

STATE OF ILLINOIS  
82ND GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

106th Legislative Day

May 10, 1982

Speaker Ryan: "The House will be in order, and the Members will be in their seats. The Chaplain for today is Pastor Paul Flesner from the Grace Lutheran Church. Pastor Flesner."

Pastor Flesner: "Let us bow our heads in prayer. Almighty God, the day is new; the week is new and it is full of opportunities. We are grateful for the world in which we live, with its constantly expanding horizons, with CAT scans, and computer and space shuttles; but, God, we realize it's made life more complex, and it's made the decisions we have to make more difficult. And so we are, more than ever aware, now, of our need for Your guidance as we deliberate over the uses that You ask us to make of Your gifts. Give to us a vision of justice, of compassion, a vision of respect for all people's dignity, a vision of sensitivity to the depths of human need. We pray also, O God, for all personal needs here represented: for those who are ill, in conflict or crises, for those who grieve. Hear our prayer, this day, for Your mercy's sake. Amen."

Speaker Ryan: "Thank you, Pastor. We'll be led with the Pledge today by Representative Loftus."

Loftus: "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 Ryan: "Committee Reports."

Clerk Leone: "Representative J. J. Wolf, Chairman from the Committee on Appropriations, to which the following Bills were referred, action taken May 4, 1982, and reported the same back with the following recommendations: 'do pass' House Bills 2190, 2197, 2199, 2200, 2201, 2222, 2223, 2279, 2283, 2345, 2422, 2465, and 2477; 'do pass as amended' House Bills 2196, 2198, 2202, 2203, 2247, 2339, 2370, and

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2393. Representative J. J. Wolf, Chairman from the Committee on Appropriations, to which the following Bills were referred, action taken May 6, 1982, and reported the same back with the following recommendations: 'do pass' House Bills 2193, 2207, 2208, 2301, 2558; 'do not pass' House Bill 2509; 'do pass as amended' House Bills 2191, 2192, 2194, 2195, 2205, 2206, 2209, 2210, 2455, 2456, 2457, 2458, 2459, and 2476. Representative J. J. Wolf, Chairman from the Committee on Appropriations, to which the following Bills were referred, action taken May 5, 1982, and reported the same back with the following recommendations: 'do pass' House Bills 2220 and 2218; 'do pass as amended' House Bills 2212, 2213, 2214, 2215, 2216, 2217, 2399, 2481, and 2219."

Speaker Ryan: "Senate Bills First Reading."

Clerk Leone: "Introduction and First Reading of Senate Bills. Senate Bill 1305, Ewing - Kosinski, a Bill for an Act providing protection for the public health and safety by prohibiting the possession, delivery, and sale of drug paraphenalia, First Reading of the Bill. Senate Bill 1384, Henry, a Bill for an Act to amend Sections of an Act to provide for fees of sheriffs, recorders of deeds, and county clerks in counties of third class, First Reading of the Bill. Senate Bill 1388, Mautino - DiPrima, a Bill for an Act making appropriations to the Department of Veteran Affairs, First Reading of the Bill. Senate Bill 1549, J. J. Wolf, a Bill for an Act to amend the Illinois Horseracing Act, First Reading of the Bill. House Bill...I mean, Senate Bill 1562, Giorgi, a Bill for an Act to amend Sections of the Revenue Act, First Reading of the Bill. Senate Bill 1575, O'Connell, a Bill for an Act to amend Sections of the Code of Criminal Procedure, First Reading of the Bill. Senate Bill 1579, Oblinger, a Bill for an Act

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to amend the Illinois Pension Code, First Reading of the Bill. Senate Bill 1665, Robbins, a Bill for an Act in relationship to banks and banking, First Reading of the Bill. Senate Bill 1667, Robbins, a Bill for an Act to amend Sections of the Illinois Banking...Bank Holding Company Act, First Reading of the Bill. Senate Bill 1668, Dwight Friedrich - Keane, a Bill for an Act to amend Sections of the Civil Administrative Code, First Reading of the Bill. Senate Bill 1669, J. J. Wolf - Vinson, a Bill for an Act making appropriations to the Department of Mental Health and Developmental Disabilities, First Reading of the Bill. Senate Bill 1672, Olson, a Bill for an Act concerning the collection of child and spouse supports, First Reading of the Bill."

Speaker Ryan: "House Bills Introduction and First Reading."

Clerk Leone: "House Bill 2648, Koehler, a Bill for an Act to amend the Election Code, First Reading of the Bill."

Speaker Ryan: "Roll Call for Attendance. Take the record, Mr. Clerk. With 146 Members answering the Roll, a quorum of the House is present. On the Calendar on page two, under the Order of House Bills Second Reading appears House Bill 958, Representative Younge. Out of the record. House Bill 960, Representative Younge. Out of the record. House Bill 1072, Representative Wolf, J. J. Wolf. Out of the record? 10...1072, Representative. Out of the record. House Bill 1119, Representative Preston. Out of the record. House Bill 1425, Representative Henry. Out of the record. House Bill 1463, Representative Catania. Out of the record. House Bill 1954, Representative Vinson. Out of the record. House Bill 1969, Representative Younge. Out of the record. House Bill 1974, Catania. Out of the record. House Bill 2039, Representative Huskey. Read the Bill."

Clerk Leone: "House Bill 2039, a Bill for an Act to amend the

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Illinois Marriage and Dissolution of Marriage Act. Second  
Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Huskey - O'Brien, amends House  
Bill 2039 on page..."

Speaker Ryan: "Representative Huskey on Amendment #1.  
Representative Huskey, Amendment...Amendment #1."

Huskey: "Mr. Speaker, you'll have to excuse me for just a  
second."

Speaker Ryan: "House Bill 2039."

Huskey: "Mr. Speaker and Ladies and Gentlemen of the House, House  
Bill 2039 is the child support Bill, and every year since  
we've passed House Bill 24 some Sessions ago, we've had to  
update it and bring it up to date more or less to...to work  
out the...the entanglements in the law, and this Amendment  
#1 is an agreed Amendment by both sides. It was requested  
mainly by the Department of Public Aid and the County of  
Cook. Amendment #1 is primarily technical in nature. The  
changes include a few minor ones which are consistent with  
the way we're seeking to fund the Child Support Enforcement  
Program, and I would move for its adoption, Mr. Speaker."

Speaker Ryan: "Is there any discussion? The Gentleman moves for  
the adoption of Amendment #1 to House Bill 2039. All in  
favor will signify by saying 'aye', all opposed, 'no'. The  
'ayes' have it, and the Amendment is adopted. Further  
Amendments?"

Clerk Leone: "Floor Amendment #2, Huskey, amends House Bill  
2039."

Speaker Ryan: "Representative Huskey on Amendment #2."

Huskey: "Mr...Mr. Speaker and Ladies and Gentlemen of the House,  
I would move that we withdraw Amendment #2."

Speaker Ryan: "Withdraw Amendment #2. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Huskey - O'Brien."

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Speaker Ryan: "Representative Huskey on Amendment #3."

Huskey: "Well, Mr. Speaker, Amendment #3 is, again, an Amendment that's technical in nature. It's been agreed to by the Department of Public Aid and by the powers to be in the County of Cook, and it's more or less an administration Amendment to work out the...the flaws in House Bill 24, House Bill 77, and I move for its adoption."

Speaker Ryan: "Is there any discussion? The Gentleman from Cook, Representative Bowman, on Amendment #3."

Bowman: "Thank you, Mr...Mr. Speaker. I have Amendment #1 and #2. I do not have Amendment #3. My first question is, has this been printed yet?"

Speaker Ryan: "Yes, it's been printed and distributed the Clerk tells me. Would you like a copy?"

Bowman: "Okay, then I would appreciate it...Yes, I would. And I would appreciate it if the...the Gentleman could be a little more thorough in his explanation. As I gather from...from what he has said already, he said this is a...an administration Amendment, and it's necessary to work out some problems but he doesn't say in which way the problems are going to be worked out. So, I would appreciate a little fuller explanation."

Speaker Ryan: "Do you have any questions, Representative?"

Bowman: "Well, I'd like to know what the Amendment does, and he hasn't...didn't tell us."

Speaker Ryan: "Representative Huskey, do you have anything further to add to your explanation?"

Huskey: "Amendment #3 is the same as Amendment #2, except that Amendment #2 was Amendment #3 sort of straightens out some of the printing on Amendment #...#3. It straightens out some of the printing on Amendment #2. These Amendments were agreed to by your staff, Representative Boing...Bowman..."

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Bowman: "Well, okay, but..."

Huskey: "...And we're not trying to put anything over on you.

It's a technical Amendment that is requested by the Department of Public Aid and also by the County of Cook, in order to administrate...properly administrate and bring up to date, the Child Support Enforcement Program."

Bowman: "Okay, I... I'm not suggesting, Representative, that you are trying to put anything over; however, I am suggesting that this is not necessarily a technical Amendment. Let...let me quote from page two here of the added language. It says, 'Each parent or other person having custody of a child shall cooperate with the Department of...well, the Illinois Department and the appropriate law enforcement officials in every material aspect of the support enforcement process. Such cooperation may be in the form of, but not limited to, appearing for interviews, providing information concerning the identification, location, the financial circumstances of a punitive father or legal parent, signing pleadings, and appearing and providing testimony at legal proceedings'. The...I'd like to ask some...some questions in...in that regard, if I might."

Huskey: "Go ahead, Representative. We're eager to answer them."

Bowman: "Okay. Well, first of all, let's suppose the person...the question here is a...a mother who is being asked to supply information about an absent spouse, okay? Supposing her spouse has...has run away and abandoned her. Now, she says, 'I don't know where the person is. I don't know where this guy is.' Would she...would that be sufficient? I mean, would...would the Department not be in a position to say, 'We think you know where that person is, and consequently, we feel that you are not being cooperative under the terms of this...this law, and we're

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going to deny you any benefits'."

Huskey: "The...the purpose of it is not to deny anyone any benefits. The purpose of that wording is so they can assist the help. If the woman knows the whereabouts of her husband, only to solicit her help in locating him so he can help pay the child support."

Bowman: "Representative, I think the idea is good. I don't have any problem with the idea of trying to locate absent fathers so they can properly pay the support of their children. The problem is that we're writing a law that is fairly specific, and I want to make sure that we don't create a problem for ourselves, where...where none may exist today. I...I'm concerned about two things, and...and one that I...I've already indicated, that...it seems to me that the way this is worded, the Department could very easily come to a...a mother, ask where the...the father is. The mother says, 'I don't know.', and the Department says, 'We think you're being uncooperative. We're going to cut off your public aid benefits.' Bang. And...and she has no recourse. The other thing I'm concerned about is simply the...a kind of a constitutional question, and I wonder if...if this language would stand constitutional scrutiny, insofar as it requires a...a person to provide information about themselves. I mean, that's...and that's a Fifth Amendment problem, I think."

Huskey: "Well, Representative Boing...Bowman, this is parable...this language is parable with all federal laws now, and the Department of Public Aid is...is using this system now, and I haven't heard of any case that any mother has been cut off because they can't find her husband. She gets...the aid is to dependent children, not to the mother, and...and the law...the practice is in effect now. It doesn't change anything. It just...it just puts it in

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writing and the rules like the Department of Public Aid wants it. It's not trying to make any...it's not...there's no law there that says they can deny the woman benefits. There's nothing written there that says that a woman can be denied benefits for her children."

Bowman: "Well...it seems..."

Huskey: "...Because she refuses to...if she...all it says that she...that reasonable cooperation between the mother and helping to locate a missing parent or between the parent helping to locate the other missing parent. That's all the law says."

Bowman: "Sir, no, no, no. No, Sir, now you've gone too far. It...it does not say anything about reasonable cooperation. It makes a very..."

Huskey: "Wait, I... Wait a minute, I...I beg your pardon. I beg your pardon. I...I made a mistake there. Just one minute. Let me answer you correctly."

Bowman: "Okay."

Huskey: "This is...this is parable with the...this is parable with the federal law, and it doesn't make any difference in our law than the federal law states on...on...on public aid. It just more or less bringing our law, Illinois law, in standard with the federal law."

Bowman: "Okay, now...you said it's comparable, but you did not say it is identical. Is it word for word identical with some statute that we're carrying over? The reason I ask, Representative, so we don't prolong the dialogue, is that I...that I have asked attorneys who are...are familiar with the law in...in this area to take a look at it. The Amendment was available to them late last week, and, this being Monday morning, I haven't heard back from them. I wondered if...I had no objection to the other Amendments, but I wondered if...if you would mind holding this, maybe,



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for another day. Just, if your could just give us one more day to take...so I can get...hear back from the...the attorneys who were looking at this; and if...if they have no problem with it, I'll be happy to support the Amendment."

Huskey: "Well, Representative, you haven't really...you've asked a few questions, but you haven't come up with anything that's wrong with the legislation, and I...the legislation, I don't feel like, on...on the grounds that you mentioned there, that it's grounds to hold it. If you've found something that was really a big technical question, but actually all this Amendment does, it's agreed to by your...your people. Your people in Cook County have read this Amendment. We held a meeting with your staff. We've done everything to cooperate with you people we can. We're not...the Bill was requested by the County of Cook. It wasn't requested by me. I don't...I don't really get a pleasure out of keep...putting legislation in, but it's a needed piece of legislation that the Public Aid Department, and the County of Cook, and the County of Cook was the more...in order for them to implement this piece of legislation."

Bowman: "Well, okay. You...you keep raising the question of the County of Cook and my staff."

Huskey: "Well, Herman 'Mells'....talked to Herman 'Mells'."

Speaker Ryan: "Just a minute, just a minute, just a minute, Gentleman. Representative Giorgi, for what purpose do you seek recognition?"

Giorgi: "Mr. Speaker, in speaking with some of the Members on this side of the aisle, would you please take this Amendment out of the record 'til more of our people appear on this issue, because it seems it's a very...it's almost a Bill in itself. It's very complicated. Very few people

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seem to be aware of it."

Speaker Ryan: "Well, that's up to the Sponsor, Representative. I can't do that."

Giorgi: "Would you take it out of the record, Mr. Huskey?"

Huskey: "Mr. Speaker, I have the advisors here. If they have any more questions now, I can answer them pretty well. All their advisors and people are here, and I...and I would go...I would rather go with the Bill and get it out of the way, so we can get..."

Speaker Ryan: "Proceed, Representative."

Huskey: "...Other...a very important piece of legislation, and if they feel they...any trouble at all, they can...it in the Senate."

Speaker Ryan: "All right. Representative Bowman, have you completed your...?"

Bowman: "Well, almost."

Speaker Ryan: "Would you bring your remarks to a close, please?"

Bowman: "Well, I...I just have a couple more questions, because the Gentleman has been speaking about the staff on this side of the aisle who...who cooperate. I appreciate...appreciate if he would identify the...the names of those people, because some staff came to me and said that this: (a) was a substantive Amendment, and (b) that there were, perhaps, some problems with it that were being checked out. And so the information that I have gotten from my own staff differs from the information that...that you are reporting here on the floor about some unnamed staff, and I would appreciate it if you would just tell me who they are. Who were you working with?"

Huskey: "Well, Mr...Mr. Speaker, I move for...I move that Amendment #3 be adopted."

Bowman: "Mr...Mr. Speaker, the Gentleman didn't answer my last question."

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Huskey: "Oh, I didn't hear your last question. I thought you were making a statement. I didn't hear it. I'm sorry."

Bowman: "No, Sir. You...you have...you have made representations on this floor that staff from my side of the aisle worked with you in developing this Amendment, or approved the Amendment, or...or something that was...had a very favorable slant to it, and...and yet, staff came to me and told me that this Amendment does have a problem with it, from their point of view. And...and so, the information I've gotten from my own staff is different from that which you report here on the floor. I would appreciate it if you'd name those people on this side of the aisle who worked with you and...and signed off on this Amendment."

Huskey: "Herman 'Mell' is the one that I mainly worked with, and...and a fellow by the name of 'Groggins', I've talked to in the Morgan Findley's office in Chicago. Now, there is a...more...there is an Amendment being drafted for the Senate...to go on this in the Senate that 'Groggins' wants, and...and the Department of...of Morgan Findley's office, but I...I've talked to him and...that was agreeable to him to take it to the Senate and whatever he wanted would be put on there. There is no...there is no controversy on this Bill, outside of yourself, that I know of, Representative Bowman."

Bowman: "Well, what I'm...what I'm saying then, is that the staff, the Democratic staff to the Committees that are responsible for reviewing this legislation tell me that they have a problem with it, and Her...Herman 'Mell' and the...the other...whom I do know, and the other Gentleman you spoke of, whom I do not know, have approved this. Did they approve the exact language?"

Huskey: "Well, Representative, if there's some problem with the language, I'm a reasonable man. We certainly can

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straighten it out. If you do come up with some problems, we can certainly straighten it out in the Senate. I'm not...this is not a diehard, fast Bill with me. It's a Bill to try to work out so the child support Bill would be more enforceable, so less children could go to bed hungry at night, and this is all I'm interested in. The...the hard line approach that you're reaching, if there's some technical problems or anything, we're certainly ...we'll work it out in the Senate. As I said, I'm a reasonable person, and my word is my bond. If I tell you we'll work out this problem in the Senate, we'll work it out, if there is a problem with it. And, I've told...Representative Getty knows that, and they've all been told about this Bill. I...that's why I can't understand the...all the problems coming up right now. It was agreed to, and I went ahead, I held it up for this Amendment from...from the County of Cook, from Herman 'Mell', from everybody I work with."

Bowman: "Herman 'Mell'...he is the...the outstanding constitutional authority that represents the County of Cook? Is he the one?"

Huskey: "Well, Representative Bowman, I don't know. You...you're getting into technicalities. Mr. Speaker, we're getting into dilatory actions here. I'd like to call for a vote on this Amendment."

Bowman: "Okay, let me...let me make a concluding statement. I...I have no further questions. I have never been accused of being hard on children who are going to bed hungry at night. I...I certainly believe that we should be collecting these child support payments. I am concerned, however, that we create additional problems. I am further concerned that the language be constitutional so that it not be struck down in court, so that we do not have to do

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this all over again. I...I am trying, by asking a few questions today, to save some work at a future date, if in fact, it turns out to..to be un...unenforceable and incapable of withstanding constitutional scrutiny. So, that...that is my only concern. I want to make sure that it is technically accurate. It is not enough simply to be comparable to federal law. It is...it must be either...it must with...be able to withstand constitutional scrutiny. If it is identical to federal law, then I...I would simply ask if that law has, itself, been... been tested. I want to make sure that we do it the right way. I'm not trying to defeat Representative Huskey's legislation. I...all I'm asking, really, is that he take it out of the record for one day. I will promise him to...to have a response by tomorrow, and if not, withdraw any objections. But at this time, unless...if he persists, I will vote 'no', and I will ask...like to ask a Roll Call vote."

Speaker Ryan: - "Representative Catania."

Catania: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Huskey: "Yes, Representative."

Catania: "Representative Huskey, I'm concerned about one provision that appears in each of the Chapters that you're amending. It seems to indicate that all of the financial aid that has been provided to the people receiving AFDC can be re...recovered from the absent parent, and I would like to know if that's just the actual AFDC payments, or if that would include money spent on medical expenses."

Huskey: "It's only the...Representative Catania, it's only the actual AFDC. It isn't...it does not include medical, and that's in compliance with the federal law, I understand."

Catania: "So, it wouldn't include money that was spent on the family using their green card, for instance."

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Huskey: "No."

Catania: "Okay, because I certainly have supported the concept of recovering child support from absent parents, usually fathers: but sometimes medical bills can run into the hundreds of thousands of dollars, and I just wanted to be sure that this isn't the intention of the Department of Public Aid to really saddle these people for the rest of their lives with reimbursement of this money, which they probably would have been able to fill out forms and not have to reimburse anyway if they'd been living with the family. That's not the Department's intention. This is only AFDC payments, pure and simple, not food stamp payments, medical payments. Is that correct?"

Huskey: "That's my understanding, and I have the expert in public aid right behind me."

Catania: "Thank you very much."

Speaker Ryan: "Is there any further discussion? Representative Alexander."

Alexander: "Thank you, Mr. Speaker. May I ask... Representative Huskey, will you answer a question for me?"

Speaker Ryan: "He indicates he'll yield, Representative."

Alexander: "Thank you very kindly. Representative Huskey, you know that I am a member of the Committee on Public Aid, and I do support the Child Support Law. I'm for it 100 percent. I have not had a total time to read through this Amendment, but I'm sure you have, and I'd like to ask you and your experts a question or present a problem. Let us say that a person is receiving AFDC for a child. How does this Amendment affect a grandmother who may be asked to pay support money for that child, and the daughter, let us say, is 18 and '19 or 20 years old. Does this affect the grandparent or grandmother with regards to the changes here?"

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Huskey: "No way. We haven't considered that at all."

Alexander: "Okay, because I have a situation like that, where they're being asked to pay the grandmother for a 19 year old child, and there's other children in the family...on the support law."

Huskey: "I think you'd better...I think you'd better talk to this Gentleman after we finish here. He might be able to advise you."

Alexander: "Alright, thank you very kindly."

Speaker Ryan: "Representative Olson."

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

Speaker Ryan: "He indicates he will."

Olson: "Representative Huskey, does this Amendment and Bill deal only with the counties receiving Title 4D monies, as promulgated under 24...House Bill 24?"

Huskey: "That's right, and...Yes, I...I'm wrong, Mr. Olson...Representative Olson. This does apply to all counties in the state. It's a statewide, but it does not bring the old House Bill 24 into the other counties unless they want to opt in, but the AFDC re...recipients, it applies to all the counties on that."

Speaker Ryan: "Representative Giorgi."

Giorgi: "I understand that this applies to all counties?"

Huskey: "Yes."

Giorgi: "How will it improve the...what...what problem will this correct in Winnebago County?"

Huskey: "Well, it...it...it applies to all the prob...it...it corrects all the problems we're talking about. It...it allows the Public Aid Department to collect more money if it's collectible."

Giorgi: "What does it do about out-of-state fathers?"

Huskey: "It doesn't apply to out-of-state fathers."

Giorgi: "It doesn't apply? You mean, they don't go after

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out-of-state fathers that are not taking care of their wards, and that are..."

Huskey: "Well, no, that came...that came in the House Bill 24. That comes under that. But this particular Amendment does not apply to out-of-state fathers."

Giorgi: "Well, what does it do to...Okay, what does it do to a dependent in Illinois, in Winnebago County, where the father can't be determined?"

Huskey: "There's nothing to...change the paternity laws in here whatsoever, Representative."

Giorgi: "This...what...The Public Aid Office is always after mothers of children, and they can't determine the fathers. Your...your...your informants are either inaccurate or deliberately misleading you, Mr. Huskey. Ask them again."

Huskey: "No, there's...I...I'm talking the Amendment. There's nothing in this Amendment that takes in the paternity question, or how you determine paternity. There's nothing in this Amendment on that particular issue, Representative."

Giorgi: "Okay, if...if it is determined that a father is the father of a child, what happens when he's beginning to start giving his money into the Public Aid Department. What...give me the...the mechanics of what happens to that money. How does it get back to the...wherever it's going?"

Huskey: "Okay. The money is already paid to the child. It only reimburses the AD...the AFDC Department or the Public Aid Department. It only puts the money back in their coffers, so they'll..."

Giorgi: "Tell me what happens to the money. Where...who...who takes the money? What bank account does it go to, and then who takes care of the bank account and gives it to the proper people? You should know that. This is a far-reaching Bill."



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Huskey: "The...my...my...it's...my Amendment doesn't cover anything on that, so you're not talking the Bill. We're talking Amendment #3."

Giorgi: "Just a minute. I have page 26 in my hand, and you're talking about foreign support. That's out-of-state support. Do you know what you're talking about? Section 35, line 7, line 6. If you want to handle a Bill, you should know what you're talking about. You're talking about foreign support. That's out-of-state support. Page 26 of your Amendment."

Huskey: "What page and what line, Representative?"

Giorgi: "Page 26, lines 6 and 7, Assignment of Rights. 'If the duty of support is based on the foreign support order...' Is that Russia, China, or is it out-of-state?"

Huskey: "No, no, that's present law, Representative."

Giorgi: "But you're changing it. You're adding line 9 through 20 and 20 through 30. You've got a... that's right... based on a foreign supporter."

Huskey: "It merely says 'under the Reciprocal Act', which is present law, that the money is just assigned to a...the Department. That's all that says, really."

Giorgi: "Well, then tell me what Articles III, IV, and V says of the Illinois Public Aid Code which says, 'Shall be deemed if made under the assignment of the Department of Public Aid'. What does that mean? Classify which are under Article III, IV, and V, would you, Mr. Huskey?"

Huskey: "...III, IV, and V merely is who receives public aid from the state and assigns their rights. That's all."

Giorgi: "And who's VI and VII?"

Huskey: "General assistance and medical assistance."

Giorgi: "Alright. Now you talking about...you're talking about, based on a foreign support order. What do you mean when you say, 'include accrued, current and future support

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obligations'? How...to what extent? You're talking about interest payments? You're talking about legal payments, going after the fellows that are out-of-state?"

Huskey: "If there's any support that is currently owed, or that's in arrears, that could be owed in the future."

Giorgi: "Okay, are we getting judgments for those...supports that are in arrears? Are we getting judgments for that now?"

Huskey: "Yes, where...where we can, where we can."

Giorgi: "Can you tell me...can you tell me the total of judgments in Winnebago County, for example?"

Huskey: "I...Representative, I usually have that tatoed on my chest, but this morning I forgot to have it tatoed."

Giorgi: "Take the marbles out of your mouth and say that again, please."

Huskey: "I say, I usually have that tatoed on my chest, Representative, but..."

Giorgi: "You ought to have it on your forehead."

Huskey: "I don't know. You know I don't know that."

Speaker Ryan: "Representative Kelly. Do you seek recognition? Are you finished, Representative Giorgi? Are you through, Representative Giorgi?"

Giorgi: "Temporarily, Mr. Speaker."

Speaker Ryan: "Representative Kelley."

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

Speaker Ryan: "The Gentleman moves the previous question. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Motion prevails. Representative Huskey to close on Amendment #3."

Huskey: "Well, Mr. Speaker, I think it's...it's a Bill that I didn't dream up. It wasn't my idea. The various departments that I have mentioned have come and asked that we supplement the original House Bill 24, which turned out last year to be 77, and this year it's 2039. I just move

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for a favorable vote, and let me say this; if there is any problems with this Amendment, I'll certainly work with...I'll work with any of the staff members or anyone that has a problem, and we'll get it amended into the proper language that it needs to be by the agreed process."

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #3 to House Bill 2039. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 2096, Representative Tate. Representative Bowman, for what purpose do you seek recognition?"

Bowman: "Well, in my closing arguments, I asked specifically for a Roll Call vote; the reason being that we don't have a...a terrific Membership, and I would...and I think that we ought to be doing the business of the House on Roll Calls at this point, and...and I had asked for one in a timely fashion."

Speaker Ryan: "Representative Bowman, I didn't hear you ask for one in a timely fashion, but I'll give you one. You talk so much, I generally don't listen, so we'll have to go back and...and call the Roll on Amendment #3 to 2039. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted their own switches who wish? Take the record, Mr. Clerk. On this question, there are 52 voting 'aye', 39 voting 'no', 2 voting 'present', and the Gentleman's Motion prevails. The Bill is now on Third Reading. House Bill 2096, Representative Tate. Read the Bill."

Clerk Leone: "House Bill 2096, a Bill for an Act to modify the Common Law Doctrine of Comparative Negligence. Second Reading of the Bill. No Committee Amendments."

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Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Breslin, amends House Bill 2096 on page one and so forth."

Speaker Ryan: "Representative Breslin on Amendment #1. Representative Breslin? The Lady in the chamber? What's your pleasure, Representative Tate?"

Tate: "Move to table."

Speaker Ryan: "The Gentleman moves to table Amendment #1. All in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the Amendment...The question is, 'Shall Amendment #1 to House Bill 2096 be tabled?' All in favor will signify by voting 'aye', all opposed by voting 'no'. Got 'em all, Zeke? I think Hannig has got a few more he can get for you, too. Representative Collins, for what purpose do you seek recognition?"

Collins: "Well, Mr. Speaker, I have no objection to Representative Giorgi's filibuster. That...we've come to expect that sort of thing, but he ought to take his track shoes off and...I think there's an awful lot of buttons over there that have been pushed that...that aren't here. I...I doubt there are 61 people on that side of the aisle, maybe in the chamber. I...I would suggest you dump this Roll Call. Let's push our own buttons."

Speaker Ryan: "I think your point is well taken. Representative Tate?"

Tate: "Yes, Mr. Speaker, under a point of order...under the rules, I thought an Amendment was automatically tabled if the Sponsor was not on the floor."

Speaker Ryan: "Dump this Roll Call and start over. Everybody push their own button. Representative Brummer, for what purpose do you seek recognition?"

Brummer: "Yes, I...this is a very major Bill, as the Sponsor knows. It's an item that Representative Breslin has had

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legislation on in the last two years, has worked very diligently regarding this issue. I would think that courtesy, if nothing else, would dictate that the Sponsor would hold this Bill until Representative Breslin could be here, and...and it's obvious that we do not have a full Membership on either side of the aisle, and I...I would hope that, because of the very important issue that is being considered here, the Sponsor would, out of courtesy, be willing to hold this until we do have a full Membership, including Representative Breslin."

Speaker Ryan: "Representative Friedrich, for what purpose do you seek recognition?"

Friedrich: "Well, Mr. Speaker, Representative Brummer speaks well, except that he knows that Representative Breslin's Amendment merely puts it back in the form that the common law is now. If we're going to adopt Repr...Representative Breslin's Amendment, we don't need a Bill at all, and he knows that. He's an expert in this field."

Speaker Ryan: "Alright. The Gentleman has moved to table Amendment #1 to House Bill 296 (sic - 2096). Everybody's going to push their own button this time. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Giorgi, for what purpose do you seek recognition?"

Giorgi: "Mr. Speaker, inasmuch as Representative Tate is asking this be tabled, he must be aware of what's in the Amendment. I'd like to have him explain what we're tabling so that we can tell Representative Breslin what happened here. Can you tell us what's in the Amendment, Tate? We're going to have to ask for... ask for verification, then. Mr. Speaker, I'd like a..."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 55 'ayes', 42 'nos',

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and none voting 'present'. The Gentleman has requested a verification. Representative Johnson wants a Poll of the Absentees...Representative Tate wants a Poll of the Absentees. Poll the absentees, Mr. Clerk."

Clerk Leone: "Poll of the Absentees. Abramson. Barnes. Barr. Beatty. Bell. Bianco. Bower. Bradley. Breslin. Bullock. Cullerton. Darrow. Deuchler. Deuster. DiPrima. Domico. Donovan. John Dunn. Ebbesen. Epton. Ewell. Ewing. Farley. Fawell. Flinn. Garmisa. Getty. Giorgi. Greiman. Hastert. Henry. Hoffman. Hoxsey. Huff. Jackson. Jaffe. Jones. Kane. Karpiel. Katz. Keane. Klemm. Kucharski. Kulas. Lechowicz. Leinenweber. Madigan. Martire. Mays. McAuliffe. McBroom. McGrew. McMaster. Ted Meyer. Roland Meyer. Miller. O'Brien. Ozella. Pierce. Preston. Reed. Richmond. Robbins. Ronan. Sandquist. Satterthwaite. Schneider. Schraeder. Harry Smith. Stearney. Steczo. E. G. Steele. C. M. Stiehl. White. Wikoff. Winchester. Sam Wolf. Woodyard. Younge and Yourell. No further."

Speaker Ryan: "Do you persist in your request for a verification, Representative? Poll the Affirmative Roll Call, will you, Mr. Clerk?"

Clerk Leone: "Poll of the Affirmative. Ackerman. Alstat. Barnes. Bartulis. Birkinbine. Boucek. Capparelli. Collins. Conti. Daniels. Davis. Jack Dunn. Ralph Dunn. Findley. Virginia Frederick. Dwight Friedrich. Griffin. Hallock. Hallstrom. Hudson. Huskey. Jim Kelley. Kociolko. Koehler. Kornowicz. Krska. Kustra. LaHood. Macdonald. Margulas. McBroom. Neff. Nelson. Oblinger. Olson. Pechous. Peters. Piel. Pullen. Reilly. Rigney. Ropp. Irv Smith. Stanley. Swanstrom. Tate. Telcser. Terzich. Topinka. Tuerk. Vinson. Watson. J. J. Wolf. Zwick and Mr. Speaker.

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Speaker Ryan: "Any questions of the Affirmative Roll, Representative Giorgi?"

Giorgi: "Representative McBroom."

Speaker Ryan: "Representative who?"

Giorgi: "McBroom."

Speaker Ryan: "McBroom? Is Representative McBroom in the chamber? How is the Gentleman recorded?"

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

Speaker Ryan: "Take him off the Roll Call. Representative Giorgi, let me tell you that we're starting out with 55 'aye', 42 'no'."

Giorgi: "Right."

Speaker Ryan: "So you'll..."

Giorgi: "Representative Findley."

Speaker Ryan: "Who?"

Giorgi: "Findley."

Speaker Ryan: "Representative Findley. Representative Findley in the chamber? How is the Gentleman recorded?"

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

Speaker Ryan: "Take him off the Roll Call."

Giorgi: "J. J. Wolf."

Speaker Ryan: "Representative Wolf? Representative Wolf in the chamber? He's in the back, in the aisle, over here on the Republican side."

Giorgi: "Representative Kornowicz."

Speaker Ryan: "Representative Kornowicz. Is the Gentleman in the place...in the chamber? Representative Kornowicz? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him."

Giorgi: "Jane Barnes."

Speaker Ryan: "Representative Barnes? How is the Lady recorded?"

Clerk Leone: "The Lady is not recorded as voting."

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Speaker Ryan: "She's not recorded, Representative."

Giorgi: "Would you record me as 'no', please, and that's the extent of the verification."

Speaker Ryan: "Record Representative Giorgi as voting 'no'. On this question, there are 52 voting 'aye', 42 voting 'no'. Representative Pechous, for what purpose..."

Pechous: "Change... Yes, Mr. Speaker, would you please change me to 'no'?"

Speaker Ryan: "Change Representative Pechous from 'aye' to 'no'. Are there any other changes? Representative Ozella?"

Ozella: "Mr. Speaker, would you record me as 'no'?"

Speaker Ryan: "Record the Gentleman as 'no'. Are there any other changes? What's the count, Mr. Clerk? On this question, there are 51 voting 'aye', 45 voting 'no', and the Gentleman's Motion prevails. The Gentleman's Motions prevails. Further Amendments?"

Clerk Leone: "Amendment #2, Tate, amends House Bill 2096."

Speaker Ryan: "Representative Tate on Amendment #2."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 modifies the Common Law Doctrine of Comparative Negligence, which we have had a debate over as recent as last week. It establishes a modified, as opposed to a pure, form of comparative negligence, permitting recovery for negligence resulting in death or injury to person or property only when claimant's negligence is not greater than the negligence of the person against whom recovery is sought, and reduces the claimant's damages in proportion to the amount of negligence attributable."

Speaker Ryan: "Is there any discussion? The Gentleman from Cook, Representative O'Connell."

O'Connell: "Question of the Sponsor."

Speaker Ryan: "Indicates he'll yield."

O'Connell: "Representative Tate, it appears that you're putting a



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formula back into the concept of comparative negligence. If I'm a driver of a vehicle, and I get involved in an accident with another individual, and there's a question of liability; how is the determinative percentage of fault adjudicated?"

Tate: "Mr. Speaker, I'll yield the legal questions to another lawyer, Representative Barkhausen."

Speaker Ryan: "Representative Barkhausen."

Barkhausen: "Representative O'Connell, the...the determination would be made on a percentage basis in the...in the event...well, even if there's only one defendant, the...there would be a determination as to what percentage each party was at fault, and that would be true if there were multiple defendants."

O'Connell: "At what point would that determination be made?"

Barkhausen: "It would be made, I think, under the Amendment, which I'm not looking at. There would be special verdict determination at the conclusion of the trial."

O'Connell: "There would be no pre-trial determination as to percentage of fault?"

Barkhausen: "There could be...there would be the same as now. There would be a pre-trial conference, if ordered by the court, or if requested by the parties."

O'Connell: "If I am not...If I am at fault to a lesser degree than the plaintiff...or strike that. If I am to...If I'm a plaintiff and I'm determined to be at a lesser degree of fault than the defendant, do I still have a right of action against that defendant?"

Barkhausen: "Yes, definitely."

O'Connell: "If I'm at...to...greater degree of fault than the plaintiff..."

Barkhausen: "Then, you would not."

O'Connell: "...Than the defendant...when is that determination

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made?"

Barkhausen: "At the conclusion of the trial."

O'Connell: "If I have no right of action, what is the appropriate motion to be made if I am the plaintiff, and I'm at a higher degree of fault than the defendant?"

Barkhausen: "You would still have a...a right of action. You just wouldn't have a right of recovery, if the verdict was such that the...that the judge or jury determined that you, as the plaintiff, were more at fault than the defendant against whom you're seeking to recover."

O'Connell: "Is there any level of percentages in terms of determin...determining if such person's negligence was not greater than the negligence of the party against whom the recovery is sought?"

Barkhausen: "The plaintiff would...would have to be...would have to be less at fault than...than each defendant against whom he or she is seeking recovery. In a case...in a case where you have just one defendant, then the...the plaintiff would have to be less than 50% at fault."

O'Connell: "If I'm the plaintiff, and it's determined that I'm at 51% fault, and the defendant is at 49% at fault..."

Barkhausen: "There would be no recovery. But if, on the other hand, if you were 50% at fault, I...I think I've, perhaps, phrased my last answer somewhat incorrectly. If you were...were 50% or less at fault, as a plaintiff, then you would be able to recover."

O'Connell: "So, we're talking about a matter of one percentage or two percentage point differential, to be made on a...a factual determination, can deny the right of recovery for the plaintiff."

Barkhausen: "Yes, but my feeling is that that sort of determination would have to be made in any case. It can be argued that it's somewhat arbitrary; but, on the other

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hand, under the pure form of comparative negligence, certainly one can argue that it's arbitrary to determine that a plaintiff is...is, say, 98% at fault, rather than 100% at fault."

O'Connell: "No further questions."

Speaker Ryan: "Is there any further discussion? The Lady from Marshall, Representative Koehler."

Koehler: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to ask a question of the Sponsor, please."

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

Koehler: "Representative Tate, is...perhaps I missed this, but this Amendment to House Bill 2096, is it in any way similar to the Amendment that you placed on 1894 the other day?"

Barkhausen: "Can I...can I answer that?"

Koehler: "Yes, you can, Representative."

Barkhausen: "The...The Amendment that was placed on...Was the other Bill 18...?"

Koehler: "1894."

Barkhausen: "1894."

Koehler: "Yes."

Barkhausen: "That was Representative Leinenweber's Amendment, and, yes, there...there is some similarity; the difference being that...that under the Leinenweber version of 1894, it will still be possible for a plaintiff seeking recovery against multiple defendants to...to group or aggregate the percentage of damages attribula...attributable to all defendants, so that it may still be possible for a plaintiff to recover against a defendant who he or she is more at fault than, so long as the total fault attributable to all defendants is greater that the plaintiff's fault. But, under...under this Amendment, or under this Bill as amended, if it's amended, a plaintiff would not be able to

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recover against a defendant who is less at fault than the plaintiff. Our...our feeling being that...that it's a matter of fundamental fairness that a plaintiff not recover; more importantly, a defendant not be held liable, where the party is seeking to hold him liable, is more at fault than the defendant is."

Koehler: "May I ask you to restate that very last statement you made? Under this Amendment, the plaintiff could not recover from a defendant who was less at fault than the plaintiff."

Barkhausen: "Correct."

Koehler: "And under the..."

Barkhausen: "In other words, there would be...there would be an individual plaintiff versus individual defendant determination as to whether, in each comparison, the plaintiff is...is more or less at fault than that particular defendant."

Koehler: "And if there..."

Barkhausen: "And where...and where the plaintiff is more at fault than that particular defendant, there would be no right of recovery."

Koehler: "And, if there were multi...multiple defendants, even though one or more of the multiple defendants were at more fault than the plaintiff, he could collect from all of those who were more at fault than he was, but from none of those who were less at fault than he is."

Barkhausen: "That's correct, under this version; however, to go back to your original question, under the Leinenweber Bill, if the defendants, lumped together, were more at fault than the plaintiff, then the...then the plaintiff can recover against all defendants, even against those defendants who are less at fault than the plaintiff. And that...and that's what this particular Amendment is seeking to remedy, so that a plaintiff cannot recover against a defendant who

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he or she is more at fault than."

Koehler: "Thank you very much, Representative."

Speaker Ryan: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Could I ask who the Sponsor of this Amendment is?"

Speaker Ryan: "Representative Tate."

Breslin: "Okay. My question, then, is of the Sponsor. Representative, does this Amendment eliminate the collateral source rule?"

Barkhausen\$:M"If I may answer..."

Breslin: "Of the Sponsor, please, of the Sponsor, please. Could we have your answer for the record, Representative?"

Tate: "No."

Breslin: "You're...you're not answering questions? Is that your response, Representative?"

Barkhausen: "Representative Tate just did answer that question. Speaking for the record, this is Representative Barkhausen."

Breslin: "Okay. Representative, what is the purpose of not having an informed jury in this case?"

Barkhausen: "I'm not sure I understand the gist of your question. I...I don't know why you think that the jury wouldn't be informed."

Breslin: "This is a question of the Sponsor of the Amendment. Could I get the Sponsor of the Amendment to answer the question?"

Tate: "Hello. Representative Barkhausen is a...a Cosponsor of the Amendment, and I will yield the legal questions to him. Thank you, Representative Breslin."

Breslin: "Is...is that true, Representative Barkhausen? You are now a Sponsor of this Amendment? Of record? You...you're not listed on...on the...the Amendment that I have. That's the question."

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Barkhausen: "No, I...I'm not listed, but I...I've joined as a Sponsor so that I may take part in answering questions which we anticipate."

Breslin: "And you are...you are a Cosponsor of record. Is that correct?"

Barkhausen: "I...I am, now."

Breslin: "You filed a slip on it, in other words."

Barkhausen: "Yes, Representative. A slip has been filed."

Breslin: "Representative, why does this provision, on line two...page two, line eight and nine, indicate that the judgment shall be made, shall be entered by the court, indicating that the jury shall not be informed as to what their verdict is, in this case?"

Barkhausen: "I don't know why the language of the...of the Amendment would necessarily preclude the jury's being informed."

Breslin: "Okay. The...The...As I understand, you're...you're, at least part of the Amendment, is supposed to be like the Wisconsin Bill. Is that correct? In this case? And in Wisconsin, the jury is not told the effect of their decision. They are requested only to make a determination as to what the damages are and to what the degree the plaintiff was negligent. The jury has no idea as to whether or not, as a consequence of their determination, the plaintiff or plaintiffs ever recover anything; or, for that matter, the...those filing cross-claims. Why do you think that's advantageous, and why should we do that in Illinois?"

Barkhausen: "Well, Representative...I...I'm not sure the con...the conclusion you reach is...is a correct one. As I read the Amendment, it says, 'The jury shall return special verdicts determining the percentage of negligence attributable to each of the parties or to each individual

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defendant.' So, only...only in the absence of a jury, does it say that the court shall make those special findings.

So, I...I don't see any erosion of the jury's role here."

Breslin: "But the special...But the special verdicts, Representative, only go to the percentage of negligence. In other words, under this form and under the Wisconsin form..."

Barkhausen: "And...and...and the total amount of damages."

Breslin: "That's true, but they..."

Barkhausen: "So that, one...one easily derives the percentage of damages recoverable from each defendant by..."

Breslin: "That's true, if..."

Barkhausen: "...Multiplying the percentage of fault times the total damages for each...for each individual defendant."

Breslin: "That's...that's true, if the jury understands that. And in the...but it is the present law in Illinois, is that the jury does make the determination on special verdicts as to the degrees of negligence and as to the total damages; and then, on the bottom line, they make a determination as to exactly how much each plaintiff or counter-plaintiff shall receive. As a consequence, they do the interpretations. They don't leave it for, as you say, entry of judgment made by the court. The reason this is extremely important is because, in Wisconsin, one of the major reasons for all of the appeals and reversals comes because of this Section. The jury has misinterpreted the fact that they, when...when entering the total damages, that they are not supposed to make the determinations themselves so they will find that they have found the plaintiff 20% negligent, the damages at 200,000 dollars. They have done the multiplication and subtraction themselves, and have entered that in that Section. There have been an incredible number of appeals and reversals

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over this issue alone. That's one of the reasons, when we discussed the issue of comparative negligence in numerous Subcommittees of the Judiciary Committee, we determined that it was far better to have an informed jury. Let them make all of the calculations, so that there are no problems once they have returned their verdict, and it is read in open court."

Barkhausen: "I...I'm not sure whether you're making a statement or asking another question, but my...my...my own view of it is that you're... you're asking for something to be included in the Amendment, or in the Bill, which is more in the nature of a rule or a jury instruction, and that's something more properly to be determined by the Supre...Illincis Supreme Court; and, as I anticipate, they would, if... if this became a law."

Breslin: "Representative, the language of your Section is...is that for the special findings in Wisconsin; and in Wisconsin, the jury is not informed. Isn't... Isn't that correct? Isn't that the language of your statute?"

Barkhausen: "Representative, I don't know whether this language is exactly the same as the law in Wisconsin. In...in any case, as I said, it's the role of the Supreme Court to follow up with the proper rules or instructions, and I don't...assuming the law in Wisconsin is inadequate, which I don't necessarily share the same feeling about that; I think by the time the Supreme Court gets through with its role here, the result would not necessarily be the same as that in Wisconsin."

Breslin: "On...on page one, lines twenty-three...twenty-two, twenty-three, and twenty-four, is it true that you are eliminating joint and severable liability by this statute?"

Barkhausen: "Eliminating joint liability, yes."

Breslin: "Are you aware of the fact that in the 36 states that



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have adopted modified or pure comparative negligence standards, that 34 of them have kept joint and severable liability?"

Barkhausen: "What another state or state...or other states do, I don't think should necessarily be binding on Illinois, particularly if it's not good public policy."

Breslin: "But, Rep...Representative, in Illinois, we have a great deal of discussion, both in the Legislature and in our courts at common law, on the basis of whether or not joint in severable liability is good public policy. It is presently the law in Illinois that joint and severable liability is good public policy. There have been years of court discussion on the issue."

Barkhausen: "I...I happen to believe, Representative...I mean, we have an honest difference of opinion or philosophy here. I...I happen to believe that...that the principle that should apply is, is that a defendant should be held liable, or...or should be...plaintiff should be able to recover from individual...an individual defendant only in the percentage of...to the degree of fault attributable to each individual defendant, and...and again, it's, to me, a matter of fundamental fairness that a defendant not be put on the hook for...for a percentage of fault which, in many cases, vastly exceeds, perhaps by a thousandfold, the amount of fault which is attributable to that defendant."

Breslin: "Mr. Speaker, Ladies and Gentlemen, to the Bill. I happen to believe that, as a matter of fundamental fairness, each person should be held responsible in exactly, in accordance with the amount of their negligence. No person who has been negligent should go scot-free, and no person who has...is free from negligence should be denied recovery. This Amendment substantially changes present state law, not just as to pure comparative

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negligence, but as to joint and severable liability. I suggest a 'no' vote."

Speaker Ryan: "Further discussion? Representative Piel?"

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

Speaker Ryan: "The Gentleman moves the previous question. All in favor signify by saying 'aye', all opposed 'no'. Representative Breslin, for what purpose do you seek recognition?"

Breslin: "Mr. Speaker, I would like to request an Oral Verified Roll Call on this issue, and I will tell you why. I was under the impression that you have given your word that no controversial Amendments or Bills would be considered until after 4:00 this afternoon. This, in my view, is a controversial Bill, as you know. The First Amendment was called while I was not on the floor. It was my Amendment. I would ask for an Oral Verified Roll Call on this Amendment and on all other controversial Amendments for the rest of the day, please."

Speaker Ryan: "Representative Giorgi."

Giorgi: "Mr. Speaker, inasmuch as the enormity of this Bill has been made known to me, I'd like to call for a Democratic caucus, so that we can invite a couple of people from across the street to explain to us some of the cases that have prompted this Bill."

Speaker Ryan: "You ask for a caucus at this time, Representative?"

Giorgi: "Yes, Sir."

Speaker Ryan: "Representative Barkhausen."

Barkhausen: "Mr. Speaker, I would only ask of the Chair whether the request for a caucus is proper in the middle of a deliberation on a particular Bill or Amendment."

Speaker Ryan: "I think we can complete the deliberation on Amendment #2, and then I suppose we could go to

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cau...conference. I think it's appropriate at any time,  
Representative. Representative Giorgi."

Giorgi: "Mr. Speaker, we'd like to go to our caucus, so we'll  
forego the Oral Roll Call. You can take the...Oral  
Verified Roll Call. You can just take an Oral Roll Call,  
and we'll go to caucus."

Speaker Ryan: "You withdraw your request, Representative  
Breslin?"

Breslin: "I withdraw my request for an Oral Roll Call."

Speaker Ryan: "She withdraws her request for an Oral Verified  
Roll. The question is, 'Shall Amendment #2 to House Bill  
2096 be adopted?' All in favor will signify by voting  
'aye', all opposed by voting 'no'. Push your own button.  
Have all voted who wish? Representative Brummer, for what  
purpose do you seek recognition?"

Brummer: "For purposes of explanation of vote, your...Mr.  
Speaker."

Speaker Ryan: "One minute."

Brummer: "Yes, I would urge 'no' votes on this. Under this  
Bill...Amendment, if adopted, a plaintiff who is only 20%  
negligent and who files suit against five different  
defendants, each of whom would be adjudged to be 16%  
negligent, would be barred from recovery. In addition to  
this, it is unknown what the effect is. If there is a  
covenant with one of the individual defendants, it  
abolishes severable liability, which we have had. Even  
under contributory negligence in Illinois, we've always had  
joint and severable liability. This totally abolishes that  
doctrine. It is unknown what the effect is with regard to  
recovery under strict product liability. We have a blind  
jury under the provisions of this Amendment. I am just  
really surprised that the Sponsors would even move to adopt  
such a radical departure from even existing Illinois law;

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and for these reasons, I would urge more 'no' votes."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 40...on this Motion, there are 43 voting 'aye', 38 voting 'no', and 4 voting 'present'; and the Gentleman's Motion prevails. Amendment #2 is adopted. Representative Giorgi?"

Giorgi: "Yes, Mr. Speaker, I'd like to call for a Democratic caucus until 1:00."

Speaker Ryan: "Until 1:00?"

Giorgi: "Yes, Sir."

Speaker Ryan: "The Gentleman has requested a...what room, do you know?"

Giorgi: "118 would be alright."

Speaker Ryan: "Do you have a room, Representative? We'll get one..."

Giorgi: "Leone."

Speaker Ryan: "...for you in a minute. Representative Giorgi."

Giorgi: "Because there seems to be voluminous court cases on this issue, why don't we just make it until 1:00 or call of the Chair? We'll inform you of our..."

Speaker Ryan: "Well, the Chair's not looking for a conference."

Giorgi: "No, we are. We want a conference."

Speaker Ryan: "So, for how long?"

Giorgi: "Until at least 1:00, because we're going to have to bring some people down that know a little bit more about this than we do, and we may not be done with the presentation by 1:00. So I would suggest that maybe we'll keep you informed of our deliberations, and you can call us in at the call of the Chair after 1:00. I'll give you our information."

Speaker Ryan: "Representative Telcser? The Gentleman has requested a Democrat conference in room 118 immediately. The House will stand in recess. Representative Friedrich,

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for what purpose do you seek recognition?"

Friedrich: "Well, I was going to suggest whether we should complete the order of business we're on; this one Bill. I don't remember calling a caucus in the middle of...of a Bill before. Can we dispose of this Bill before we do that?"

Speaker Ryan: "How many more Amendments are there, Mr. Clerk? Representative Giorgi, would that be alright with you?"

Giorgi: "No, Sir, Mr. Speaker. Mr. Friedrich, who has called the conferences for the Republican Party, has called them at any point in our deliberations, and I don't feel that's a just complaint by his side."

Speaker Ryan: "Representative Telcser."

Telcser: "Well, Mr. Speaker, we're in the middle of a Bill. The Gentleman wants a conference. I think were going to have one after the Bill is completed. It's quite apparent why they want one."

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

Matijevich: "Well, if that's the case, then, that Roll Call shows that there are not 89 Members here. I ask for a Quorum Call."

Speaker Ryan: "Did you...you've taken the record, Mr. Clerk. Clear the board. The Gentleman has requested a Quorum Call. Roll Call for Attendance. Push your own button. Representative Peters."

Peters: "Mr. Speaker, clarification of the Chair. People who are not on this Roll Call are not entitled to the per diem? Is that correct, Sir? This is a Quorum Call, Mr. Speaker."

Speaker Ryan: "That's right. Representative Telcser."

Telcser: "Mr. Speaker, I simply rise to reiterate what Representative Peters said. This should be and ought to be the Attendance Roll Call. It's a Quorum Call that

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ascertains who was here today and who isn't here, and the per diem ought to be based upon the Gentleman from the other side of the aisle's request for a Quorum Call."

Speaker Ryan: "Representative Collins."

Collins: "Well, Mr. Speaker, to follow up on what the Majority Leader just said, I think to establish the quorum, it ought to be an Oral Roll Call."

Speaker Ryan: "The Gentleman has requested an Oral Roll Call. Dump...dump this Roll, Mr. Clerk. Let's take an Oral Roll Call. Read the...read the Roll Call."

Clerk Leone: "Oral Verified Roll Call. Abramson. Abramson passes. Ackerman. Ackerman present. Alexander. Alexander present. Alstat. Alstat present. Balanoff. Balanoff present. Barkhausen. Barkhausen is present. Would somebody switch his... press his button? The Gentleman is on the podium. Barnes. Barnes passes. Barr. Barr passes. Bartulis. Bartulis present. Beatty. Beatty passes. Bell. Bell passes. Bianco. Bianco passes. Birkinbine. Birkinbine present. Boucek. Boucek present. Bower. Bower passes. Bowman. Bowman present. Bradley. Bradley passes. Braun. Braun present. Breslin. Breslin passes. Brummer. Brummer passes. Bullock. Bullock passes. Capparelli."

Speaker Ryan: "Representative Brummer, are...do you want to be recorded as 'present'? How do you pass on an Attendance Roll Call, Representative? Record the Gentleman as 'present'. Representative Giorgi?"

Giorgi: "The reason he's passing, he doesn't think there's 89 people on the floor of the House, and he's..."

Speaker Ryan: "Well, as long as he's here, he's going to answer the Roll. The man's present. Record him as 'present', Mr. Chair...Mr. Clerk, and proceed with the Roll Call."

Giorgi: "Mr. Speaker...Mr. Speaker, are you making a rule today

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that a Member can't pass on any votes in the future? Is that what you're saying?"

Speaker Ryan: "I'm saying this is a Quorum Roll Call, Representative. The Gentleman is on the floor. His name was called, and he said, 'pass'. I don't know how you can pass on a Quorum Roll Call. He's either in the chamber, or he's not. He happens to be here, and he's going to be recorded as 'aye', as being present. Representative Brummer?"

Brummer: "Yes, Mr. Speaker. The...the Clerk indicated all kinds of other people passed."

Speaker Ryan: "We're going to go back and pick those up, too. I wasn't aware of that."

Brummer: "Well they...he indicated..."

Speaker Ryan: "Anybody that's here is going to be on the Roll Call. Nobody passed that's been here. So if you...you have one...one bit of relief, Representative; that's to leave the floor."

Brummer: "Thank you. I'll leave."

Speaker Ryan: "Representative Giorgi."

Giorgi: "Mr. Speaker, do you know, if the Democrats walk off the floor, you don't have 89 votes for a quorum, and all the business you've transacted is going to be null and void, also?"

Speaker Ryan: "Well, I don't think that's true, Representative. We had a quorum...we had a Roll Call earlier, and that business...that Roll Call showed there was a quorum present. And so, now there's a question of whether there's a quorum present here now or not. Whatever the Democrats want to do, it's entirely up to them."

Giorgi: "Mr. Speaker, I think you'd solve this all if you'd let us have our caucus. We have a lot of problems we want to air among ourselves, and I think you ought to desist from

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this and give us our caucus call."

Speaker Ryan: "Proceed with the Roll Call, Representative...Mr. Clerk."

Clerk Leone: "Bullock. Bullock absent. Capparelli. Capparelli absent. Carey. Carey absent. Catania. Catania present. Chapman. Chapman absent. Christensen. Christensen absent. Collins. Collins present. Conti. Conti present. Cullerton. Cullerton absent. Cullerton absent. Currie. Currie present. Daniels. Daniels present. Darrow. Darrow absent. Davis. Davis present. Deuchler. Deuchler absent. Deuster. Deuster absent. DiPrima. DiPrima absent. Domico. Domico absent. Donovan. Donovan present. Doyle. Push your button, Representative. Doyle. Doyle absent. Jack Dunn. Jack Dunn present. John Dunn. John Dunn absent. Ralph Dunn. Ralph Dunn present. Ebbesen. Ebbesen absent. Epton. Epton absent. Ewell. Ewell absent. Ewing. Ewing absent. Farley. Farley absent. Fawell. Fawell absent. Findley. Findley absent. Flinn. Flinn absent. Virginia Frederick. Virginia Frederick present. Dwight Friedrich. Dwight Friedrich present. Would you press the Representative's button? Garmisa. Garmisa absent. Getty. Getty absent. Giglio. Giglio present. Giorgi. Giorgi present. Greiman absent. Griffin. Griffin present. Grossi. Grossi present. Hallock. Hallock present. Hallstrom. Hallstrom present. Hanahan. Hanahan absent. Hannig. Hannig present. Hastert. Representative, would you press your button? Hastert. Hastert absent. Henry. Henry absent. Hoffman. Hoffman absent. Hoxsey. Hoxsey present. Hudson. Hudson present. Huff. Huff absent. Huskey. Huskey present. Jackson. Jackson absent...present. Jackson present. Jaffe. Jaffe absent. Johnson. Johnson present. Jones. Jones absent. Kane. Kane absent. Karpiel. Karpiel



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absent. Katz. Katz absent. Keane. Keane absent. Jim  
Kelley. Jim Kelley present. Dick Kelly. Dick Kelly  
present. Klemm. Klemm absent. Kociolko. Kociolko  
present. Koehler. Koehler present. Kornowicz. Kornowicz  
absent. Kosinski. Kosinski absent. Krska. Krska  
present. Kucharski. Kucharski present. Kulas. Kulas  
absent. Kustra. Kustra present. LaHood. LaHood present.  
Laurino. Laurino absent. Lechowicz. Lechowicz absent.  
Leinenweber. Leinenweber absent. Leon. Leon present.  
Leverenz. Leverenz absent. Levin. Levin present.  
Loftus. Loftus present. Macdonald. Macdonald present.  
Madigan. Madigan absent. Margalus. Margalus present.  
Martire. Martire absent. Matijevich. Matijevich present.  
Mautino. Mautino absent. Mays. Mays absent. McAuliffe.  
McAuliffe absent. McBroom. McBroom present. McClain.  
McClain absent. McCormick. McCormick absent. McGrew.  
McGrew absent. McMaster. McMaster absent. McPike.  
McPike absent. Roland Meyer. Roland Meyer absent. Ted  
Meyer. Ted Meyer absent. Miller. Miller absent.  
Mulcahey. Mulcahey present. Murphy. Murphy absent.  
Neff. Neff present. Nelson. Nelson present. Oblinger.  
Oblinger present. O'Brien. O'Brien absent. O'Connell.  
O'Connell present. Olson. Olson present. Ozella. Ozella  
present. Pechous. Pechous present. Peters. Peters  
present. Piel. Piel present. Pierce. Pierce absent.  
Pouncey. Pouncey absent. Preston. Preston absent.  
Pullen. Pullen present. Rea. Rea absent. Reed. Reed  
absent. Reilly. Reilly present. Rhem. Rhem absent.  
Richmond. Richmond absent. Rigney. Rigney present.  
Robbins. Robbins absent. Ronan. Ronan absent. Ropp.  
Ropp present. Saltsman. Saltsman absent. Sandquist.  
Sandquist absent. Satterthwaite. Satterthwaite present.  
Schneider. Schneider present. Schraeder. I apologize,

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Schneider absent. Schraeder. Schraeder absent. Slape. Slape present. Harry Smith. Harry Smith absent. Irv Smith. Irv Smith present. Margaret Smith. Margaret Smith is present. Stanley. Stanley absent. Stearney. Stearney absent. Steczo. Steczo absent. E. G. Steele. E. G. Steele absent. Stewart. Stewart present. C. M. Stiehl. C. M. Stiehl absent. Stuffle. Stuffle present. Swanstrom. Swanstrom present. Tate. Tate present. Telcser. Telcser present. Terzich. Terzich absent. Topinka. Topinka present. Tuerk. Tuerk present. Somebody switch the Representative's button. Turner. Turner present. Van Duynes. Van Duynes absent. Vinson. Vinson present. Vitek. Vitek present. Watson. Watson present. White. White absent. Wikoff. Wikoff absent. Winchester. Winchester absent. J. J. Wolf. J. J. Wolf present. Sam Wolf. Sam Wolf absent. Woodyard. Woodyard absent. Younge. Younge absent. Yourell. Yourell absent. Zito. Zito absent. Zwick. Zwick present. Mr. Speaker present."

Speaker Ryan: "Present. What's the count? Representative Dunn?"

Dunn, John: "Standing right here."

Speaker Ryan: "Well, all you got to do is push your button, Representative."

Dunn, John: "He called me absent. Am I here, or not?"

Speaker Ryan: "Push the button, Representative."

Dunn, John: "Thank you, Mr. Speaker. Just thought I'd better inquire."

Speaker Ryan: "Anybody else that cares to be added? Representative Stanley? Representative Telcser."

Telcser: "Mr. Speaker, while the Clerk is tallying up the Roll Call, I'd like to excuse Representative Barnes, Stearney and Fawell for illness, and Representatives Robbins and Karpziel for legislative business."

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Speaker Ryan: "Representative Giorgi."

Giorgi: "Mr. Speaker, I renew my request for a Democratic caucus."

Speaker Ryan: "What's the count, Mr. Clerk? Representative Telcser."

Telcser: "Do we have a quorum, Mr. Speaker?"

Speaker Ryan: "No, Sir. There's 83 Members present."

Telcser: "Well, Mr. Speaker and Members of the House. It's quite obvious that the...It's quite obvious to me, Mr. Speaker and Members of the House, that the lack of a quorum today is caused by the fact that the Minority Leader has not yet arrived, and those handful of Members from the Minority side who are in attendance simply don't know how or can not function without their orders from the City of Chicago. Mr. Speaker and Members of the House, last week the Minority side of the aisle filibustered and caused us to come into Session today. Today, they turn their backs on responsibility as Legislators and don't attend. Mr. Speaker and Members, it's quite obvious to everyone present the reason for our lack of being able to do business today in the Legislature. And so, Mr. Speaker and Members, I now move the House stand adjourned until tomorrow, the hour of noon."

Speaker Ryan: "The Gentleman moves the House stand adjourned until the hour of 12 noon. Since there's not a quorum present, the House will stand adjourned until the hour of 12 noon tomorrow. The House is now adjourned."