendment #56?"

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Speaker Breslin: "Representative Daniels."

Daniels: "Yes, essentially it is. There are a couple of changes."

Preston: "Alright. Then I have some questions on Amendment #76 then. One of the provisions in Amendment 76 requires, prior to the filing of the lawsuit, for the plaintiff's attorney to consult with a physician and to be certain that a physician has told them that there's some reasonable grounds to think that there has been malpractice and that the findings of that physician that's been consulted must be written up and filed with the complaint. Is that part of Amendment 76?"

Daniels: "Yes, it is."

Preston: "And do I also understand that one of the items that is..."

Daniels: "You are referring to..."

Preston: "... not to be disclosed is the identity of that physician who is consulted?"

Daniels: "That is correct."

Preston: "Is that identity..."

Daniels: "Under those conditions."

Preston: "I'm sorry. Did you add something? Is the identity of that physician later discoverable?"

Daniels: "Yes."

Preston: "So, in essence, what you have to find if... In many malpractice situations when you consult a physician, that physician will tell you that - I don't intend to testify in court. I don't want to become part of this, but, you know, ask me your questions and I'll give you my opinion off the record. Doesn't this, in effect, put his opinion on the record since his identity can be discovered?"

Daniels: "There are only circumstances as set forth in the legislation which that identity can be discovered. That was one of the subjects of negotiation and the

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nonadmissibility of the consulting physician was discussed at great length. As a result of the negotiations, what you have in the Amendment is what was agree upon."

Preston: "I'm sorry. That who agreed upon?"

Daniels: "The people that were negotiating this settlement."

Preston: "Okay. I can just tell you this so we understand each other and all of these discussions, the Chicago Bar Association, the Illinois State Bar Association and the Illinois Trial Lawyers are in no way, whatsoever, in agreement with anything here. So, if we'd stop talking about an agreement on this."

Daniels: "Well, I'm talking about an agreement of the people that we talked about before that were in the negotiations. I certainly wouldn't want to indicate or even pretend to speak on behalf of those associations."

Preston: "Alright. Well, the lawyers' organizations are not in ..."

Daniels: "Are you speaking on their behalf, Sir?"

Preston: "I'm just telling you what they told me about three minutes ago."

Daniels: "I think we all heard that."

Preston: "Okay. Well, my concern, Representative Daniels, is that if you want to file a malpractice suit, you have to find a physician who, out the outset, will tell you there is something that... that malpractice has taken place. He will have to give you a written report; and, if that doctor doesn't want to get involved in the lawsuit, he will be involved in the lawsuit notwithstanding, because his name is discoverable and the physician that he is essentially complaining against will learn his identity. Is that not correct?"

Daniels: "It's only discoverable if you find that the affidavit filed by that consulting physician was frivolous or if you

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find that the action itself was frivolous. Then, upon post-trial motions, it is discoverable as set forth in the agreement."

Preston: "Post-trial motions. So it's not discoverable then before the trial?"

Daniels: "No, Sir. That was the subject of the agreement."

Preston: "Going to page four, I believe it's page four of Amendment 76. I'm looking at Amendment 56."

Daniels: "Would you like us to send you a copy of it over? We'll get..."

Preston: "I have a copy of it, but, unfortunately, it hit my desk five minutes ago, and it's rather voluminous. I can't read 30 pages in five minutes."

Daniels: "It is virtually the same. There were a couple of changes that were requested, and those changes were made. But it's virtually the same."

Preston: "Well, the portion that talks about res ipsa loquitur, and for those who aren't lawyers and don't like little Latin phrases, what res ipsa loquitur means is that essentially it speaks for itself so that in a malpractice situation, if, as one example, if there is a sponge left inside a patient after that patient is sewed up, there's not a great difficulty in proving that there is malpractice. The doctrine... You can rely on the doctrine of res ipsa loquitur because it's painfully clear that malpractice took place and the burden shifts to people to determine who is responsible for that negligent act. But after saying that, I want to ask a question. The Bill talks about having, at the outset, at the time you file the complaint, before you've entered into discovery, to have to claim the doctrine of res ipsa loquitur if you're relying on that doctrine. What happens in the case after you enter into discovery, you then find out, which is frequently the

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situation, that at that point you want to rely on the doctrine of res ipsa loquitur, where you hadn't discovered that prior to the filing of the complaint?"

Daniels: "You would amend the complaint with a new consulting physician's report."

Preston: "Well, but after discovery has been entered into and there's been preliminary motions, you then need leave of court, do you not, to amend the complaint? It's not of right that you can amend the complaint at that time."

Daniels: "You would need leave of court. You would have to show good cause to the court."

Preston: "And the court can deny that, I assume."

Daniels: "I think the Judge would do the right thing."

Preston: "Now, going down to page... to line 16 on that same page four where it talks about allegations, denials and the affidavit. There has to be an affidavit which is a sworn statement by individuals that they did consult with someone... I believe that's what it's talking about. Or talking about any pleading; that if there is a misstatement, a lie, if you will, a wrongful statement in a pleading, that does Amendment 76 say that not only can the plaintiff who made that statement be sued or be liable for damages for expenses and attorneys fees, but the attorney may... his attorney may also? Is that correct?"

Daniels: "You read it right."

Preston: "Okay. Well, am I wrong or does that mean that if a client... if Art Harrison is your client and tells you... You know, Gentlemen, you know, I know this is... it's late, but this is probably the most serious Bill that I've seen and I'm going on seven years here."

Daniels: "I agree with you. I welcome all your questions, and I think that what you're saying are actual and factual. So far..."

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Preston: "I'm not... Lee, I am not fighting with you either on this. I mean, I think we know how the vote is going to go on it. I'm just..."

Daniels: "It's just that Art Harrison as my client, I would be pleased to have a client like him because he's such a good lawyer."

Preston: "Well, if he's your client, and he lies to you, Lee, if as your client he lies to you and he signs an affidavit - and usually on most complaints that I file I have my client sign the affidavits and, of course, sign and verify the complaints - but if your client lies to you, am I wrong, or could you nonetheless, under the language here, be liable for damages to the defendants... to the defendant?"

Daniels: "It's got to be without reasonable cause. I think the concern you have is if the client lies to the lawyer and the lawyer in good faith then repeats those provisions and is pleading would the lawyer automatically be found liable for the fees, and I don't think such a case would be... would be happening under the Bill that you have in front of you."

Preston: "Alright. Well, Lee, let me just read line 16 through..."

Daniels: "Yeah, I read that quite carefully, and I understand that point you're getting to. I just don't think the conclusion is actual."

Preston: "Well, let... Alright. Well, that's a serious concern; because, under this language, what you're... what you're saying isn't borne out in the language. I'm sure that's your intent. At least, I hope it's your intent, but it's not borne out in the language. It says, 'any allegations and denials in the affidavit, which could...'... and the affidavit could be signed by the client, 'made without reasonable cause and found to be untrue shall subject the

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party pleading them or his lawyer or both to the payment of reasonable expenses actually incurred by the other party by reason of the untrue pleading'. So the lawyer can end up paying reasonable expenses and attorneys' fees because his client lied to him. So that attorney, to prevent his having to be liable... What I'm concerned with is that provision, among others, but that provision on its face means that you're not going to have to worry. The doctors will be aptly freed from malpractice lawsuits. There won't be a lawyer around who will represent any client no matter how butchered on a malpractice lawsuit, because the client may lie in some form or the pleading. The client might lie as to who was present in the operating room or might misstate the name of the nurse that was present or lie in some way and not only will he be liable for the defendant's attorney's fees, but his lawyer will also be liable for that defendant's attorney's fees. Is that a possibility?"

Daniels: "Oh, is it a possibility?"

Preston: "Is it a..."

Daniels: "If the lawyer lies and the client lies..."

Preston: "No, not the lawyer. I'm just talking about the client, not the lawyer."

Daniels: "Well, but, you see, your question is answered on line 16 and 17 when it points out without reasonable cause and found to be untrue. You're not going to impute the clients lying or decept to the lawyer to the lawyer just because the client lied. You're going to have to show.."

Preston: "No, no, of course not. I'm not ... It's not... I... Of course you're not going to do that, but the language here seems to indicate that the... without reasonable cause. I'm saying if it was unreasonable, where a client lied wrongfully, knowingly, just lied, lied in his pleading, lied to his lawyer. It seems to say here that

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his attorney is liable for it."

Daniels: "Then I'd think you could find... Then I think you could find that the client could be assessed the fees. But in that case that you recite, as you recite it, the lawyer would not be found liable. Now, it is the Judge's discretion because it does show in line 17 pleading... the party pleading them or his attorney or both. That does not mean that in all cases the lawyer would be responsible for the client's lie."

Preston: "Representative Daniels, going to page five, line 20."

Daniels: "Page five, line 20."

Preston: "Mr. Speak... Madam Speaker, if I could have... this is a lengthy Bill, and it's going to have a lot of discussion. And if there are people here who are bored or tired, they are free to rest."

Daniels: "Mr. Preston, I..."

Preston: "Go ahead. I don't mind."

Speaker Breslin: "Proceed."

Daniels: "I'll do my best."

Preston: "Line 20, on page five, talks about discovery which must be completed within 60 days."

Daniels: "Yes, Sir."

Preston: "In some cases, it is impossible to complete that discovery because one or more of the individuals whose depositions have to be taken or who have information might be out of the jurisdiction. And if it goes 61 days, does that defeat the lawsuit?"

Daniels: "Yes, it could, but you notice... you notice, by reading that whole Section, that this is where somebody is asking for a dismissal. And that's... By the way, I might point out to you that that language was... the very sentence you're bringing out, and it's interesting that you do, was another very sentence that was subject of the negotiations

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that took place over the last three days."

Preston: "But you... Representative, you express that as if the negotiations resulted in an agreement."

Daniels: "They did."

Preston: "They didn't... not of all the parties."

Daniels: "I'm sorry. Excuse me. I... the parties that I was present with agreed to this language. Mr. Hart... "

Preston: "Johnson and I have an agreement on this Bill, too, but I can't say it's an agreed Bill."

Daniels: "I know. And I agree that you and Tim agree."

Preston: "Well, if I can go to page 11, where it talks about the panel proceedings, because I think this is one of the most important issues in the Bill. We're talking about reducing the cost to both the defendants, the physicians and to plaintiffs by virtue of this Bill, and I think the provisions for a panel increases the cost dramatically. On pag... on line 14, on page 11, they talk about presenting all the evidence that you have, all your expert witnesses and other witnesses before a panel made up of three individuals, a judge, a lawyer and a physician. If you do that, you're, in essence, are you not presenting an entire case at this panel and then neither side is obligated to accept the determination of that panel? Is that correct?"

Daniels: "What you said is correct. They are not obligated."

Preston: "Then if they do not accept the determination of that panel after having all the witnesses testifying, and keeping in mind that in order to get a physician to testify in a malpractice suit that's extremely expensive - physicians don't volunteer for nothing. They'll take their Wednesday off and they'll come in and testify against a fellow physician. Typically, you have to bring a physician in from outside that state. There are physicians in California and New York who testify in Chicago frequently

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in malpractice matters. So that means, at this panel, a plaintiff, who is claiming that he or she has been grievously injured, would have to pay that physician to come in from New York or California to testify at this panel. The decision of the panel need not be accepted by anyone. And then, when they go to trial, that same plaintiff has to pay that same physician to come in from wherever they came in from again to testify at the trial. And it's not just the plaintiff has to do that. The defendant, of course, has to do similar things and pay out other witnesses or however they do it - get other witnesses to testify at the panel one time and then at the trial another time. Is that accurate?"

Daniels: "It is possible."

Preston: "Representative Daniels, is that not perhaps a defect in this program?"

Daniels: "Oh, no. What you have in the situation that you've stated is a possibility - that's true, but what we are trying to do is this is a type of alternative to arbitration. We're trying to shortcut the process if possible. It's similar to arbitration. We're trying to have a situation which we can have the malpractice cases heard quicker, faster and, hopefully, arrive at a conclusion that's acceptable to the plaintiff and defendant. As you said, they are not obligated to accept it, but hopefully this will work in the process; that it will work quickly, efficiently and that people will be served better. When you talk about the magnitude of cases that are filed, the numbers that are filed, we're trying to expedite them and that's the purpose behind here. Now, no world is perfect. We hope that it does work out, and we're trying the best and that's why this was agreed to by the parties in the negotiation."

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Preston: "Representative Daniels, this negotiation you referred to, were there any representatives of lawyers' organizations in those negotiations?"

Daniels: "Well, you know, it's interesting you asked that. I guess... well, the President of the Bar wasn't there, but Mr. Hart, who is a trial lawyer, was present. Speaker Madigan was present throughout, paid careful attention. He's a practicing lawyer. President Rock was present throughout the entire session, worked very hard. He's a practicing lawyer. I was present. I think I worked very hard. I'm a practicing lawyer."

Preston: "Representative Daniels. No, I know that."

Daniels: "The only one that wasn't a lawyer that was present was Pate Philip, and he's a bread salesman."

Preston: "Lee, if we can discuss it. We're... we're the representatives of the Trial Lawyers, Chicago Bar, Illinois State Bar. We're official representatives of those organizations."

Daniels: "Lee, Lee, I've been here eleven years. I think you have been, too. Didn't we come in together?"

Preston: "Seven years, no."

Daniels: "Oh, I'm sorry. Geez. It's been a long time for all of us. Bill Hart is without a doubt one of the foremost trial lawyers in this country. I have the highest degree of respect..."

Preston: "Representative, was he there representing any bar association?"

Daniels: "I don't know. I didn't ask him. I don't... I said, 'Bill...'"

Preston: "You're telling us you don't know whether or not the Chicago Bar, the Illinois State Bar and the Illinois Trial Lawyers were there? You don't know that, Lee. Is that right?"

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Daniels: "My gosh. I know he's a big... of the Trial Lawyers' Association."

Preston: "If could go to the... go to the Amendment."

Speaker Breslin: "Gentlemen. Gentlemen, your time is up, Representative Preston. Bring your remarks to a close."

Preston: "Thank you. If I can just bring my remarks to a close by talking about this Amendment and not questioning the distinguished Gentleman. This Amendment is incredibly terrible, not for lawyers or doctors, because they ultimately don't matter one wit, but victims who are the rare but nonetheless unfortunate victim of a negligent act by a physician are the losers. Among the provisions in this Amendment is an itemized verdict. That's required here. What an itemized verdict does is it sets out specifically one of the things that has to be itemized in a verdict is lost wages. Right now, when you recover in a malpractice verdict, a judgement, that goes to the victim tax free. That's how it works today. But where you itemize a verdict and there's compensation for lost wages, for lost earnings, all of a sudden that's not... doesn't go to that victim who had leg severed or intestines hanging out. That goes to that victim now taxable. You have to pay income tax on that. That's but one of the... the incredible defects in this Amendment. The rest of the defects are so obvious that I can't believe there's a person in this room who would vote for it. One is you are far better off, because of the structured verdict requirement in this Amendment, of getting a judgement in a lawsuit for 240,000 dollars than you are for getting one for 300,000 dollars. Now, does that make sense? How about you're better off getting it for 240 than you are of 400,000 dollars? Does that make sense? If your judgement is over 250,000 dollars, you don't get it in a lump sum.

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You get it over the rest of your life. Well, that's great. But if you're twenty years of age at the time your intestines were taken out instead of your bunion taken off, that means that a 300,000 dollar verdict isn't given to you up front so you can do something to accommodate your house or get a vehicle or whatever you may need to live your life. You don't get that in a lump sum. What you do get in the lump... What you do get is that 300,000 dollars over your lifetime. Well, at twenty years of age, you may live for another fifty years. Think what... That means you get something like 6,000 dollars a year. This isn't justice. And, believe me, if you want to reduce attorneys' fees more, that's great. Take out attorneys' fees entirely. Make attorneys have to represent people pro bono, for the public good so that it doesn't... so they get paid nothing. I don't care about attorneys' fees. I do care about the victim. This Bill... This Amendment's terrible. It deserves your rejection."

Speaker Breslin: "The Gentleman from Champaign, Representative Johnson."

Johnson: "Later on, if this gets to Third Reading, we'll maybe address some questions for legislative intent, but let me try to ask you a couple of questions that aren't lawyers' lingo so much as they are just some things that Members of this chamber could understand. The first question I have is that in Article... well, in any event, in the Illinois Constitution, there is a prohibition against special legislation when a ... This is clearly special legislation intended to benefit those people in society who, through their own good fortune and intelligence and hard work, make vastly more money than any other occupational group in society. How do you get over the problem of the Illinois constitutional provisions on special legislation written

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specifically for physicians?"

Speaker Breslin: "Representative Daniels."

Daniels: "Well, Representative Johnson, and I understand your concern and we had... very frankly, we had the same concern in looking at several types of subjects. And you know we've dealt with this in the past with products liability and statute of repose. We've dealt with this in the past in statute of limitations. The Supreme Court has upheld statute of limitations as applied to specific cases; namely, malpractice cases, statute of repose and product liability. There's several instances, but the provision that you're talking about in the Illinois Constitution can be overcome when there's a rational approach and there's a rational conclusion that we're reaching. And such is the legislation we have here, because this is a most critical area, most important area that we're dealing with right now. And in dealing with this, we do not think it violates the Constitution."

Johnson: "Second question is this. Now in your review panel, you require there to be a list of attorneys and doctors that will serve with the Judge. Three people on a review panel. Is that correct? It also says, at various points through the Amendment, that attorneys will serve if they're willing and doctors will serve if they're willing and that neither shall be paid. Now, maybe the practicing physicians and attorneys in your area is different than ours, but these are long, lengthy trials with expert witnesses, economic testimony, damage testimony. What happens if no doctors and attorneys are willing to serve on the panel?"

Daniels: "Well, if that were to occur, of course, we'll have to deal with that in future legislation. We don't think it will occur. We think that we will have volunteers that will serve on this. And, yes, you are correct. These are most

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complicated and difficult cases. We think that what we will find is we will find people that will volunteer their time on both sides of the issue, and, hopefully, we can do this. Now the question of pay was not agreed upon in the negotiations of those people that were in the negotiations - felt that we could go ahead, in the format that we did, and if we have to deal with that in future legislation, as you know, we're more than willing to do that to address that subject if necessary."

Johnson: "In... On page 15, I think, Section 2-1114, everybody understands this issue. There is specific limitations on attorney fees. Do you think this... on contingent fees. Do you think this prohibits attorneys, either separately or in concert with a contingent fee agreement, from also charging on an hourly basis? Is it your intention to prohibit an attorney representing a plaintiff in a malpractice case from charging on an hourly basis?"

Daniels: "Just addresses the contingent fee limitations."

Johnson: "Why is it that, you know, the contingent fee is the classic poor person's key to the courthouse that can't pay hourly fees? Why is it that the doctors feel it's necessary, in solving this problem, to do what they have said they didn't want to do for eighty years and that is to socialize professional fees? I don't understand how that's going to reduce judgements, how it's going to reduce their insurance costs, how it's going to prevent frivolous lawsuits or anything else? What is the purpose behind that?"

Daniels: "Tim, this is a difficult area for not only any person to address, but any lawyer to address, because, like you, as a lawyer, I believe in contingent fee arrangements because what it does is affords people who do not have upfront dollars to provide a competent lawyer to handle a

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very difficult and complicated case such as medical malpractice. When we talked about the overall subject of contingent fees, we had to look at this carefully in reference to the plaintiff, the person that would be receiving the ultimate dollars and an award in a malpractice case. We were thinking of that person. We were concerned about their rights, concerned about their ability to recover the maximum dollars possible in the case where malpractice was proven. But in looking at the page, page 15, I want to just point out, lines 22, 23 and 24, which refers to special circumstances, where an attorney performs extraordinary services involving more than usual participation, the court does have discretion to order more than what's called for within the legislation. I could tell you a little bit more as far as the process in which we reached this agreement because we did start with the Governor's Task Force report and were willing to reach an agreement on that issue. And we ultimately agreed upon the language that's contained in page 15."

Johnson: "One last..."

Speaker Breslin: "Representative Johnson..."

Johnson: "... point and I guess it's a question, and I don't even... I'm not even going to address the... the process of this agreement because I don't think that's appropriate here. But everybody in here ought to listen to this one, because the rest of this has been, to some extent, talk about attorney fees and things that don't involve most people here. But everybody ought to listen to this one, and you ought to look at page 16 of this Bill, because this is just extremely important to people. You tell me if this hypothetical is wrong. If Representative McMaster paid in through his... his... private employer before he was here for 25 years into a disability program or a health

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insurance program and, for the last five years, obviously it's paid up and that means when he's disabled that he's entitled to compensation for that plan that he paid for all along. He goes into a doctor and is the victim of malpractice. The doctor or hospital or somewhere runs up 100,000 dollars in bills and his private disability plan or Blue Cross-Blue Shield pays for those bills, pays the 100,000 dollars. Then he proceeds against the same hospital or doctor or a separate hospital or doctor and he gets a judgement for a total of 300,000 dollars to cover loss of employment and pain and suffering or whatever it might be. The doctor, the hospital that's been negligent, that's caused him, because a jury or a review panel says they were wrong, gets credit for the 100,000 dollars that the private disability plan or Social Security or health insurance has paid. Isn't that correct? So, in effect, he'd only get 200,000."

Daniels: "Only if there's no right of recoupment."

Johnson: "Well, sure, I understand that. But the point is.."

Daniels: "Which is unique, is it not, to medical malpractice cases?"

Johnson: "If somebody has paid for a disability plan, they don't have a right of recoupment in a typical disability plan. So you get your 100,000 dollars that you paid for for a lifetime to earn and, when you proceed against somebody who left a sponge in you or operated on the wrong lobe of your liver, then the negligent person gets credit for what your privately paid health plan pays for. And then in paragraph four it says 'the damages awarded shall be increased by the amount of any insurance premiums or the direct costs paid for such benefits in the two years prior to the plaintiffs injury'. If a person's been paying a lifetime into a health plan, into a disability plan or whatever it might

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be, at least, if you're going to get credit for that, why not get credit for the premiums they've paid through their whole lifetime?"

Daniels: "Well, I understand your concern there, and the two year period of time was, as I stated earlier, part of the discussion and the negotiated agreement that we have before us because we thought it was fair and reasonable and one that we didn't think was too harmful but did allow people to recover at least a provision of it."

Johnson: "Well, you know, in typical case, a lot of people in that situation wouldn't have anything paid in the last two years. And, I don't know, what do we pay here in the General Assembly for health insurance? I guess we pay about 1200 dollars a year. So you get a 2400 dollar credit against 100,000 dollars that you've paid since you've been here, if somebody's been in the General Assembly for twenty or twenty-five years. What you're really doing here, and maybe there's an Amendment later on to address this - I think everybody ought to look at this - what you're doing is you're telling anybody in here, you come in here, you make the option to protect you and your family against disabilities, against illnesses, hospitalizations. You pay, and you pay, and you pay. Some people here have been here over twenty years and they pay in close to 100,000 dollars. They could, I suppose, in that period of time. And then you come across a situation where what you've privately contracted for is paid to you by your carrier that the doctor didn't have anything to do, and the doctor didn't give you the advise to go contract with Blue Cross and Blue Shield. The doctor didn't have the good wisdom to insure you with disability; but, in effect, you've been paying premiums for twenty-five years for the benefit of a doctor, because he's going to get credit for every dime

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that you got from your private plan."

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

Johnson: "I will. That is not fair. I don't know what we'll...we do about it, because this Amendment is obviously one that's going to pass. I think there's Amendments later that address that, but that's certainly a subject that people in here and fair people ought to look at. It's just simply not fair."

Speaker Breslin: "The Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Thank you, Madam Speaker. I would yield my time to Representative Preston."

Speaker Breslin: "Representative Preston, Representative Mulcahey has yielded his time to you."

Preston: "Well, I'm not going to take anywhere near the full time, Madam Speaker. I just want to point out that one of the effects that Representative Johns... of what Representative Johnson pointed out, what I tried to point out, with this Amendment, if this is adopted and this becomes the Bill that's... into law, is that people are not going to go for serious operations in this state. They're going to look to go to Wisconsin or Indiana or somewhere else where they know that they not only are getting good medical care, but that if they get a nurse that commits malpractice on them at least they're going to be... there's going to be some coverage for the negligence of the people who administer their anesthesia, who administer their nursing care and everything else. This Bill, as I pointed out earlier, makes a fight. We talked about this in our Democratic Caucus. It's going to be the first time in the history of jurisprudence in Illinois that you're going to have plaintiffs' counsel and defendants' counsel arguing

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over a judgement to a jury where the plaintiff's attorney is going to be asking for a lower judgement and the defendant's attorney is going to be asking for a higher judgement; because, unless you go beyond that 250,000... unless you go below that 250,000 dollar verdict, you don't get it in a lump sum. So, the plaintiff is going to be saying, 'Oh, please, award my client 240,000 dollars', and the defendant, the lawyer for the doctor who is guilty of malpractice will be saying, 'No, no, don't award them 240,000 dollars. Award them 300,000 dollars.' Because the victim gets less money with a 300,000 dollar verdict than with a 240,000 dollar verdict. And this is progressive legislation. Again, it was artfully portrayed by the societies who are proposing this legislation as it's us against lawyers. And that was artful, because if I've learned anything else in this Body, nobody likes lawyers. Alright, you don't have to like lawyers, and who cares? But somebody in here should like victims. Somebody should have a son, or a daughter, or a wife, or a husband, or a brother, or a sister who you care about should that person become the unfortunate victim and the rare victim of malpractice. When the physicians were down here - I have to tell you - because of this legislation, we all became... got to be posturing. And who are you for, the doctors or the lawyers? And when the physicians were down here Wednesday, you know, I was pretty prepared to fight, and I ended up talking to some forty of them for about an hour and a half right outside the Speaker's chamber. And you know something? They were decent, concerned people, and there's a real crisis in malpractice insurance. And they're right. And there's a problem. The question is, does this address that problem the best way? And it doesn't. You can't tell me that an Amendment that is

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thrown on your desks five minutes before it's considered is the way we should deliberate on this. I know a lot of work has gone into this, and I know the Speaker and Representative Daniels and many others have spent untold hours on this. But I can tell you the rest of us haven't spent untold hours with this Amendment. And the far-reaching implications both of the tax consequences, both of the structured verdict now that's required that gives you money over your lifetime instead of in a lump sum so you might get... where you've been terribly injured, you might get 6,000 dollars a year instead of getting a quarter of a million dollars - and that's supposed to be justice - when, in many cases, you might have to build a house with a ramp, you might have to go out and build a vehicle that you can operate because you may have lost a limb or whatever. This isn't justice. And on top of it, as Representative Johnson pointed out, you're Social Security that you've paid in that goes for your disability now becomes a benefit not for you, the victim, but it becomes a benefit for the doctor who caused the injury. He didn't pay for the coverage, but he gets the full benefit of that coverage. And that's called progressive justice, as if it's the only answer. Well, I'm submitting to you there are many other answers to the malpractice crisis and we have the obligation to look for them, because doctors are hurting and they need relief. It's just that this Amendment doesn't provide that relief. And, good God, I can't imagine anybody voting for it."

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

Hawkinson: "Thank you, Madam Speaker. Will the Sponsor yield for a couple of questions?"

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

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Hawkinson: "Representative, on pages four and five, there are provisions indicating that this new Act will not apply to or affect any actions pending at the time of its effective date but applies to cases filed on or after its effective date. One of my concerns in trying to address and solve the problem of medical malpractice has been to discourage frivolous lawsuits. And I'm wondering if this particular provision isn't worded in such a way that it will actually be counterproductive to that and if we won't see a flurry of lawsuits filed before the effective date of this Act and if this, perhaps, shouldn't be worded to indicate not actions pending but any actions accruing before the effective date or accruing after the effective date."

Daniels: "Representative Hawkinson, I would certainly hope that the attorneys handling important malpractice cases would be responsible in their pleadings and their approach. I certainly hope that there wouldn't be a rash of filings just to get in within a deadline to only find out that most of those cases filed were frivolous. I would hope that they would be responsible."

Hawkinson: "Would you object to that kind of change to making it effective to cases accruing after the effective date of the Act?"

Daniels: "Well, that's a little different than what you asked, because accruing are the cases that may start tomorrow. Filing are cases that may have started a few years ago or two...or one and a half years ago. And, again, that's another one of the very important key elements of the negotiated settlement between the parties that had talked. As they went through this process, this was something that we had spent some time on discussing in the basis of it. Our effort, of course, was to... was to make a concerted effort, an approach to make sure that people were able to

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receive dollars for injury. The victims were the ones that were concerned. And, you know, somebody said earlier that this was a lawyer-doctor situation. Well, you know, on behalf of the legal profession, I think it's important for all of us that are part of that profession to recognize that part of the settlement it took four lawyers to be part of the structured settlement. And we had lawyers on different sides of the issue. So, I'm pretty proud of being a member of the legal profession. I just disagree on this issue, as some of my brethren, and I certainly take no shots at the legal profession or the trial lawyers that are an essential part of our tort system. I'm pretty proud of them."

Hawkinson: "I take it the answer is then you would not accept that kind of Amendment."

Daniels: "No, and I say that respectfully, Representative Hawkinson, because the agreement that you have before you, Amendment #76, is a well drafted, carefully worked out agreement of detailed complexity which Mr. Preston pointed out earlier was the subject of long hours of work by many people on both sides of the issue. We certainly had one of the best trial lawyers in the country in the room with us as we were discussing this issue."

Hawkinson: "Alright. Another question. On pages 15 and 16, we ban the recovery of punitive damages, and this is not a lawyer-doctor issue. As a matter of fact, as I read this, we're banning punitive damages recoverable against the legal or the medical profession."

Daniels: "That is correct. That is for..."

Hawkinson: "Does that mean, for example, if an attorney intentionally fails to file an answer to a malpractice case which causes a doctor to have imposed upon him a tremendous verdict, and he intentionally fails to file that answer,

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that that doctor cannot recover punitive damages against the attorney?"

Daniels: "The question that you asked, I think the appropriate response, if there was an intentional misfiling, would deal with the attorney's disciplinary board."

Hawkinson: "What about the situation where a doctor intentionally commits a criminal act, such as allegations in a case in Illinois of poisoning people? He intentionally commits a criminal act and is sued based on the malpractice. There can be no recovery of punitive damages in that kind of a case?"

Daniels: "He would be, of course, subject to discipline by the medical disciplinary board, subject to review by the state's attorney and I'm sure would be prosecuted for that."

Hawkinson: "But the victim could not recover any monetary punitive damages."

Daniels: "Actual damages would be recoverable."

Hawkinson: "But no punitive. One of the issues that Representative Preston addressed and Representative Johnson to a degree was the issue of the medical review panel and awards, and there was a lot of concern about differentiation between 240,000 dollar awards and 500,000 dollar awards. I'm not so concerned about the big awards, although they're an issue, but about the victim with a small claim, perhaps, but important to he or she who is the victim of malpractice who, perhaps... who perhaps would get a recommended recovery of 20 or 30,000 dollars. That... in a unanimous agreed verdict. If that victim feels that he perhaps should have had a 60 or 70,000 dollar recovery and would like a jury trial, as I understand it, under this Amendment, if he seeks a jury trial and his present right to a jury trial and does not get a better verdict than that

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recommended by the review panel, that victim would then be responsible for all the attorney fees of the review panel, of the attorney... defense attorney in the review panel, the costs, as well as the costs of the trial. Is that correct?"

Daniels: "If it's unanimous finding by the review panel."

Hawkinson: "If that person goes ahead and does prevail under this plan, will he be allowed to recover his attorney fees and court costs should he prevail and do better? In other words, he suffers the risk? Does he also gain the benefit?"

Daniels: "No."

Hawkinson: "In the initial proceedings regarding the affidavit of meritorious cause, which I strongly support as a way of discouraging frivolous lawsuits, as I understand it, in this Amendment, there is no exception to the affidavit if an attorney... a plaintiff's attorney cannot get a doctor to give an opinion. Is that correct? If he... In other words, in one of the Bills, if a doctor..."

Daniels: "Yes, Sir. That is correct."

Hawkinson: "... if a doctor... if an attorney had tried three doctors and couldn't, he could go ahead and file nevertheless. But if for some reason you cannot find a doctor to give a meritorious opinion, that defeats the suit?"

Daniels: "Yes."

Hawkinson: "Thank you very much."

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

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

Speaker Breslin: "Representative Bullock, could I ask you to withhold that Motion just for a moment? The Gentleman from DeKalb, Representative Countryman."

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Countryman: "Thank you, Madam Speaker, Ladies and Gentlemen to the Assembly. And to my Leader, I have serious concerns with this and he knows it, but I think we've created a system that's much more complicated than need to be created. And I think we ought to take this matter back to the drawing board, and I think we, as Legislators, ought to sit down and do what we are designed to do in this Legislature. I serve on the Judiciary I Committee. I'm a Member of the Subcommittee on Medical Malpractice and never once have we had an opportunity to review this. I think it ought to go back to that Committee, and I think we ought to work on this proposal. The terms apparently have come to an agreement with some of the parties. They've set the major part of the terms and a lot of what my colleagues are saying here today are things that deal with the procedure. But we're setting up an arbitration proceeding of sorts, but we really aren't. We're setting up a very complicated proceeding. In addition to that, we have to have a certificate for a meritorious cause of action and then we have to have a full-blown jury trial. Now, I'll tell you, what... the one person who is going to come out on this whole thing is not the plaintiffs' lawyers. It's not the doctors. It's the defendant's lawyers. And I happen to have defendants who are clients of mine. So there's good and bad in everything. And I'll remind you that my father once told me that in a small town one lawyer didn't do very well. But when two came to town they could make a pretty good living. I think that what we've done here is to create a boondoggle for clogging up the courts and that we've created a complicated system that if plaintiffs' lawyers get into it will just complicate these cases all the longer, will drag them out. We'll need more Judges. We've got unpaid arbitrators, people who are going to have

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to donate their time and where they're going to come from only the Lord knows. But let's sit down and look at this thing. Let's come up with a fair arbitration review system. Let's come up with a fair Bill, and then we can all vote for it and solve this problem. Thank you."

Speaker Breslin: "The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Madam Speaker. Just a few words from a non-attorney. I've listened to the maneuvering of the... the drafters of the Amendment and the attorneys that are opposed, and I have to approach the situation from what would be fair for the people of my district and this state. I can agree with most of the package, the removing of the caps on non-economic loss and wrongful death, I think, is acceptable by the people of this state. Structured verdicts I'm not real excited about, but I think we can live with that. I think people would accept that. The only part of this package that I think is totally unacceptable is the collateral offset that was described by Representative Johnson. And I right now would vote for this package but don't feel I can accept or the people of this state would accept the fairness of the collateral offset. And I think that in this package needs to be addressed very seriously by this Body. Thank you, Madam Speaker."

Speaker Breslin: "The Gentleman from McDonough, Representative Slater."

Slater: "Thank you, Madam Speaker. Will the Sponsor yield?"

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

Slater: "Representative Daniels, on page 20, where it provides for structured verdicts. Do the structured verdicts apply only in medical malpractice cases, or do they apply in all judgements"

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Daniels: "Only in medical malpractice cases."

Slater: "Further, will juries be instructed that Judges will reduce the amounts payable?"

Daniels: "No."

Slater: "Thank you. To the Bill... or to the Amendment."

Speaker Breslin: "Proceed."

Slater: "Certainly reasonable people can disagree as to what the solution of the problem might be. I don't think this is the proper resolution. We're creating a situation where, with a panel, we're going to force the victim to two trials. We're creating a situation where it's going to become difficult, if not impossible, for the victim of a medical malpractice situation to have any type of remedy whatsoever. Thank you."

Speaker Breslin: "There being no... the Gentleman from Cook, Representative Huff."

Huff: "Madam Chairman, after listening to the debate between the lawyers, I'm reminded of the admonition of George Bernard Shaw who said that the professions were a conspiracy against delayment. I believe that's been proved here tonight, and I'm going home."

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

Daniels: "Bye, Doug. We could use his vote. I wish he would stay. Madam Speaker, I wish to thank you for your indulgence and thank all of the Gentlemen that asked questions regarding the Amendment, because I think they were good questions and certainly important to the overall issue. I do want to tell you, though, that I think that we have listened to all of the various sides in coming up with what I hope you will approve and I hope the people of Illinois will approve. Because, yes, we have made some changes in this legislation. We have made an effort to

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talk about what's best for the victim and that's our major and overriding concern. And I think that as you look at this in careful detail, and, as you know, the Senate has adopted this Amendment already to Senate Bill 1200 which is pending in the Senate and will be acted upon, I think you will find that this is an agreement that, as Legislators, you can be proud of in terms of the work that you have all done in coming to the conclusions that we have. I want to remind you that what we are talking about are people, and we're talking about people on both sides of the issue. We're talking about lawyers that are for medical malpractice. We're talking about lawyers that are for resolving the issue. And, yes, we tried to balance those interests. And because of that, I want to thank Speaker Madigan for his help and his assistance, as well as President Bock and Senator Philip and certainly the participation of Mr. Hart in the discussions that we had. I would ask for your favorable consideration and support of Amendment #76."

Speaker Breslin: "The question is, 'Shall Amendment #76 to House Bill 1604 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Amendment there are 96 voting 'aye', 16 voting 'no' and 1 voting 'present', and this Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Amendment #77, Daniels - Madigan - et al."

Speaker Breslin: "Representative Daniels."

Daniels: "Inquiry of the Chair."

Speaker Breslin: "State your inquiry."

Daniels: "How many Amendments are filed?"

Speaker Breslin: "One hundred and twelve."

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Daniels: "Well, let's move ahead. I would ask leave to withdraw Amendment #77 if that's alright with Representative Preston."

Speaker Breslin: "The Gentleman withdraws Amendment #77. Representative... No, not on this... On this issue do you wish to be represented, Sir? No. The Gentleman withdraws Amendment #77. Representative Preston, for what reason do you rise?"

Preston: "Thank you, Madam Speaker. I just want to make an inquiry of the Chair. Amendment 76, does that Amendment amend the title, change the title of the Bill and, if so..."

Speaker Breslin: "We have looked at the title. It does amend the title; however, not so that it would require be moved back. The rule indicates... what it does is it adds... it amends the title only by adding a Section number to the same Act and deletes a Section. And the rule says, under Amendments - Rule #36, the change in the title does not apply to Amendments which amend the title of the Bill by adding or deleting Section numbers from the same Act that is amended by the Bill. Are there any further questions? Are there any further Amendments?"

Clerk Leone: "Amendment #78, Johnson - Preston, amends House Bill 1604..."

Speaker Breslin: "Representative Johnson."

Johnson: "I with... unless Representative Preston dissents, I withdraw that. I'm going to leap through those because there's a couple that really... they all matter. There's a couple that..."

Speaker Breslin: "The Gentleman withdraws Amendment #78. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #79, Johnson..."

Speaker Breslin: "Representative Johnson."

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Johnson: "Withdraw."

Speaker Breslin: "Withdraw Amendment #79. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #80, Preston."

Speaker Breslin: "Representative Preston."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. What Amendment #80 does is to put into the Bill a provision similar to the provision that was put into Amendment 77 regarding attorneys' fees. Under the Amendment 77, attorneys' fees were set by legislation in a contingency fee matter that the percentages, the maximum percentages that could be charged by attorneys in representing clients in malpractice instances were set by statute. What Amendment 80 does is that it requires the Department to, by rule, set maximum fees for various surgical procedures that physicians can charge so that... so that lawyers may not charge above a certain fee when they're representing someone in a malpractice case and, of course, physicians, by adoption of Amendment #80, could not set above a certain maximum fee above the maximum set by the Department, keeping in mind that what we are all aiming for and what we've heard stated over and over again, I think, most recently by Representative Daniels, was that we are concerned here with victims, with patients and with people; and, since there is a crisis in malpractice, we want to see that nobody is charged more than what is reasonable."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #80 to House Bill 1604. And on that question, the Gentleman from DuPage, Representative Daniels."

Daniels: "Madam Speaker, Ladies and Gentlemen of the House, we're going to have several Amendments coming up. I guess the last count was 112 and more coming. And I'm sure that each

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and every Amendment that you'll hear is one that's presented to us with every best intention and interest in mind because of the complexity, difficulty and the different views on the issue. What we have here is another Amendment that I'm sure the Gentleman has presented in good faith, but the trouble with this Amendment, in referring to the Department of Registration to set maximum fees for physicians, is it does take some of the discretion away from the court and it does take some of the ability to deal with the issue away from the court and away from the patient and the injured person. And I would suggest to you that this is an Amendment that is one that should not be adopted. I would ask you to join me in refusing to adopt this Amendment and to vote it down."

Speaker Breslin: "Representative Preston."

Preston: "Yes, thank you, Madam Speaker. I don't know what the Gentleman is referring to in court. I'm not aware that before you are operated on, you have to first go to court. This is talking about a surgical procedure. You go to a doctor. You say, 'I have a cataract. I want my eye operated on.' And now, one physician may decide to charge 15,000 dollars for that operation when the generally accepted going rate is 600 dollars. And we're just asking the Department of Regulation and Education to set maximum reasonable fees that can be charged for your normal surgical procedures. We don't go to court before that."

Speaker Breslin: "The question is, 'Shall House... Shall Amendment #80 to House Bill 1604 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'nos' have it, and the Amendment is lost. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #81, Preston - Johnson."

Speaker Breslin: "Representative Preston."

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Preston: "Thank you, Madam Speaker. Amendment #81, in my opinion, is the most important Amendment to the newly adopted Bill which is the former Amendment 76... or Amendment 76. This is very serious, and I'm just going to ask your indulgence on this one for one moment. I talked about it in my remarks. What this Amendment does - I told you when we discussed the earlier Amendment that it is a bit crazy to have a 250,000 dollar threshold where under 250,000 dollars the entire verdict, the entire judgement is paid in a lump sum which, after paying attorneys' fees of let's say a third, you're left with somewhere around 180,000 dollars. And where someone who has been grievously injured puts that in the bank and at today's interest rates they get somewhere around ten percent or 18,000 dollars a year, but if they get 250,000 and one cent, they don't get a lump sum, they get that paid over their lifetime and that could be about 6,000 dollars or less a year depending on the age of the person. This Amendment says that even though we are keeping structured verdicts as the physicians' desire, the first 250,00 dollars is paid in a lump sum. Anything over that amount is a structured verdict to be paid over the lifetime of the individual. Otherwise, as I indicated earlier, you're going to have a plaintiff hoping for a lower judgement and a defendant hoping for a higher judgement because the higher is better and the lower is worse, and that equals insanity. This takes that ultimate insanity out of the Bill and makes it - I'm not happy with it - but it certainly is a fair way to present it so that in a malpractice verdict, if a person is injured and is given a verdict of a million dollars, the first 250,000 dollars is in a lump sum; and, after that, it's over the person's lifetime. And on this, Madam Speaker, I'd like a Roll Call"

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Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 81 to House Bill 1604. All those in favor... excuse me. The Gentleman from DuPage, Representative Daniels."

Daniels: "Madam Speaker, I must rise to oppose the Gentleman's Amendment and point out to you that the issue of structured verdict, as the Gentleman pointed out, is very critical to the medical malpractice agreement that was reached by the individuals participating in it. The Gentleman talked about damages, and we're talking, in structured verdicts, only about future damages in excess of 250,000 dollars. Now let me tell you, as we go through this, some of the give and take that was involved in the question of structured verdicts. Prior in the discussion that you've heard before, one of the things that was suggested was that in structuring a verdict upon a patient's death that those payments would stop, would terminate. And you remember the debate on Amendment #13 and the concern raised. Well, one of the exchanges that was coupled here is that the... point to that way... is that the individuals that we're dealing with and the discussion that we had was we... the tradeoffs given was that the patient's payments would continue for as long as that patient lived, even if they lived beyond the actuarial life, which was the subject of an annuity, for instance, that may be purchased on the structured verdict. I think there are a lot of good parts of structured verdicts. I think we ought to give it a try. I think that it was discussed in great detail, a major part of the negotiations, and I would suggest to you that I'm sure the Gentleman's Amendment is certainly in the best intentions, but I would request your assistance in defeating this Amendment so we can go on with this very important matter."

Speaker Breslin: "Representative Preston, to close."

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Preston: "Thank you, Madam Speaker. It's important to keep in mind what will happen if someone is injured to the extent of a returned verdict in the amount of 250,000 dollars and one cent. That's a terrible injury to get a quarter of a million dollars, a terrible injury. I don't know anyone... I don't know someone who's been injured to that extent. But what happens, under this Bill, is that that person gets paid over his or her lifetime. If a person is twenty years of age, that individual may have a life expectancy of another fifty years. Two hundred and fifty thousand dollars and one cent over fifty years gives an individual who was seriously, terribly injured, maybe lost both limbs, maybe is on a heart/lung machine, maybe... I don't know what could have happened to that individual, but is going to end up getting somewhere around six or 7,000 dollars a year. How can you buy a vehicle that you may need on six or 7,000 dollars a year? How are you going to be able to build ramps in your home if you're in a wheelchair for life on six or 7,000 dollars a year? How are you going to be able to afford the cost of a dialysis machine on six or 7,000 dollars a year? You can't. But if the jury was good enough to you to give you \$249,000.99, well then you can because then you get it upfront. Then you get a lump sum. Then you can take it to the bank and put it in the bank and earn interest. But if you get two cents more, you can't do that. That is unjust and that makes no sense. And that doesn't help victims that the... that Representative Daniels' said that we're all here to be concerned about, and it also doesn't help doctors, not at that low figure. That's... They're worried about catastrophic injuries, about the 40 million dollar verdicts. Well, that's taken care of here. But for God's sake, the person who needs some money to live on, to rearrange a life after a quarter

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of a million dollar or more or a 500,000 dollar injury to a person's body, for Pete's sake, they need that to reorganize themselves, to learn how to see if they're blind. I hope you'll vote to adopt this Amendment."

Speaker Breslin: "The question is, 'Shall Amendment #1 (sic - #8) to House Bill 1604 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Fulton, one minute to explain his vote."

Homer: "Thank you, Madam Speaker. I would just like to echo what the Sponsor of this Amendment has said. You know, if we do anything else, we ought to be at least logical and consistent with what we're doing. To give you an analogy of how ludicrous this Bill is as it's written in this regard would be to say that everybody in the office, some office who was making less than 20,000 dollars a year would get a 5,000 dollar raise. So, that if a person was making 20,000 dollars, they would go to 25,000 dollars; whereas, somebody who was in the office making less than that amount would get no raise. I mean, it just... it makes no sense whatsoever to have a threshold where everything kicks in. The only what that this makes any sense on a structured verdict would be to say that anything over 250,000 dollars is structured. Otherwise, to not have that is to say that you're better off getting a verdict of 200,00 dollars than you are getting a verdict of 400,000 dollars. The present economic value of the 200,000 dollar verdict is more valuable than the present economic value of a 400,000 dollar verdict, structured, a structured verdict. This makes no sense whatsoever. It's illogical and when the practitioners and when the public understand what it is we've done in that regard, I think they're going to hold us accountable. And so I think that this modification to... this Amendment to the original proposal is absolutely

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essential in just rendering logic to it, and I would encourage more green votes if they're to accomplish that."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. Representative Hicks wishes to be recorded as voting 'no'. There are 43 voting 'aye', 57 voting 'no' and 7 voting 'present', and the Amendment fails. Are there any further Amendments?"

Clerk Leone: "Floor Amendment 32, Preston - Johnson."

Speaker Breslin: "Representative Preston."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I can't imagine, with 81 failing, that anything else on the green earth will succeed. The train is moving. But what 92 does is, again, has been discussed in debate. Under the present status of this Bill without this Amendment, a verdict that is returned for someone who suffered terrible injuries at the hand of a negligent physician or hospital has the amount of that judgement reduced by insurance, including Social Security disability payments. And, you know, the example that Representative Johnson gave didn't really go far enough. You know, there is such a thing as not being injured to the tune of 250,000 dollars, but only perhaps losing a leg or two below the knee and being injured to the tune of 100,000 dollars, and, you know, your Social Security payments may have ended up - that, along with your medical coverage, the insurance benefits that you had - may pay for your hospitalization. Your Social Security disability benefits may pay for your artificial limbs and for the training that you receive on how to walk on now artificial legs, and that might equal 100,000 dollars. So, do you know what you end up with after losing both your limbs? Nothing. Zero. Zip. Nothing whatsoever. Because you went so far as to pay for insurance coverage for yourself and to pay into Social

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Security and get Social Security disability benefits. So, who gets the benefit of that? Not you, but your physician's malpractice insurer gets the benefit of that. So, they don't have to pay you, because your own Social Security paid you and you walk away with no money. Well, I can see from the prior Roll Call that sounds like a pretty good idea. I'm going to vote for the Amendment, but I guess it must not have much merit."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 92 to House Bill 1604. And on that question, the Gentleman from... the Gentleman from DeWitt, Representative Vinson."

Vinson: "Madam Speaker, I will speak very shortly, and I did participate in a number of summit meetings on this issue. Consistently, throughout the summit meetings, the other side, the trial lawyers, said that this was no problem. I would urge rejection of the Amendment."

Speaker Breslin: "The Gentleman from Champaign, Representative Johnson."

Johnson: "Well, there's a later Amendment that does this better, but I guess this is the appropriate time to do it. I didn't sit in on the summit negotiations. I dare say that 96 percent of the people in here didn't. And I dare say the people who've paid into disability programs for their lifetime and who are going to be injured in the future didn't sit in on those negotiations. Each one of us come from 118 districts around the state, and the 100,000 people that elect each one of us expect us to come down here and not to say the summit and an agreement said X, even though X is wrong. They elected us to come down here and use our independent judgements on what's fair and right for the people in your district. Now if you think it's fair and right for ten people to negotiate away 13 million people's

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rights, to negotiate away 13 million people who've paid in for a lifetime to a disability system or who are a member of a union where part of their collective bargaining agreement is disability benefits, or old people who don't have to pay in anymore but get disability benefits because they've paid into a lifetime assistant, and they lose all that because they have the misfortune of being the victim of malpractice. And the doctor who didn't pay in for their lifetime, who didn't have anything to do whatever with the intelligence and wisdom and good fortune of the person to have good insurance is going to take advantage of it. You, in effect, are working your lifetime, and a later Amendment addresses this on insurance, you, as a Legislator, with Blue Cross-Blue Shield, although it doesn't affect this one, or a 75 year old citizen, or a 50 year old trade union member has worked a lifetime to pay the insurance the total benefit of which goes to a negligent doctor. Now, if you think that's right, it's just absolutely beyond me. I just ask you, I urge you - I'm not saying reject this package in whole. They did work hard on it. They worked hard on it in negotiations, but you're elected to represent your people and exercise independent judgement. And if you don't do it on something that makes this much sense, then you'll never do it."

Speaker Breslin: "The question is, 'Shall Amendment #82 to House Bill 1604 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Brunsvold, one minute to explain your vote."

Brunsvold: "As I said earlier, this, I feel, is one of the most unfair parts of this package. I don't know how anyone here can go home and explain to their people that this is fair."

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

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Bullock: "Thank you, Madam Speaker. I'll be brief. I was tempted earlier not to say anything, but this is one Amendment that Preston and Johnson are absolutely correct. If you have any conscience at all, you will follow Johnson and Preston and mutiny and vote 'aye' for this Amendment. This is an Amendment that if you have a conscience and if you care about human beings, you'll vote 'aye'. It should not go down in defeat."

Speaker Breslin: "Have all voted who wish? The Gentleman from DuPage, Representative Daniels, one minute to explain your vote."

Daniels: "Well intentioned all, and I'm sure the argument is one that the Gentlemen have an interesting concern, and they're right. There is a concern in this whole area, this issue was debated quite extensively with the trial lawyers, and it was debated in not the summit meeting that I took part at originally, but the summit meetings that were held between the Trial Lawyers, Chicago Bar Association, Illinois Bar Association and the Governor's Office and they didn't have any problem with this during their arguments. Now, the Gentleman brings up the point right now about collateral source, but what I want to emphasize in here, nothing in this Amendment on the collateral source rule is aimed at hurting anybody. What it does is it prevents a double recovery. In other words, the person has already received the dollars. And all you're saying is under collateral source that they're not going to get a double recovery. Now when you try to calculate the importance of medical malpractice, it's not the person's loss that have been insured or the insurance payments that they receive because you pay a premium for insurance for peace of mind, for future protection and your premiums are for a one year basis. And that's why we include in this provision

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reimbursement for two years. But you buy insurance for peace of mind, and that's part of the reason that you pay for that insurance. In this instance, what we're doing here and the careful crafting of this Amendment and the overall relationship is to try to make sure that all people are properly protected. This agreement does it. That's why you've found the Speaker of the House and the President of the Senate and the two Minority Leaders agreeing to it. And, yes, in previous negotiations, the trial lawyers themselves agreeing to this issue. I would ask that you join with me in supporting this Amendment. It's a very important part of this agreement, and I would hope that we can defeat it."

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

McPike: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I have participated in a lot of the meetings over the last two years, and I was not a participant in this. But I have listened very closely to someone who is much more familiar with the issue than myself and that's Representative Johnson. It's very difficult to sit here and vote against this type of Amendment when you know that Representative Johnson is right on this. I doubt if there's a person on the floor that doesn't really feel down deep in his heart or just a gut reaction that he is right. It doesn't make sense that someone would be an operating engineer all his life and be on disability and then have a doctor perform a procedure where a jury finds that there's malpractice and have the operating engineer, in effect, pay for that doctor's malpractice. You could say the same thing about a retired fireman or a retired nurse or any other individual that have worked all of their life and paid all of their life into a disability system, and then,

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at some point in their life, to say that they must turn around and pay for a doctor's negligence and a doctor's malpractice. That's not right. It should not be part of this agreement. We all know that the agreement itself must pass. But there are some aspects of the agreement that are wrong. And I think I feel very strongly as Tim does that this is terribly wrong, that the... at least the doctors insurance company should not be paid by my insurance company that I've sweated for to pay for all of my life. I think that we should have the decency to admit that that should not be part of this agreement."

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

Friedrich: "Madam Speaker, this is a serious matter, and we've given it a lot of time tonight. I think the time... what's going to happen, it's going to be midnight and nothing is going to happen on malpractice insurance. Now if that's the design of those who are offering all these Amendments, that's fine, but let me say this; that the probability as once this goes to the Senate and comes back there will be a lot of changes in it anyway. If you think this is the final round on this, you're sadly mistaken."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 53 voting 'aye', 55 voting 'no' and 2 voting 'present'. And Representative Preston asks for a Poll of the Absentees. Representative Johnson, for what reason do you rise?"

Johnson: "Representative Preston is right, and he can do that. I'm not going to do that, because I don't want to... I just want to let Representative Friedrich know in as kind of terms as I can say it - I've expressed this to Representative Daniels - I intend to withdraw a number of

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these Amendments because I don't want to make us go into tomorrow's Session and have parliamentary maneuvering to beat this Bill. I'm not for the Bill, but I want to give it a fair shot. And I'm going to table some Amendments that I believe in just because I want to make this process work. But if Representative Friedrich really believes that I would put in these things to tie up this process, as sincerely as some people believe in it, he's wrong. We're not going to get into the squabble that we did a few years about calling each other a liar, and I don't think we believe that. But I'm just telling you that is not my intention in any way, and I certainly hope that he doesn't think that it is"

Speaker Breslin: "Proceed... Poll of the Absentees, Mr. Clerk."

Clerk Leone: "Poll of the Absentees. Dunn. Flinn. Greiman. Huff. Klemm. Parcels. Richmond. And White."

Speaker Breslin: "The Lady from Cook, Representative Parcels. Representative Parcels wishes to be recorded as voting 'no'. Representative Preston."

Preston: "I'd like a Verification of the Negative Roll Call."

Speaker Breslin: "The Gentleman requests a Verification of the Negative Roll Call. Mr... Representative Vinson, for what reason do you rise?"

Vinson: "Madam Speaker, only to reserve a Verification of the Affirmative Roll Call in the event that the Verification of the Negative would appear to succeed."

Speaker Breslin: "Very good. Proceed, Mr. Clerk."

Clerk Leone: "Poll of the negative. Barger. Barnes. Berrios. Capparelli. Churchill. Cowlshaw. Daniels. Davis. Deuchler. Didrickson. Ewing. Farley. Virginia Frederick. Dwight Friedrich. Goforth. Hallock. Hannig. Harris. Hastert. Hensel. Hoffman. Keane. Krska. Kubik. Kulas. Mays. McAuliffe. McCracken. McMaster. Nash. Olson. Pangle. Parcels. Parke. Bernard

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Pedersen. William Peterson. Piel. Pullen. Rea. Ronan.
Ropp. Ryder. Satterthwaite. Stange. Steczko. Stevens.
Tate. Terzich. Vinson. Vitek. Wait. Weaver.
Williamson. Wojcik. Woodyard. And Mr. Speaker."

Speaker Breslin: "Do you have any questions of the Affirmative Roll, Mr. Preston."

Preston: "Thank you, Madam Speaker. Representative Capparelli."

Speaker Breslin: "Representative Capparelli is voting 'no'."

Preston: "That's right."

Speaker Breslin: "Oh, that's right. Excuse me. The Gentleman is... Is the Gentleman in the chamber? He is."

Preston: "Would you ask him to leave the chamber? Representative Hallock. Oh, I withdraw that one. Representative Keane?"

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

Preston: "Representative Stange?"

Speaker Breslin: "Representative Stange. The Gentleman is in the back."

Preston: "Representative Wojcik?"

Speaker Breslin: "Representative Wojcik is in her chair. Representative Keane has returned to the chamber. Add him to the Roll Call."

Preston: "Representative Hensel?"

Speaker Breslin: "Representative Hensel is in his chair. Representative McGann, for what reason do you rise?"

McGann: "Madam Chairman, would you kindly change my vote from 'aye' to 'nay'?"

Speaker Breslin: "The Gentleman changes his vote from 'yes' to 'no'."

Preston: "Representative Piel?"

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

Preston: "I have no further questions."

Speaker Breslin: "Mr. Clerk, what's the count. On this question

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there are 52 voting 'aye', 57 voting 'no' and 2 voting 'present', and the Amendment fails. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #83, Preston - Johnson."

Speaker Breslin: "Representative Preston."

Preston: "Madam Speaker, I withdraw Amendment 83."

Speaker Breslin: "Withdraw Amendment #83. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #84, Preston."

Speaker Breslin: "Representative Preston. Representative Johnson, for what reason do you rise?"

Johnson: "Well, subject to being overruled by Representative Preston, I would like to withdraw, as a Sponsor of them, and I... certainly he has a right to present them, 84, 85, 86, 87, 88, those"

Speaker Breslin: "Representative Preston, do you agree?"

Preston: "I don't object."

Speaker Breslin: "The Gentleman agrees to withdraw 84, 85, 86, 87 and 88. Are there any further Amendments?"

Clerk Leone: "89, Johnson."

Speaker Breslin: "Representative Johnson."

Johnson: "Again, and I don't mean... everytime I have an Amendment to say listen to me. This is the most important thing. But you ought to listen to this one, too. If you go to trial and you obtain a judgement against a doctor for your little girl for 500,000 dollars because she's disable for life or whatever, all the doctor has to do, under Representative Daniels' and others Bill, is to go in and... let's... and obviously it has to be structured. So, the six year old daughter who has a sixty year life expectancy is going to have that paid over 66 years. If you go in and you're the doctor and you file an affidavit or the appropriate... I don't know what the terminology is, the

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appropriate pleading and to say, 'I've got insurance to cover that 500,000 dollars or whatever the amount might be', the court then has to completely release the doctor forever, substituting the insurance company for the doctor. Well, that's okay up to that point. But if over the course of the sixty years that that little girl lives and has to have that 500,000 dollars for medical treatment and for future losses, for a van, for therapy and so forth, for that period of time, and I don't want to give too many examples as to what that might be, and the insurance company goes bankrupt after twenty years or ten years or thirty years, goes belly up - and let's face it, insurance companies... some are very solid, but there's certainly been a long history of a number of reputable companies going belly up quicker than sixty or seventy years - the injured person who has to rely on that is out of luck because you have no recourse against anyone else. That's unique in our system. There isn't anywhere else anywhere in the country where we have that kind of system. And I suggest to you that that is awfully unfair."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #89 to House Bill 1604. And on that question, the Gentleman from DuPage, Representative Daniels."

Daniels: "Ladies and Gentlemen of the House, this point was discussed as well in several of the meetings, and let me explain to you why that provision is in there in the fashion that it is. Once you have a structured verdict and you have court approval - remember, the court must approve the suggested structured verdict and the method in which the payment is awarded - the insurance company is more than likely to purchase an annuity. If they purchase an annuity on an actuarial life of the patient, what you will find then is payment over that actuarial life. Now, if this

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annuitant is the recipient of a company that goes bankrupt or belly up, as Representative Johnson suggested, we have what we call a Guarantee Fund on annuities in the State of Illinois which we passed. You may all remember the problem we're dealing with right now at Baldwin United and National Investors' Life. The insurance director just kicked in the Guarantee Fund under that annuity. Let's say there's not an annuity and we talk about an insurance company. Well, because of your wisdom, Illinois has an Insurance Guarantee Fund to guarantee payments under the insurance provisions. Now if that's not enough, those of you that may remember some of the court actions against insurance companies in the past, I was the attorney on the Equity Funding Life Insurance case representing the State of Illinois and there are tons of class action lawsuits that are available. If our Annuity Guarantee Fund or Insurance Guarantee Fund and the full faith in credit of the State of Illinois standing behind that is not enough, then we deal with the issue of class action lawsuits. We think there is ample protection because all of this requires court approval on a structured verdict. And for that reason, this was part of the negotiated settlement."

Speaker Breslin: "The Gentleman... There being no further discussion, the Gentleman from Champaign, Representative Johnson, to close."

Johnson: "Understand this now. When you go to trial, if you even mention that there is insurance involved, it's a mistrial. They throw it out of court and you've got to start all over again. That is the ultimate no, no in trying cases in Illinois. You simply can't ever say there's insurance involved. It's the injured person versus the doctor. The injured person versus the drunk driver, whatever it might be. They want to have that. They don't want to change

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that. You still can't mention insurance; but, as soon as the case is over, even though that person may have a yacht, may have five million dollars in assets, may have an estate that will be perpetuated to be able to take care of his kids, all he has to do is file an affidavit that says I've got insurance. It's been approved by the court. And let's face it, insurance is an awfully indeterminate thing for anybody to approve over sixty or seventy years. He's out of the picture. And if that company... or that annuity carrier happens to go under, and there's many situations - in fact, I'd say the percentage is very high over seventy years - then the doctor's family doesn't suffer, the doctor doesn't suffer, but the person who has to live on this annuity for their existence, for their life expectancy of sixty years is the one who suffers and goes on the public dole and then the taxpayers suffer. I didn't participate in this agreement, and I don't think there's too many people here who, had they participated, would have thought that was a fair provision to include."

Speaker Breslin: "The question is, 'Shall Amendment #89 to House Bill 1604 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Preston, one minute to explain your vote."

Preston: "Thank you, Madam Speaker. The... Representative Daniels, I'm sure, does not intend to intentionally deceive this Body, but he has time and time again talked about this as if it was agreed to and there is not a single organization of attorneys that agreed to any one of these Amendments, but that doesn't stop him from time and time again saying that he's agreed to this. This is an agreed, negotiated settlement. You can't have a settlement unless both parties agree. And, you know, one other organization that wasn't a party to these negotiations at all, and there

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are many associations of victims, and not one was in attendance at these meetings and these negotiations. And you know something? They couldn't crawl up the steps to get here and tell you about it."

Speaker Breslin: "The Gentleman from Rock Island, Representative DeJaegher."

DeJaegher: "Mr. Johnson, Mr. Preston, and all of you Representatives that have taken it upon yourself to make laymen, such as myself, knowledgeable of what we're confronted with, I appreciate it. You Gentlemen are standing on principle. You are trying to make a point. There is no reason why any of you should have to be apologetic when you present a Resolution or an Amendment. I commend you for the action that you are taking. Without a doubt we will come up with a package that will be agreeable with both sides. Perhaps, in the structured Amendment, our agreement that we have before us tonight, in haste some things could have been overlooked, and I think this is what you Gentlemen are trying to make us knowledgeable of. And regardless of how long it may take our how long it takes you to make your presentation, I am willing to stay with you and vote on the various Amendments that you make us knowledgeable of. Thank you."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 27 voting 'aye', 76 voting 'no' and 1 voting 'present', and the Amendment fails. Are there any further Amendments?"

Clerk Leone: "Amendment #90, Johnson, amends House Bill 1604."

Speaker Breslin: "Representative Johnson."

Johnson: "Withdraw."

Speaker Breslin: "The Gentleman withdraws Amendment #90. Are there any further Amendments?"

Clerk Leone: "Amendment #91, Slater - Preston - Johnson."

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Speaker Breslin: "Representative Slater."

Salter: "One thing that the package which has been presented to us does not address is the issue of the competency of doctors. Amendment #91 does that, and it provides that, notwithstanding any other provisions, whenever any lawyer or doctor licensed by the State of Illinois is found guilty of malpractice for a second time within a space of five years and the amount of the recovery is 10,000 dollars or more, such person shall then be ineligible for a period of one year to practice law or medicine, as the case may be, the one year commencing at the time of his removal from the list of licensed attorneys or doctors by the appropriate agency."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #91 to House Bill 1604. And on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Madam Speaker, Members of the House, parliamentary inquiry."

Speaker Breslin: "State your inquiry."

Vinson: "I believe if the Chair will examine Amendment #91, the Chair will rule that the Amendment is nongermane to House Bill 1604. It's nongermane to the House Bill because it does not deal with the Code of Civil Procedure, and it does not deal with the process of tort legislation, which the Bill deals with. I would also submit that it is a... that there is a single subject problem in the Bill because it deals with the licensure of attorneys."

Speaker Breslin: "We'll look at it, Representative Vinson. Meanwhile, the Lady from Kane, Representative Zwick."

Zwick: "Thank you... Thank you, Madam Speaker, Members of the House. This Amendment is something that comes out of a Bill that I've been introducing for several years. It seems to me that one of the major reasons why we are here

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discussing malpractice today is that there is a great lack of confidence among the public in both lawyers and doctors on this issue. I would even go so far as to quote from you... from the Governor's Task Force on Malpractice, who I understand was part of this compromise package, in speaking about peer discipline and admonition. And it states right in this that the Task Force found that it was apparent that there was a significant lack of self discipline among both doctors and lawyers. They recommend that some strict actions be taken on this measure. I believe that it is relevant because on the subject matter issue, if not on the technical aspect, it is certainly relevant to this issue and should be part of the package. And I would move for its adoption. I would urge all of you to adopt it. It is something that is a necessary part of this package and should be considered and should be adopted by this Body. And it is fair and it addresses both aspects, and I guarantee you will solve some serious problems with malpractice. Thank you."

Speaker Breslin: "In answer to Representative Vinson's inquiry, the Amendment is germane. The Amendment amends the Code of Civil Procedure. There being no further discussion, the question is, 'Shall Amendment #91 to House Bill 1604 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the... The Gentleman requests a Roll Call. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 28 voting 'aye', 72 voting 'no' and 1 voting 'present', and the Amendment fails. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #92, Slater - Johnson."

Speaker Breslin: "Representative Slater. Representative Johnson,

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for what reason do you rise?"

Johnson: "I'm going to withdraw 92, 93 and 94."

Speaker Breslin: "Withdraw Amendment 92, Amendment 93 and Amendment 94. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #95, Slater - Johnson."

Speaker Breslin: "Representative Slater? Representative Johnson."

Johnson: "As a point of personal privilege, before I do this, I want to say that I really didn't expect to get this kind of reception. And the fact that people sat here and listened to us and they may not vote for us in everything but to give us the courtesy of presenting these things and listening to a sincere difference of opinion of the issues just does wonders for my spirit in terms of the already terrific feeling that I have for my colleagues here. And I just really appreciate that, and I... I can't tell other... any other way than to say thank you. I wish you'd vote for some of these Amendments, but I really do appreciate it. 95, I want to give you a hypothetical which will explain it better than my words will. You go in for an operation, the doctor performs the operation on you and he's negligent in performing the operation and he sends you 100,000 dollar bill for his services, because it's emergency services and so forth. He's screwed something up. You sue him for malpractice. You obtain a judgement against him for 200,000 dollars. Your health insurance pays 100,000 dollars to you. A hundred thousand dollars... or pays it to the doctor. Pays it... Blue Cross-Blue Shield pays it directly to the doctor. So, now you go from 200,000 to 100,000. That's what you get. The doctor who has performed the negligent operation and caused you damage that a jury has said is valid gets his 100 dollar bill... or 100,000 dollar bill paid by your Blue Cross-Blue Shield, gets

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100,000 dollar credit against what you ultimately get. And so the bottom line is that the person who has suffered severe disability nets out at 100,000 dollars. The doctor who's performed the operation, negligently, and a jury said he's negligent and fouled up, also gets 100,000 dollars. You come out even. Now if that's fair, you vote against this Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #95 to House Bill 1604. And on that question, the Gentleman from McDonough, Representative Slater."

Slater: "To put it on another basis, if you take your car to the repair shop and it's broken and the man gives it back to you and it's still broken, do you pay him?"

Speaker Breslin: "There being no further discussion, the question is, 'Shall Amendment #95 to House Bill 1604 be adopted?' All those in favor say 'aye', all ... All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Gentleman from Madison, Representative McPike, one minute to explain your vote."

McPike: "Well, what's so funny about this is that no one wanted to get up and speak against it. I mean, everybody knows that he's correct on this one. I mean, here's a doctor who the jury says is probably so incompetent that he's injured you for the rest of your life, but you have to take out of your award. You have to pay the doctor. I mean, that makes no sense. It makes nonsense. You get 100,000 and the doctor gets 100,000. Maybe somebody could stand up and speak against the Amendment, then we could understand the 52 'nos', but I doubt if there's anyone... You're right. It was probably discussed in the agreement."

Speaker Breslin: "The Gentleman from DeWitt, Representative Vinson, one minute to explain your vote."

Vinson: "To facilitate Representative McPike, he's right. It was

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discussed in the agreement. But beyond that, we dealt with this issue a few minutes ago. This Amendment embodies the same principle. And the reason that we urge a negative vote on the Amendment is that what the Amendment seeks to do is to permit a double recovery for an injury. That's the simple problem with the Amendment. It would authorize a double recovery for an injury."

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

Preston: "Thank you, Madam Speaker. Since this is the second time that we've heard the explanation of a double recovery for an injury, I think if we just dwelled on the truth for just a moment. The measure of damages, the measure of how much a person was injured that is considered by a jury is the amount of money that was expended for medical treatment, the amount of money that was lost from wages and the permanency of the injury. There's no double recovery that is given to a plaintiff when they get a malpractice award. The only... what the jury considers in determining what amount of money the jury will award that plaintiff, they look at how much money was spent by the plaintiff or his or her insurance company to pay for medical treatment, hospital stays, how much money that patient lost from work, notwithstanding that the patient didn't lose any money because they had sick days coming. That's not taken into consideration, because what the jury is looking for and is instructed on is how to judge the injury, the amount of money to award a person for a grievous harm."

Speaker Breslin: "Representative Preston, your time..."

Preston: "Well, you know if a per..."

Speaker Breslin: "Your one minute is up. Is there any further...
Bring your remarks to a close."

Preston: "Thank you. What the jury has to look at is certain

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factors to determine the amount of the award. They're not giving a double recovery. They're only taking into consideration the amount of money that was spent... was expended for medical care to determine what amount of money goes for a leg, what amount of money goes for an arm or an eye. So, it's not a double recovery."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 45 voting 'aye', 54 voting 'no' and 6 voting 'present', and the Amendment fails. Ladies and Gentlemen, at this point, with the leave of the Body, the Sponsor has agreed to take this Bill out of the record so that we can go to the Order of Second Readings so that we can read Bills before midnight tonight a second time. Representative Daniels?"

Daniels: "You have made that request of me, Madam Speaker, and in the interest of accommodating the operation of the House so that Bills can be read a second time and can be acted upon before midnight tomorrow night and, of course, it is my understanding you will return to this Bill and then we'll move forward and hopefully be able to pass this Bill as quickly as possible, depending upon the will of the House, of course."

Speaker Breslin: "The agreement is that we will come back to Second Reading and continue that. Yes. Would you read the Bills, Mr. Clerk?"

Clerk Leone: "House Bill 850, a Bill for an Act to amend the Civil Administrative Code. Second Reading of the Bill. House Bill 1530, a Bill for an Act to amend the Illinois Insurance Code. Second Reading of the Bill. House Bill 1973, a Bill for an Act to amend an Act for the regulation of mass gatherings, together with House Amendment #1. Second Reading of the Bill. House Bill 159, a Bill for an Act to amend the Illinois Insurance Code. Second Reading

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of the Bill. House Bill 160, a Bill for an Act to amend the Illinois Insurance Code. Second Reading of the Bill. House Bill 224, a Bill for an Act to amend the Illinois Income Tax Act, together with House Amendment #1. Second Reading of the Bill. House Bill 321, a Bill for an Act to amend the Public Community College Act, together with House Amendment #1. Second Reading of the Bill. House Bill 356, a Bill for an Act to create the Aldo Community Center Authority, together with House Amendments #1, 2 and 6. Second Reading of the Bill. House Bill 504, a Bill for an Act to amend the Juvenile Court Act. Second Reading of the Bill. House Bill 1062, Ropp, a Bill for an Act to require the State of Illinois to pay five percent of the contract price to certain Illinois companies that enter into contracts with foreign countries or foreign businesses. Second Reading of the Bill. House Bill 1598, a Bill for an Act to amend an Act to create sanitary districts and remove obstructions from the Des Plaines and Illinois Rivers, together with House Amendment #1. Second Reading of the Bill. House Bill 1694, a Bill for an Act to amend the Public Community College Act. Second Reading of the Bill. House Bill 1778, a Bill for an Act in relationship to the sale of merchandise at a location other than the established place of business, together with House Amendment #1. Second Reading of the Bill. House Bill 1869, a Bill for an Act to amend the Illinois Highway Code. Second Reading of the Bill. House Bill 1885, a Bill for an Act to amend the Illinois Bank Holding Company Act. Second Reading of the Bill. House Bill 1950, a Bill for an Act to amend the Illinois Administrative Procedure Act. Second Reading of the Bill. House Bill 2175, a Bill for an Act to amend the Illinois Governmental Ethics Act. Second Reading of the Bill. House Bill 2369, a Bill for an Act to amend

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the Code of Civil Procedure, together with House Amendment #1. Second Reading of the Bill. House Bill 2413, a Bill for an Act to amend an Act relating to firearms. Second Reading of the Bill. House Bill 781, a Bill for an Act to amend the Retailers' Occupation Tax Act, together with House Amendment #1. Second Reading of the Bill. House Bill 1153, a Bill for an Act in relationship to cigarettes. Second Reading of the Bill. House Bill 1506, a Bill for an Act making appropriations to the Metro-East Solid Waste Disposal and Emergency Producing Services. Second Reading of the Bill. House Bill 1884, a Bill for an Act relating to municipalities that engage in land resource management. Second Reading of the Bill. House Bill 567, a Bill for an Act to amend the Illinois Housing Development Act. Second Reading of the Bill. House Bill 568, a Bill for an Act to create the Build Illinois Bond Act, together with House Amendment #1. Second Reading of the Bill. House Bill 569, a Bill for an Act making appropriations to the various agencies, together with House Amendment #1. Second Reading of the Bill. House Bill 570, a Bill for an Act relating to Build Illinois Program, together with House Amendment #1. Second Reading of the Bill."

Speaker Breslin: "Mr. Clerk, read House Bill 1598 on Second Reading."

Clerk Leone: "House Bill 1598, a Bill for an Act to add Sections to an Act to create sanitary districts and to remove obstructions from the Des Plaines and Illinois Rivers. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Are there any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Breslin: "Are there any Amendments filed?"

Clerk Leone: "No further Amendments."

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Speaker Breslin: "Third Reading. Now, Ladies and Gentlemen, we are going to go back to the Order of House Bill... on the Order of Civil Law - Medical Malpractice, House Bill 1604. Are there any further Amendments, Mr. Clerk?"

Clerk Leone: "Amendment #96, Slater - Johnson, amends House Bill 1604 as amended."

Speaker Breslin: "Representative Johnson."

Johnson: "Ironic, Madam Speaker, I'm moving to get this over with before midnight because, even though I want to beat the Bill, Representative Daniels and others have really worked hard on this and they deserve their fair shot. I would move to withdraw 96, 97, 98, 99, 100, 101."

Speaker Breslin: "The Gentleman withdraws Amendment 96, 97, 98, 99, 100 and 101."

Johnson: "And I would also ask for advance leave - Representative Kirkland and I are going to present 102 - to withdraw, as a hyphenated Sponsor of all the remaining Amendments after that through and including 112. I would move to withdraw all of those Amendments as well."

Speaker Breslin: "We will do that afterwards. Proceed to Amendment 102, Mr. Clerk."

Clerk Leone: "House Amendment 102, Kirkland, amends House Bill 1604 as amended."

Speaker Breslin: "Representative Johnson. Representative Kirkland."

Kirkland: "Thank you, Madam Speaker. On page 15 of the Amendment... of the Amendment we're talking about, 76, 77, Section 2-1115 on punitive damages, says, in effect, and will make new law that no punitive damages can be recovered against... in medical malpractice cases and then also in legal malpractice cases, legal malpractice cases of any kind. Now, the Amendment presented would modify that by saying that that prohibition against punitive damages would

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not apply in cases where misconduct was proven to constitute a criminal offense, permitting the imposition of a term of imprisonment or a fine. I think of two examples, and really one of the examples may be as a reason why this whole Section should be out and that is the drunk doctor or the drunk lawyer who partakes in his job and messes it up and hurts a victim for a long period of time or for life. And one of the unique things about our court system is that it addresses the wrongs done to individual and an individual that comes into court doesn't care about how many cases there are against other people or how many cases are valid or invalid. He cares simply about his own case and his own victimization. There should never be... and this Bill should never contain language that gets rid of the possibility of punitive damages for a victim in cases of... like the cases of alcoholism, for instance, that I mentioned, but in other cases where there might be a criminal offense, such as a lawyer comingling his funds... his client's funds with personal funds. That just deserves no part in this Bill and obviously does not help victims. It only helps doctors and it only helps lawyers and protects the bad ones. And I move for... move for passage of this Amendment."

Speaker Breslin: "The Gentleman... The Gentleman has moved.."

Kirkland: "And ask for a Roll Call, please."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 102 to House Bill 1604. And on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Madam Speaker. I think perhaps the policy behind the legislation that we're considering in this regard ought to be very clearly articulated for Members. The purpose of punitive damages is to deter misconduct. One of the things that was widely discussed, and I'm not

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talking about the meetings between the four Leaders, I'm talking about the meetings where the Trial Lawyers, the Chicago Bar Association and the Illinois State Bar Association participated fully, was this policy. One of the things that they pointed out was that they had never found a case, in searching the files, where this... where a doctor was found guilty and held on punitive damages. Now, the problem with punitive damages is that a plaintiff's attorney can file and claim for punitive damages, and punitive damages, by definition, cannot be insured against. Same is true in the case of a defendant under this new law who would counterclaim for punitive damages against the lawyer. The lawyer could not insure against that. The issue is how in the world you deal with the issue of... the problem of deterring impermissible conduct that in the past we had a policy in the law for in punitive damages. And what we did was to say that you can simply indict and prosecute the people under this provision. I would urge a negative vote on the Amendment."

Speaker Breslin: "The Gentleman from Champaign, Representative Johnson."

Johnson: "To close, unless somebody else wants to speak."

Speaker Breslin: "There are others who wish to speak. Proceed."

Johnson: "No, I'm... No, I'm not going to take any more time. I just want to close when it's appropriate."

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

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

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

Preston: "Representative Kirkland, you're Amendment refers to page 15 of... affects page 15 of what was Amendment 76?"

Kirkland: "That's correct."

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Preston: "Is that..."

Kirkland: "Bottom of the page."

Preston: "Line 31?"

Kirkland: "Yes."

Preston: "And in what situations would those punitive damages apply when you're talking about the medical malpractice?"

Kirkland: "Poisoning case, for instance. If a doctor poisoned a patient."

Preston: "Do you mean an intent? You know, where it has to be an intentional poisoning of a patient?"

Kirkland: "Well, criminal act case, yes. In the case of the Amendment I'm presenting, yes."

Preston: "And what would the... without your Amendment on it, what would the provisions of the Bill as amended without your Amendment attached to it...what would the Bill do?"

Kirkland: "The Bill would not allow... The Bill would prohibit all recovery for punitive damages in any kind of medical malpractice case or legal malpractice case; that is, where there was a reckless act, an intentional act that caused malpractice, willful and wanton. Go ahead."

Preston: "I'm sorry. With your Amendment, what would your Amendment... you explained what the current posture is. With your Amendment, what would happen?"

Kirkland: "Okay. With the Amendment, if a malpractice act, either legal malpractice or medical malpractice was committed and would constitute a criminal offense, then, in that instance, in a civil case, there could be a recovery for punitive damages against that act."

Preston: "Alright. To the Amendment, Madam Speaker."

Speaker Breslin: "Proceed."

Preston: "This is a good and logical Amendment. The... I can't believe there is a physician who needs passage of this Bill for relief in his malpractice coverage would be against an

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Amendment that would require some form of punishment for someone who willfully commits, not a negligent act now, but a willful and wanton act resulting in serious and grievous harm to an injured party. To wipe out the ability to get punitive damages in only one category of tort... tortious wrongs is unconscionable. You get... You can get punitive or exemplary damages from a plumber who wrongfully fixes the plumbing in your house and does it in a negligent and a willful manner, wrongfully, but, yet, for a physician who intentionally will commit some error, somebody who operated on the wrong limb and did it on purpose because the x-rays were already in the machine. I'm making up the hypothetical; because, to be willful and wanton, it has to be something extraordinary and, frankly, quite ridiculous. But in those situations, to not enable a Judge or a jury to attach to the verdict exemplary or punitive damages makes no sense whatsoever. And Representative Kirkland has a very good proposal, and I'd urge your 'aye' vote."

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

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

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

Johnson: "In simplest terms, the doctor or a lawyer... well, let's take a doctor, is intoxicated or under the influence of liquor... of drugs, drives to the hospital, runs an intersection, a red light and kills someone or causes them injury, they're liable for punitive damages, because they're a driver. But if they go onto the hospital or the clinic and perform an operation and sever the wrong limb or pull out the large intestine rather than the small

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intestine because they were under the influence of alcohol, or if someone deliberately poisons somebody else or commits battery or aggravated battery or, for that matter, manslaughter intentionally, under the Bill as proposed, without this Amendment, you can't recover punitive damages. As a matter of public policy - and this is the last vote you're going to have a chance to show your independence on - as a matter of public policy, don't you think when somebody commits a criminal offense that they ought to be able to be subject to punitive damages? That's all."

Speaker Breslin: "The question is, 'Shall Amendment #102 to House Bill 1604 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 32 voting 'aye', 66 voting 'no' and 5 voting 'present', and the Amendment fails. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #103, Kirkland."

Speaker Breslin: "Representative Kirkland. Representative Johnson."

Johnson: "I would move to withdraw 103 through 112, which I think is the remaining Amendments, and I'm a hyphenated Sponsor."

Speaker Breslin: "The Gentleman moves to withdraw Amendment #103 to 112, of which he is the main Sponsor. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "I understand that there has been a fiscal note filed... fiscal note request filed on this Bill, Representative Daniels. So the Bill remains on the Order of Second Reading. Representative Daniels, for what reason do you rise?"

Daniels: "First of all, to question whether or not a fiscal note

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is applicable in this case."

Speaker Breslin: "Yes, Representative Daniels, the fiscal note does apply."

Daniels: "Then I would move that the fiscal note is not applicable and would ask for a vote of the House to verify that."

Speaker Breslin: "Your Motion is in order. The Motion is that the fiscal note requirement does not apply. The Motion is debatable. The Gentleman from Cook, Representative Cullerton, on the question. Representative Cullerton, did you wish to speak to this issue?"

Cullerton: "No."

Speaker Breslin: "No. The Gentleman from Champaign, Representative Johnson."

Johnson: "I want to defeat this Bill as much as anybody, but I don't think the fiscal note is applicable in this situation."

Speaker Breslin: "The Gentleman from... I'll tell you the reason for the ruling, Representative Johnson, is that the Bill obviously costs money. The setting up of the screening panel, for one, obviously costs money. So that's the ruling.. the reason for the ruling from the Chair. The Gentleman from Cook, Representative Preston."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This is one more time when the correct ruling of the Chair has been brought into question, and there has been criticism because the rules were followed. The Chair has ruled correctly, and there is a complaint made. I don't mind... I can understand complaints when the Chair makes an incorrect ruling; but, when the obvious reason is given, when it's clear that the ruling is correct, to make a Motion that the Chair is incorrect is out of line. And I would ask that Motion be defeated."

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

Daniels: "Well, Mr. Preston, if I could figure out how the screening panel costs the state any money when there's no cost in it - and one of the Amendments said that there should be costs associated with it, and one of the arguments that you supported said you should pay for the doctors and the lawyers on the screening panel. There's no costs to the state, Madam Speaker. There's no costs associated with that, and I don't know how you could say that. And I respectfully say that I think in that area, if you read the Bill, you'll see that there isn't a cost associated with it."

Speaker Breslin: "Representative Preston, you have already spoken in debate. Is there any further discussion? There being no further discussion, the Motion is that the Fiscal Note Act does not apply. All those in favor... A Majority voting on the issue is what is required for passage. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 90 voting 'aye', 6 voting 'no' and 1 voting 'present', and the Motion carries. The Gentleman from DuPage, Representative Daniels."

Daniels: "I would ask leave of the House to have this Bill heard immediately, Madam Speaker. Have you moved it to Third?"

Speaker Breslin: "No, we have not."

Daniels: "Would you please move it to Third?"

Speaker Breslin: "The Bill is on Third Reading."

Daniels: "Madam Speaker, I ask leave of the House to hear this Bill on Third Reading immediately."

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

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Cullerton: "Yes, I would object to that and suggest that we vote on this tomorrow. It is tomorrow and he's right. I think we should... suggest we vote on it later on today. Let's have a Roll Call for Attendance, too, while we're at it. Where's Representative Ropp? Let's get the flag going here. Who's going to do the prayer, Madam Speaker?"

Speaker Breslin: "The Gentleman, Representative Daniels, has asked leave that this Bill be heard immediately. All those in favor vote 'aye', all those opposed vote 'no'. This Bill requires 71 votes... or this Motion requires 71 votes for adoption. Representative Cullerton, one minute to explain your vote. Representative Preston, one minute to explain your vote."

Preston: "No, I don't want to explain my vote, Madam Speaker. I'm just going to verify the 'aye' votes if this does get 71 votes."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 75 voting 'aye', 18 voting 'no' and 5 voting 'present'. The Gentleman has requested a verification of the affirmative. Mr. Clerk, poll the affirmative, please."

Clerk Leone: "Poll of the affirmative. Barger. Barnes. Berrios. Bowman. Brookins. Christensen. Churchill. Cowlshaw. Daniels. Davis. DeLeo. Deuchler. Didrickson. Ewing. Farley. Virginia Frederick. Dwight Friedrich. Goforth. Hallock. Hannig. Harris. Hartke. Hastert. Hensel. Hicks. Hoffman. Homer. Keane. Koehler. Krska. Kubik. Kulas. Laurino. LeFlore. Levin. Mays. McAuliffe. McCracken. McGann. McMaster. McNamara. Nash. Oblinger. Olson. Panayotovich. Pangle. Parcels. Parke. Bernard Pedersen. William Peterson. Piel. Pullen. Rea. Regan. Ronan. Ropp. Ryder. Satterthwaite. Shaw. Stange. Steczo. Stephens. Stern.

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Sutker. Tate. Tuerk. Vinson. Vitek. White.
Washington. Weaver. Williamson. Wojcik. Woodyard. And
Zwick."

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

Bowman: "I really think that we ought to defer this till tomorrow morning so that we can consider this more thoughtfully and I would like to change my vote from 'yes' to 'no'."

Speaker Breslin: "The Gentleman changes his vote from 'yes' to 'no'. Representative DeLeo. The Gentleman changes his vote from 'aye' to 'no'. Representative Hartke."

Hartke: "How am I recorded?"

Speaker Breslin: "You're recorded as voting 'aye'."

Hartke: "Okay. My light is not working at all here."

Speaker Breslin: "Representative Madigan requests leave to be voted 'aye'. The Gentleman from Cook, Representative Sutker."

Sutker: "'Yes' to 'no', please".

Speaker Breslin: "The Gentleman changes his vote from 'yes' to 'no'. Representative Currie, for what reason do you rise? The Lady asks to be voted 'aye'. On this question there are 74 voting 'aye', 21 voting 'no' and 5 voting 'present'. So the Motion carries. Oh, excuse me. I'm sorry. Excuse me. We were just in the middle. Sorry about that. Do you have any questions of the Affirmative Roll, Sir?"

Preston: "Thank you, Madam Speaker. Representative Brookins."

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

Preston: "Representative Flinn."

Speaker Breslin: "Representative Flinn? Is the Gentleman in the chamber?"

Clerk Leone: "Gentleman is not recorded as voting."

Speaker Breslin: "The Gentleman is not recorded as voting."

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Preston: "Representative Homer?"

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

Preston: "Representative Laurino?"

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

Preston: "Representative Leverenz?"

Speaker Breslin: "Representative Leverenz. Is the Gentleman...?"

Clerk Leone: "He's not recorded as voting."

Speaker Breslin: "The Gentleman is not recorded as voting."

Preston: "Representative McMaster?"

Speaker Breslin: "Representative McMaster is in his chair."

Preston: "Representative Richmond?"

Speaker Breslin: "Representative Richmond? Is the Gentleman in
the chamber?"

Clerk Leone: "He's not recorded as voting."

Speaker Breslin: "He's not recorded as voting."

Preston: "Representative Shaw?"

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

Preston: "Representative White?"

Speaker Breslin: "Representative White. Is the Gentleman in the
chamber?"

Clerk Leone: "Gentleman's not recorded as voting."

Preston: "Madam Speaker, I don't know why these people don't
vote. Representative Koehler?"

Speaker Breslin: "Representative Koehler. The Lady is in the
chamber."

Preston: "I have no further questions, Madam Speaker."

Speaker Breslin: "Mr. Clerk, what's the count? There are 71
'aye', 21 'no' and 5 voting 'present', and the Motion
carries. Would you read this Bill a third time, Mr.
Clerk?"

Clerk Leone: "House Bill 1604, a Bill for an Act to add Sections

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to the Code of Civil Procedure. Third Reading of the Bill."

Speaker Breslin: "Representative Daniels."

Daniels: "Ladies and Gentlemen of the House, first, let me thank you for your indulgence over the last two and a half hours and for listening to extensive debate that was heard on this most important subject. And I do want to thank Representative Johnson and the other individuals for their attention to the issue, and I know they're a legitimate concern about this very important subject. And I want to extend to them my thanks. But let me just comment to you on a few points before I stop talking on this issue, which you've heard a lot about right now, and let me just tell you that, yes, this matter was in the finality heard and discussed by the four Leaders and the Governor's Office and Mr. Hart and some other individuals in a meeting. But before that, there were several people that took part in this discussion in other summit meetings prior to this and, before that, extending for well over six months, the various groups had met to discuss this. Now I don't presume to change my views or put my views into your thoughts and to make sure that you just accept some of the things that these individuals say or do not say, but I do suggest to you that there's been no other issue before the General Assembly that has been debated as hard, considered as thoroughly or thought about as intricately as the subject of medical malpractice. We are, yes, we are talking about victims' rights and about patients. And because of that, I think that this settlement that we have before us and the subject that's before us is one that was thought out carefully and in great detail. I know there are emotions on both sides of this issue. And let me tell you that I hear what many people say about the lawyers are wrong here

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or the lawyers are right here. But this truly was a matter that was participated in, people that do experience and work in this very important issue on both sides of the coin - lawyers that are defense attorneys, lawyers that are plaintiffs' attorneys, looking at an issue of critical importance; and, for that, I want to thank them. But look at the final settlement. Look at the final product. The final product does, in fact, protect patients. The final product does, in fact, bring of interest to the people of Illinois what is in their best interests and, yes, there has been serious considerations and concessions made. Gentleman, Mr. Preston, referred to maybe sending somebody over to Indiana to have an operation. But you know what he forgot is that Indiana has a cap of 500,000 dollars on economic and non-economic losses. I wouldn't send somebody to Indiana to have an operation if I were the Gentleman, Mr. Preston. So I think that we can be proud of the final product that we have in front of you, and I would ask for your support and your favorable consideration. Thank you."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1607 (sic - 1604). And on that question, the Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. The hour is late, and I will be brief, but I have not spoken in debate up to this point. And so I would like to take just a couple of minutes to express by observations on what I think is a very important issue. The... We all agree that it is important to be sure, but it goes beyond the question of malpractice. It goes to the question of the evolution of tort law in this country; that tort law is based on common law experience, upon case law which has evolved over hundreds of years, and we have a number of instances, going back to the Scaffold Act and Workers'

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Compensation Acts and then professional liability Acts and product liability Acts, and now medical... this Medical Malpractice Act that widdles away at the case law experience. And I believe all of these changes, these statutory changes, reflect the simple fact that common law... common tort law evolved at a time when life was a lot simpler. I think it is generally out of step with the times. And there will come a day, I believe, when we will have to reconcile the competing principles that are embodied in the workers' compensation statutes, in the medical malpractice statutes, professional liability statutes and product liability statutes. Until that time, I think we have to regard all of these Acts as experiments in substituting statutory law for case law. I believe this was a Herculean effort, and I commend the people who participated in it. The job is not yet done. There are a lot of things in here I don't like, but I must say that I agree with the last statement of Representative Daniels. The one thing that I would absolutely not tolerate is any arbitrary limit on a person's ability to recover, and that is one thing that this piece of legislation does not countenance. And for that reason, I will support it."

Speaker Breslin: "We are debating House Bill 1604. And on that question, again, the Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker, and I'll try and be brief. I, too, want to commend the Leaders and the people that negotiated this. I must say, however, I'm glad that we had this debate tonight so that some of the problems with this settlement could be debated and pointed out and a few of the weaknesses mentioned. I recognize a malpractice and insurance crisis in the State of Illinois, and we need to do something about it. I support much of, probably 80

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to 90 percent of what is in this compromise, and it's... it, as far as that goes, it's a necessary step. I supported much of it in Committee, but I was on a Subcommittee which never met, which never heard this Bill. Although this has been around now for almost two years, it was not presented to the Committee until the very last day and did not receive the hearing that it should have had in Committee as a result. This chamber has not had the opportunity to debate this measure as it should on an item-by-item basis and take them up and down. Rather, it's been presented as a whole. And so we have to vote on it as a whole. And, although I recognize the problem, I support 80 to 90 percent of the solution, I think we've all heard tonight that there are some things in this Bill that would drastically take away the rights of the legitimate victims of malpractice. And so, having no other alternative, I vote "no'."

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

O'Connell: "Thank you, Madam Speaker. Probably for the same reasons that Representative Hawkinson just described, I will find myself compelled to vote for this Bill. I was not on the Medical Malpractice Subcommittee, but I was on the Judiciary Committee. I never participated in any of the discussions. I know of no other Members that participated in any of the discussions, except for one or two Members. I know of no Members of the Judiciary Committee or any Members of this Body that participated in the so-called summit, except for the four Leaders. Now it's been described to us in debate tonight that none of the bar associations actually agreed with the so-called negotiated package. Several major impediments in this package have been raised tonight, specifically the

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incongruous situation where an individual may be given an award of 400,000 dollars; but, because that plaintiff may be of an early age with a long life expectancy, that individual will forego 250,000 of his rightful damage claim and opt for a 250,000 dollars award so that that person can invest it and reap the benefits for himself, not for some insurance annuity by the defendant. The collateral source problem wherein the individual has paid in disability over a number of years and, in effect, he would be paying for the doctor's malpractice and negligence. A number of problems have been presented and whether or not the defects that exist exist because of a failure to arrive at a truly negotiated settlement prior to the time that the measures came to this Body remains to be seen. But I think that this result that we will arrive at today or by June 30th won't be settled in this General Assembly; that I think that the final decision on whether or not this package will be the law in the future will be resolved in the courts, because what we are letting out today has some major defects and that I cannot imagine it won't be contested in the courts. And I don't know whether we've given sufficient legislative intent to really give those courts any kind of direction. But I will vote for the package, because that's all we've got."

Speaker Breslin: "The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Madam Speaker, Ladies and Gentlemen of the Assembly. I won't take much time. I'm the third one to speak, and I echo the words of both Representative Hawkinson and Representative O'Connell, two very fine Representatives who are going to vote differently tonight, and I will truly vote differently than them. I think what we have done here tonight is not to come up with a Bill

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that will pass the test of constitutionality in the courts of this state. And I think that if we would work harder and if we'd work longer, we can do that. I don't have problems with some of the provisions of this Bill, but I have a great deal of problems with other provisions which you've seen us vote on tonight. We need to knuckle down. We're the ones that need to do it. It's the Legislators in this Body that need to come up with a good Bill. We have many talented people here. We have Representative Preston. We have Representative Daniels. We have Representative Madigan. We have Representative O'Connell, Representative Hawkinson. All of those people are good, able lawyers. We could sit down and solve the problems in this Bill. But what we are doing here tonight is exactly what we're trying to prevent. We're coming up with a piece of legislation that has defects and the defects to the problems that we're trying solve. And for those reasons and because I want to come out of this General Assembly this year a Bill that solve the insurance problem, and that's what it is - an insurance problem in the medical malpractice field - I'm going to cast a 'present' vote; because, in the present form, I cannot vote for this Bill. Thank you."

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

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I don't think there's anyone in this room or outside of it who has more respect for the Speaker than I do, but I can't commend any of the people who came up with this legislation. In going on seven years in the General Assembly, I have never seen a piece of paper that works more evil for people who are less able to care for themselves, and that's the victims who are brutalized in a malpractice situation. The structured verdict provision is unconscionable where more gives you less and less gives you

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more. The collateral source provision that compensates a physician and his malpractice insurance company for your Social Security payments so they don't have to pay you for their negligence or the negligence of that physician, but your... in essence, your Social Security payments pays for that negligence. And the best of all is the itemized verdict, because this is... this is an unsolicited, unnecessary, gratuitous kick in the face of someone who has already been the victim of malpractice. What the itemized verdict does is it saves nothing for the physician or the insurance company, nothing at all. But by itemizing the verdict so they call wages or lost earnings lost earnings, the victim gets to pay income tax on it. Well, that's great. That's a tax increase for someone who has already had their liver cut out wrongfully. That is so unconscionable. I can only leave you with this one remark. You had better hope that your loved one, if your loved one is going to be the victim of a drunk or negligent physician, you'd better hope that that drunk or negligent physician drives his car over your loved one's stomach rather than removing that stomach on the operating table, because you can recover for the negligent driver, whether it be a physician or anyone else, but you can't recover properly from the negligent physician who removes something inside of you. It's a terrible Bill."

Speaker Breslin: "The Gentleman from Champaign, Representative Johnson."

Johnson: "A year ago... Two years ago, Representative Pierce and some other Legislators introduced a measure in this House that directed itself to the problem of delays. Everybody has run into delays in our judicial system. And it said that you should be able to recover damages from the time you were hurt, not five years later when you went to trial."

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The compromise on that Bill, that was bitterly opposed by the Medical Society and others, was nothing. We're not going to give you the time of filing. We're not going to give you two percent. We're not going to give you ten percent. We give you nothing. There was no compromise. This time they've come in with their own package, of 16... or a number of Bills, a couple of which have already been declared unconstitutional, and the compromise is we give them 15 out of 16. And then they say, 'Well, wait a year till July of '86 before we come back in and ask for all the rest of it'. But I think this debate tonight in a lot of ways has really been a catharsis for this process, because it's really shown me and I think a lot of other people here that Members of this Assembly can vote on individual items and that they don't always have to go along with agreements that are... that are made that they don't believe are in the best interests of the people that they represent and, also, that doctors, like anyone else in this legislative process, can overreach. And when they come back here next July with the sixteenth part of the package and they say, 'We gave you a year, but we're coming back in July of 1986 to say that now the ultimate piece of the puzzle is in place for caps' - don't say I didn't tell you so, but I think this Assembly, through this process tonight, is going to be real weary if that happens. There's real problems with this in terms of being special legislation, in terms of achilling somebody's right to a jury trial, in terms of infringing the right to contract and just generally in terms of vagueness. And over the next three or four years, as this process unwinds, and as we write book after book and lecture after lecture on this subject matter and the incredible number of problems and nuances and vagaries of this issue become apparent, then you're going to wonder why

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we didn't go back to the drawing table and determine, on a policy basis and on a technical basis, that we could do better. I commend the Sponsors. I commend everybody involved in the process, because I think it's been all exercised in good faith, but I, for one, am not going to vote for something that I think disserves people and disserves the Legislative and the Judicial process. Regardless of the political consequences, regardless of anything else, I'm going to vote 'no'."

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

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

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

Daniels: "The interest of patients, the interest of the public, the interest of doctors, the interest of lawyers and, hopefully, reducing health care costs are the major incentives behind this piece of legislation. Everybody here has those interests in mind. And I agree with much of the concern that has been raised by these people that oppose this Bill. I hope they're wrong. In my opinion, I think they are. We do our best in this process. Ladies and Gentlemen, this is the best we can do right now. Please support this legislation."

Speaker Breslin: "The question is, 'Shall House Bill 1604 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. The Gentleman from Cook, Representative Rice, one minute to explain your vote. The Gentleman from Effingham, Representative Hartke, one minute to explain your vote."

Hartke: "Thank you, Madam Speaker. I appreciate the debate this

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evening. I'm not a lawyer. I'm not a doctor. I'm a common person. I believe there have been some very serious questions raised here this evening, and I'm voting for this Bill to keep it in the system. And hopefully, when she comes back from further discussion, that this will be a Bill that will be good for the state and the people."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 101 voting 'aye', 11 voting 'no' and 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Continuing along on the same Order of Business appears House Bill 1955, Representative Daniels. Clerk, read the Bill."

Clerk Leone: "House Bill 1955, a Bill for an Act to amend Sections of the Medical Practice Act. Third Reading of the Bill."

Speaker Breslin: "Representative Daniels."

Daniels: "Madam Speaker, I would ask leave of the House to return this Bill to Second Reading for the purposes of an Amendment."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Are there any objections? Hearing no objections, the Gentleman has leave. Read the Bill, Mr. Clerk, on Second Reading."

Clerk Leone: "House Bill 1955, which amends the Medical Practice Act. Second Reading of the Bill. Amendment #1, Daniels - Madigan - et al, amends House Bill 1955 on page one and so forth"

Speaker Breslin: "Representative Daniels."

Daniels: "Ladies and Gentlemen of the House, Amendment #1, in question of enforcing the Section dealing with action

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before the Medical Disciplinary Board upon a showing of a violation, this would compel an individual physician to have to submit to mental or physical examination as a result of the appearance before the Medical Disciplinary Board. This is part of the package we had talked, and I ask for your favorable consideration"

Speaker Breslin: "The question is, 'Shall Amendment #1 to House Bill 1955 be adopted?' And on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #1 to House Bill 1955 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Daniels now asks leave for immediate consideration of House Bill 1955 as amended. Is there any objection? Hearing no objection, the Gentleman has leave. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1955, a Bill for an Act to amend Sections of the Medical Practice Act. Third Reading of the Bill"

Speaker Breslin: "Representative Daniels."

Daniels: "And Ladies and Gentlemen of the House, you've heard the explanation of Amendment #1 to House Bill 1955. And this is the provision, as I stated earlier, that requires submission to mental or physical examination. I'd ask for your favorable support."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1955. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 1955 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted

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who wish? The Clerk will take the record. On this question there are 108 voting 'aye', 5 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2032, Representative Daniels. Clerk, read the Bill."

Clerk Leone: "House Bill 2032, a Bill for an Act to amend Sections of the Illinois Insurance Code. Third Reading of the Bill."

Speaker Breslin: "Representative Daniels."

Daniels: "Madam Speaker, I'd ask leave to return this Bill to Second Reading for purposes of an Amendment."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Are there any objections? Hearing no objections, the Gentleman has leave. Read the Bill, Mr. Clerk, on Second Reading."

Clerk Leone: "House Bill 2032, which is a Bill for an Act to amend Sections of the Illinois Insurance Code. Amendment #1, Daniels - Madigan, amends House Bill 2032 on page one and so forth."

Speaker Breslin: "Representative Daniels."

Daniels: "Madam Speaker, Ladies and Gentlemen of the House. Amendment #1 is really an insurance reporting Amendment, and it requires that premiums written, investment income, data which compares claim payments, actual incurred expenses, net underwriting gain, net operating gain or loss and the like are to be reported in rate increase filings by an insurer, and I would ask your favorable consideration of this Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 2032. And on that question, the Gentleman from Cook, Representative Cullerton"

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

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the House. I rise in support of this Bill which was a Bill that I sponsored this year, and it was killed in the Insurance Committee by the Medical Society. Appreciate your favorable vote."

Speaker Breslin: "The Gentleman from Cook, Representative Preston, on the Amendment. Do you wish to speak on this Amendment, Sir?"

Preston: "Yes, Madam Speaker. I just want to very briefly say I don't know how any person in this room can vote on this Amendment. No one has read the Amendment or the analysis of the Amendment. I don't... This might be the best thing I've ever seen. I wouldn't have any idea about it."

Speaker Breslin: "There being no further discussion, Representative Daniels, to close."

Daniels: "It is the best thing you've ever seen, and, Representative Cullerton, we listened to you. We heard your comments, and we now support it."

Speaker Breslin: "The question is, 'Shall Amendment #1 to House Bill 2032 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment's adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. The Gentleman now asks leave for immediate consideration of House Bill 2032. Are there any objections? Representative Preston objects... objects. Representative Daniels now moves for immediate consideration of House Bill 2032. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 103 voting 'aye', 5 voting 'no' and 2 voting 'present', and the Motion carries. Read the Bill on Third Reading, Mr. Clerk."

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Clerk Leone: "House Bill 2032, a Bill for an Act to amend Sections of the Illinois Insurance Code. Third Reading of the Bill."

Speaker Breslin: "Representative Preston... Excuse me. Representative Daniels."

Daniels: "Ladies and Gentlemen, Madam Speaker, this Bill is a result of the agreements that had been reached earlier and explained. It is the Amendment that I explained to you. It is, in fact, Representative Cullerton's Bill that we amended into the agreement. I would ask for your favorable support."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2032. And on that question, the Gentleman from Cook, Representative Preston"

Preston: "Thank you, Madam Speaker. This is the seventy-fifth time the Gentleman's said that there's some agreement here, but the major opposing parties haven't agreed to any of it. But that doesn't... that doesn't stop him."

Speaker Breslin: "There being no further discussion, the question is, 'Shall House Bill 2032 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 109 voting 'aye', 2 voting 'no' and 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Cullerton is recognized for the purposes of a Motion."

Cullerton: "Yes, thank you, Madam Speaker and Ladies and Gentlemen of the House, I would move that we would postpone the Special Orders that were scheduled for Thursday until after we recess... come back from recess."

Speaker Breslin: "The Gentleman moves that we postpone the

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Special Orders until we come back for a recess at the call of the Chair. Is there any objection? Hearing no objection, the Motion carries. Representative Cullerton now moves that we recess the actions of this House until 9:00 a.m. tomorrow morning, allowing... allowing a few minutes for the Clerk for Perfunctory Session. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, this House is recessed until 9:00 a.m. tomorrow... or today. 9:00 a.m. today."

Clerk O'Brien: "A Message from the Senate, by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed a Bill of the following title and passage of which I'm asked to instruct concurrence of the House of Representatives, to wit; Senate Bill #512, passed by the Senate May 23, 1985, by a three-fifths vote. Kenneth Wright, Secretary.' Message from the Senate, by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills of the following title and passage of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Bills #486, 493, 500, 510, 513, 525, 559, 567, 573, 576, 579, 595, 603, 612, 613, 617, 621, 626, 627, 629, 522, 653, 658, 659, 660, 662, 665, 670, 690, 681, 692, 6... strike that, it's 632, 637, 638, 639, 640, 644, 645, 646, 648, 651, 684, 690, 693, 694, 708, 714, 721, 723, 724, 725, 726, 728, 729, 730, 736, 738, 739, 742, 745, 748, 749, 750, 756, 761, 779, 780, 785, 786, 803, 804, 813, 814, 813... strike that, 833, 835, 836, 849, 890, 893, 8... strike that, 870, not 890, 870, 873, 875, 911, 913, 914, 915, 957, 974, 986, 988, 997, 998, 1004, 1005, 1008, 1009, 1010, 1019, 1021, 1029, 1032, 1035, 1036, 1037, 1039, 1055, 1056 and 1063, passed by the Senate May 23, 1985. Kenneth Wright,

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Secretary.' Senate Bills First Reading. Senate Bill 209, Flowers - Berrios and Krska, a Bill for an Act to amend an Act to award income tax deductions to businesses which contribute money or resources to community groups. First Reading of the Bill. Senate Bill 280, Shaw, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. Senate Bill 329, Dunn, a Bill for an Act to amend the Regional Service Agency Fellowship Act. First Reading of the Bill. Senate Bill 1171,... strike that. Senate Bill 1302, Homer, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 1446, Steczo, a Bill for an Act to amend an Act in relation to juveniles. First Reading of the Bill. Senate Bill 486, Hastert, a Bill for an Act to amend an Act in relation to energy assistance for low income persons. First Reading of the Bill. Senate Bill 525, Capparelli, a Bill for an Act to amend the Illinois Bank Holding Company Act. First Reading of the Bill. Senate Bill 573, Ewing, a Bill for an Act to amend the Illinois Governmental Ethics Act. First Reading of the Bill. Senate Bill 603, Ropp, a Bill for an Act to amend the Unified Code of Corrections. First Reading of the Bill. Senate Bill 626, Braun and Turner, a Bill for an Act to create the Illinois consortium of educational opportunity. First Reading of the Bill. Senate Bill 627, Braun, a Bill for an Act to amend Sections of an Act creating the Board of Higher Education. First Reading of the Bill. Senate Bill 665, Terzich and Capparelli, a Bill for an Act in relation to enterprise zones. First Reading of the Bill. Senate Bill 680, Keane and Ewing, a Bill for an Act to amend the Pension Code. First Reading of the Bill. Senate Bill 681, Nash - Olson - Giorgi and DeLeo, a Bill for an Act to amend the Election Code. First Reading of the Bill. Senate Bill 639, LeFlore and Bowman, a Bill

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for an Act to amend the Illinois Act on the Aging. First Reading of the Bill. Senate Bill 640, Ropp and Brunsvold, a Bill for an Act to amend the Grade A Pasteurized Milk and Milk Products Act. First Reading of the Bill. Senate Bill 693, Churchill, a Bill for an Act to amend the law concerning livestock and dangerous animals. First Reading of the Bill. Senate Bill 694, Cullerton, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. Senate Bill 730, Hoffman, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 738, Terzich, a Bill for an Act to amend an Act to create sanitary districts. First Reading of the Bill. Senate Bill 739, Terzich, a Bill for an Act to amend an Act to create sanitary districts. First Reading of the Bill. Senate Bill 749, Ewing and Breslin, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. First Reading of the Bill. Senate Bill 761, Zwick, a Bill for an Act to create the Savings Disclosure and Protection Act. First Reading of the Bill. Senate Bill 779, Churchill, a Bill for an Act to amend an Act in relation to contribution among joint tort feasers. First Reading of the Bill. Senate Bill 786, Stange, a Bill for an Act to amend an Act to revise the law in relation to counties. First Reading of the Bill. Senate Bill 813, Oblinger, a Bill for an Act to regulate the amount and manner of wild game taken in the State of Illinois. First Reading of the Bill. Senate Bill 1021, Hastert, a Bill for an Act in relation to public utilities. First Reading of the Bill. Senate Bill 1037, Keane, a Bill for an Act in relation to property tax levy collection and payment in all counties. First Reading of the Bill. Senate Bill 1055, Hoffman, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. Senate Bill 1056,

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Hoffman, a Bill for an Act to create the Residential Service Authority for Behavior Disturbed and Severe Emotionally Disturbed Students. First Reading of the Bill. No further business, the House now stands in recess."

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