

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

117th Legislative Day

May 14, 1986

Speaker McPike: "The House will come to order. Members will be in their seats. Chaplain for today will be the Reverend Dr. Charles E. Hendricks, Pastor of Third Presbyterian Church of Springfield. Reverend Hendricks is a guest of Representative Mike Curran. Will the guests in the balcony please rise and join us in the invocation?"

Reverend Hendrick: "Let us pray. Most gracious God, we give thanks that You have endowed us with gifts to use for the common good; that You have placed us in various positions of responsibility to be of service. We, therefore, praise You for all that continues to happen here in this place. We pray that You will direct and prosper all consultations this day to the advancement of Your glory, the safety, honor and welfare of Your people, that all things may be so ordered and settled by such endeavors upon the best and surest foundations that peace and happiness, truth, justice, virtue and goodness may be established among us. Bless all decisions made this day that Your Spirit may prevail and these, Your people, be instruments of Your grace. In the Name of the Father and of the Son and of the Holy Spirit. Amen."

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

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

Speaker McPike: "Roll Call for Attendance. Excused absences. Representative Piel."

Piel: "Yes, Mr. Speaker, would the record show that Representative Jane Barnes and Representative Jim Stange are excused today?"

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Speaker McPike: "Yes. Representative Matijevich, do you have any excused absences?"

Matijevich: "Let the record show Nelson Rice is excused absence."

Speaker McPike: "113 Members answering the Roll Call, a quorum is present. Representative Goforth and Representative McAuliffe, Representative McGann and Representative Saltsman come to the podium. Representative Matijevich in the Chair."

Speaker Matijevich: "Thank you, Mr. Speaker. Could I have the attention of the Members of the Assembly? Ladies and Gentlemen of the House, at this moment at 10:00 a.m., the law enforcement community of Illinois represented by the Fraternal Order of Police, the Illinois Police Association, the Police Benevolent and Protective Association of Illinois, the Illinois Association of Chiefs of Police, and the Illinois Sheriffs' Association. Give me your attention. We are trying to honor today, those police officers who have lost their lives. And at this moment that law enforcement community represented by those organizations are sponsoring a police officers memorial service at the Trinity Lutheran Church in Springfield. Following the ecumenical service, a procession will proceed to the Capitol where a wreath will be placed on the Capitol steps in memory of those law enforcement officers who have given their lives. And Governor Thompson will speak at the memorial ceremony. As our part of that service, Speaker Madigan and Representative Daniels have offered a Resolution and also sponsored by Representative McAuliffe - Representative Goforth, who all of you know are police officers, and Representative Goforth has retired, and Representative McGann and Representative Saltsman. It is House Resolution 1307 and I will ask the Clerk to read that Resolution."

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Clerk O'Brien: "House Resolution 1307, offered by Speaker Madigan  
- Representative Daniels - et al. Whereas, on May 14,  
1986, the Members of the General Assembly of the State of  
Illinois will stand in silent tribute to the law  
enforcement officers who have given their lives in the line  
of duty; and whereas, the police officers provide for an  
invaluable service to the citizens of the State of  
Illinois; many have risked their lives to insure the safety  
and security of our daily lives; and whereas, as a group of  
law enforcement officers are dedicated to preserving our  
freedoms and rights as citizens of the democratic state,  
where we are only free under law; they have the often  
onerous duty of enforcing those laws which safeguard our  
pleasures, our livelihoods, and our very way of life; and  
whereas, as order in prior to freedom, and a prerogative of  
it, so we are indebted to the police for the freedom we  
enjoy; our system of law is based on a belief that all men  
are naturally equal and independent and that no man has the  
right to harm another in his life, health, liberty or  
possessions; and whereas, the social contract under which  
we all live award each man the right to the product of his  
own labor; the burden of guaranteeing that we can enjoy  
these products in safety and peace falls to the law  
enforcement officers; and whereas, they are too often taken  
for granted by the citizens they serve; therefore, be it  
resolved by the House of Representatives of the 84th  
General Assembly of the State of Illinois, that we express  
our deep appreciation to the gallant law enforcement  
officers who daily risk their lives so that we can live  
free from fear; that we commend them for uncommon  
dedication to an ideal of service to others and to the  
principles of law; and that we join with those standing in  
silent tribute to those officers who have given their lives

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in the line of duty; and be it further resolved, that a suitable copy of this Preamble and Resolution be presented to the Fraternal Order of Police, the Illinois Police Association, Police Benevolent and Protective Association of Illinois, Illinois Association of Chiefs of Police, and Illinois Sheriffs' Association as an indication of our respect and esteem."

Speaker Matijevich: "Representative Klemm asks leave that all Members names be added to the Resolution. Leave... does he have leave? Leave. And Representative Stern moves the adoption of the Resolution. All in favor say 'aye', opposed 'nay'. The Resolution is adopted. And now... in addition to expressing our feelings to all of the police officers, who have lost their lives, we also show our respect for Dick 'Lis', who is President of the Illinois Fraternal Order of Police, who has recently passed away and was very instrumental in having Congress adopt a Resolution which recognizes tomorrow as 'Police Memorial Day' and also that he... that he be recognized by a living memorial in Washington, D.C. Now, may we all have a moment of silence. Thank you, Members of the House."

Speaker McPike: "On the Democratic side of the aisle, we have a guest on the House floor, a board member from DuPage County, James 'Fergal'. Agreed Resolutions."

Clerk O'Brien: "House Joint Resolution 194, offered by Representative Klemm. House Joint Resolution 195, Black. House Resolution 1294, Williamson. 1295, Hastert; 1296, Matijevich - et al; 1299, Phelps; 1300, Phelps; 1301, Zwick - et al; 1302, Virginia Frederick; 1304, Tuerk - et al; 1305, Keane; 1306, Tuerk; and 1308, Johnson."

Speaker McPike: "Representative Matijevich."

Matijevich: "Speaker, I move the adoption of the Agreed Resolutions."

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Speaker McPike: "Gentleman moves the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendments (sic - Resolutions) are adopted. Death Resolutions."

Clerk O'Brien: "House Resolution 1297, offered by Representative Johnson, with respect to the memory Elmer P. Hoggatt. And House Resolution 1293, offered by Representative Phelps, with respect to the memory of Don Scott."

Speaker McPike: "Representative Matijevich moves for the adoption of the Death Resolutions. All those in favor say 'aye', opposed 'no'. The 'ayes' have it. Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Resolution 1303, offered by Representative Breslin."

Speaker McPike: "Committee on Assignment. Senate Bills First Reading."

Clerk O'Brien: "Senate Bill 1514, Greiman, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. Senate Bill 1601, Steczo and Didrickson, a Bill for an Act to amend the Illinois Municipal Code. First Reading of the Bill. Senate Bill 1862, Homer, a Bill for an Act to amend the Illinois Public Aid Code. First Reading of the Bill. Senate Bill 2078, McCracken, a Bill for an Act to amend an Act relating to eminent domain. First Reading of the Bill. Further Senate Bills, First Reading. Senate Bill 1993, Wojcik, a Bill for an Act to amend an Act relating to the Department of Mental Health and Developmental Disabilities. First Reading of the Bill. Further Senate Bill, First Reading. Senate Bill 1998, a Bill for an Act to amend the law concerning certain matters relating to DuQuoin State Fair. First Reading of the Bill."

Speaker McPike: "Consent Calendar. Page 30 of the Calendar."

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Clerk O'Brien: "Consent Calendar, Second Reading. House Bill 3528, a Bill for an Act to amend the Meat and Poultry Inspection Act. Second Reading of the Bill."

Speaker McPike: "Third Reading. Page 16 of the Calendar, House Bills Third Reading Short Debate, the next Bill, appears House Bill 3175. Representative McGann. Out of the record. House Bill 3178, Representative Deuchler. Read the Bill, Mr. Clerk. Mr. Electrician. Alright. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3178, a Bill for an Act in relation to the borrowing of money by certain public corporations. Third Reading of the Bill."

Deuchler: "House Bill 3178, Mr. Speaker and Ladies and Gentlemen of the House, permits municipalities, road districts and townships to borrow from banks and savings and loan associations, provided the amount borrowed is repaid within one year. State law currently makes no provision for this kind of borrowing; and when cash flow problems have caused the townships or municipalities to need \$200 or small amounts of money, it would be much more convenient if they could borrow through normal borrowing channels."

Speaker McPike: "The Lady moves for the passage of House Bill 3178. And on that, Representative Cullerton."

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

Speaker McPike: "Representative Braun in the Chair. Sponsor indicates she will yield."

Cullerton: "Representative Deuchler, good morning."

Deuchler: "Good morning."

Cullerton: "The Bill, as originally introduced, put a cap on the amount of money that could be borrowed at 85% of anticipated taxes and then, the Amendment was adopted which, as I understand it, authorizes corporate authorities and township organizations to borrow from any bank or other

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financial institution so long as the money is repaid within one year. Did that Amendment remove the 85% cap?"

Deuchler: "Yes, it did, but it's my understanding that under tax anticipation warrants, that they would be limited to 85% and that that same restriction would apply, so this would be a duplication."

Cullerton: "Well, maybe you could explain that to me. Tax anticipation... Go ahead. Someone just explained something to me that may be..."

Deuchler: "I... Yes, I understand that... that this limit would not apply."

Cullerton: "Pardon me?"

Deuchler: "That the 85% would not apply."

Cullerton: "And why does it not? Why don't we keep that part in the Bill? Why don't we keep that guarantee that the money will be repaid in the Bill?"

Deuchler: "Well, this provision is intended for small amounts and we don't think that we would get up to the 85% requirement. And this is the language that was suggested and proposed to us."

Cullerton: "Well, what was... What was the difference between the Bill as originally drafted in the Amendment? What was the purpose of the Amendment?"

Deuchler: "The Amendment was to place language in there that was more acceptable to the bankers."

Cullerton: "Well, does that mean that it... it was introduced at the request of Savings and Loan Associations that wanted to be treated just like banker?"

Deuchler: "No."

Cullerton: "Were they excluded in the first original draft of the Bill?"

Deuchler: "The Township Association felt that this was needed in order to facilitate their borrowing small amounts of money

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so that they would not have to use tax anticipation."

Cullerton: "But that... That's... But that's what the original Bill did. I want to know why we put this Amendment on, you put the Amendment on that seems to have eliminated the cap? That's all I want to know. You keep on saying that some lobbyist told you that this is what they want. I just wondered if you could give us the rationale behind it."

Deuchler: "Well, as I say, the wording that we have in the Amendment is... does eliminate that one provision. However, it's not anticipated by the townships that they would be borrowing large amounts of money. So, they... It seems a little extreme to think that they would be borrowing up to 85%."

Speaker Braun: "Is there further discussion? Is there further discussion? There being none, the Chair recognizes Representative Deuchler, to close."

Deuchler: "Just to move for the adoption of House Bill 3178."

Speaker Braun: "The question is, 'Shall House Bill 3178 pass?' All in favor vote 'aye', opposed vote 'no'. Voting is open. For what reason does the Gentleman from Cook rise? Representative Cullerton. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 100 voting 'aye', none voting 'no', 1 voting 'present'. This Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 3181, Representative McGann. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3181, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from Cook, Representative McGann."

McGann: "Thank you, Madam Speaker, Members of the House. Last year when we put into effect the educational reform



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package, we neglected to provide a vehicle for those dropouts that would be attending the schools and the colleges programs authorized by the State Board of Education through the auspices of this Assembly in providing the funds. We neglected to provide the vehicle for graduation. That is what House Bill 3181 does... after negotiations with the State Superintendent of Instruction, Mr. Sanders and others. It is best to give the authority to the Superintendent in order to provide these diplomas. Presently, we have many hundreds that will be needing diplomas by the end of the year and this will be the way we can provide it, and I'd ask your support for House Bill 3181."

Speaker Braun: "The Gentleman has moved the passage of House Bill 3181. On that, is there any discussion? The Chair recognizes the Gentleman from McLean, Representative Ropp."

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

Speaker Braun: "He indicates he will."

Ropp: "Representative, can you give us just a brief explanation as to what these students would have to do to be eligible for a diploma?"

McGann: "Yes, Representative Ropp, they will have to satisfactorily complete a course that's prescribed and set forth by the State Board of Education through the community colleges and they, after they satisfactorily complete this course, that they will be eligible for a diploma."

Ropp: "Would it in any way include some kind of a work ethic kind of a program or an understanding of what employment opportunities might be?"

McGann: "I don't believe that that is mandated at all. I don't believe that is the intent of this legislation and I don't think it's the intent of those that are in these alternate schools."

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Ropp: "Would... Just off hand, wouldn't that be a kind of a good idea to... many of these students are young people who do not choose to stay in school and these are the ones that ought to get some kind of developmental skills so that they do have something to merchandise when they get out into the work area."

McGann: "And you make a very good point, Representative Ropp, and that's exactly what happens; because by changing their environment, taking them out of the high schools that they didn't want to go to and placing them into community college environment, they find themselves with a new life, new meaning, new direction. And as a result, they will be found, the majority of them will be found, working to further their education in the two year community college course and also going out and getting themselves employment. This program similar to this worked out very well in LaGuardia in New York. They have a success ratio of approximately a retention of 70%."

Ropp: "Very good. Thank you."

Speaker Braun: "Is there further discussion? The Chair recognizes the Lady from Dupage, Representative Cowlshaw."

Cowlshaw: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand in support of House Bill 331... 3181. We have made every attempt through other types of programs to provide for high school dropouts. We have here a program which we operate through our community colleges, which has been eminently successful, particularly, in the City of Chicago. When we authorized these programs, we simply neglected to include the authorization for those students who had completed this program to be granted diplomas. It was a simple oversight, but one that is important for us to correct. They will have completed the regular course of study as they would have if they had remained in a high

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school environment. This is an excellent program for which our community college system deserves a good deal of support. It is a simple correction. I urge its adoption. Thank you."

Speaker Braun: "Is there further discussion? I would remind the Membership that we are on Short Debate. There being none, the Gentleman has moved for the passage of House Bill 3181. The question is, 'Shall House Bill 3181 pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 108 voting 'aye', none voting 'no', none voting 'present'. House Bill 3181, having received the Constitutional Majority, is hereby declared passed. Again, I would remind the Members that this is Short Debate. House Bill 3194, Representative Young. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3194, a Bill for an Act to amend an Act in relationship to state finance. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Young."

Young: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 3194 would allow for the Illinois Correctional Industries to benefit from the money, the interest monies, that are earned in the Working Capital Revolving Fund. The Illinois Correctional Industries do not receive a direct appropriation from the General Revenue Fund. The money in the Working Capital Fund is placed there from the proceeds of the goods and the services they sell. This Bill would allow the interest that that money earned to be placed back in the Working Capital Fund rather than to go to the General Revenue Fund. And I urge your support."

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Speaker Braun: "Is there any discussion? The Chair recognizes the Gentleman from DuPage, Representative McCracken."

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

Speaker Braun: "He indicates he will."

McCracken: "Representative, do you know the approximate amount of interest this fund would expect to earn in a fiscal year?"

Young: "The Illinois Correctional Industries estimates that it would earn between 140,000 and 200,000 this fiscal year."

McCracken: "Between 140 and 200,000?"

Young: "That's correct."

McCracken: "And we would expect those numbers to be approximately the same if not greater into the future. Is that right?"

Young: "That is also correct."

McCracken: "Now, I am advised that the State Treasurer is opposed to this Bill. Do you know the reason why?"

Young: "No. And it's the first I've heard that there was any opposition to the Bill whatsoever. I do know that there was concern originally that some type of slush fund might be created by this Bill which is why we put the Amendment on it stating that all interest funds so kept in the Working Capital Fund that were not expended in a fiscal year would revert to General Revenue."

McCracken: "Treasurer. Treasurer. Is this Working Capital Revolving Fund appropriated on an annual basis?"

Young: "What it... the authorization to expend from the fund is appropriated, but the actual fund, none of the proceeds from the fund come from General Revenue. So what they actually do, they get an appropriation to expend from the funds and the monies in the funds come from the goods and services from correctional industries."

McCracken: "So, it's a special fund, a segregated account within the state system?"

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Young: "Yes it is."

McCracken: "And the use of the money can only be done pursuant to legislative authorization or appropriation?"

Young: "That's also correct."

McCracken: "And under your Bill, would the interest income be subject to that same restriction, that is, where the interest income have to be authorized or appropriated before it can be spent?"

Speaker Braun: "Representative McCracken and others, the Chair would remind the Body this is Short Debate."

Young: "It's my understanding that they would not need an appropriation for the interest as long as it was expended during one fiscal year and that if it was not expended within that time frame, it would revert back to the General Revenue Fund where, of course, it would need an appropriation that will be expended."

McCracken: "Well, that's current law isn't it? If it lapses, it returns to the General Fund."

Young: "No. Current law is it goes directly to the General Revenue Fund and it is not available to be expended. See, the purpose of this Bill is to give the industries a little more working capital."

McCracken: "Okay. Thank you. To the Bill. This Bill takes, what is to my knowledge, an unprecedented step in the appropriation or authorization expending process in that it does not require any appropriation or authorization for the use of interest accumulated for a particular fund. In the appropriation process, the budget process and the appropriation process are done on an annual basis for the purpose of determining necessary spending levels for any particular activity. To allow the interest to accumulate in this special interest fund, restricts dramatically the use of that money made available to the General Assembly."

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The General Assembly should be appropriating monies and have the use of this interest income. It should remain with the General Revenue Fund and I believe this Bill should be defeated."

Speaker Braun: "For what reason the Gentleman from Cook, Representative Bowman rise?"

Bowman: "Just to indicate that the board is in error. I'm not a Sponsor of this Bill."

Speaker Braun: "The Gentleman... the Chair recognizes the Gentleman from Cook, Representative Young, to close."

Young: "Thank you, Madam Speaker. Again, I think there is a little misunderstanding on just exactly what this Bill does and which funds we're talking about. The simple purpose of this Bill is to give the Illinois Correctional Industries a little more flexibility in their operations during the year. It's my understanding that this fund... this Working Capital Fund has at times over \$2,000,000 in it, all of which is earned by Illinois Correctional Industries. None of the monies in this fund comes from General Revenue. The only monies that go to General Revenue are the interest from this fund which are then reappropriated at the end of the following year. We're trying to give them the use of this money during the years actually earned instead of sending it the General Revenue and then coming back and asking for an authorization to expend money that the industries themselves have earned and are entitled to. I think the estimates are that the use of this interest money would allow the industries to create forty to fifty new inmate positions a year. And I urge a favorable vote."

Speaker Braun: "The Gentleman has moved for passage of House Bill 3194. All in favor vote 'aye', opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? This is final action."

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Have all voted who wish? The Clerk will take the record.

On this question there are 63 voting 'aye', 46 voting 'no'. Gentleman from DuPage, Representative McCracken."

McCracken: "We request a verification."

Speaker Braun: "Representative Young requests a Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Christensen and Zwick."

Speaker Braun: "For what reason does the Lady from Lake rise? Representative Stern."

Stern: "Request leave to be verified, Madam Speaker."

Speaker Braun: "Representative Stern requests leave to be verified. Are there... Are there... Mr. Clerk, proceed with the verification."

Clerk Leone: "Poll of the Affirmative. Alexander. Berrios. Black. Braun. Breslin. Brookins. Brunsvold. Capparelli. Cullerton. Curran. Currie. Daley. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers."

Speaker Braun: "Excuse me, Mr. Clerk. Representative Hicks requests leave to be verified. Leave. Continue."

Clerk Leone: "Giglio. Giorgi. Greiman. Hannig. Hartke. Hicks. Homer. Huff. Keane. Kirkland. Krska. Kulaş. Laurino. LeFlore. Leverenz. Martinez. Matijevich. Mautino. McGann. McNamara. McPike. Mulcahey. Nash. O'Connell. Panayotovich. Pangle. Phelps. Rea. Richmond. Ronan. Saltsman. Satterthwaite. Shaw. Slater. Steczko. Stern. Sutker. Terzich. Turner. Van Duyne. Washington. White. Wolf. Anthony Young. And Wyvetter Younge."

Speaker Braun: "Are there questions of the affirmative? Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker. Representative Rea."

Speaker Braun: "Representative Rea. Representative Jim Rea. Is the Gentleman in the chamber? Remove him."

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McCracken: "Representative O'Connell."

Speaker Braun: "Representative O'Connell. Representative O'Connell. The Gentleman in the chamber? If not, remove him. For what... For what reason does the Gentleman from Vermillion rise?"

Black: "Madam Speaker, I wish to change my vote, 'nay'. Change my vote, please."

Speaker Braun: "Change Representative Black's vote to 'no'. Further questions?"

McCracken: "Representative Mautino."

Speaker Braun: "Representative Mautino. Is the Gentleman in the chamber? If not, remove him."

McCracken: "Representative Kulas."

Speaker Braun: "Representative Kulas. Is the Gentleman in the chamber? Remove him."

McCracken: "Representative..."

Speaker Braun: "For what... for what reason does the Gentleman from... Representative O'Connell, what reason you seek recognition?"

O'Connell: "Madam Speaker, how am I recorded?"

Speaker Braun: "You're recorded as not voting."

O'Connell: "Please vote me 'aye'. May I have at this time, Madam Speaker, leave to be verified?"

Speaker Braun: "Representative O'Connell votes 'aye' and asks leave to be verified. Leave is granted. Continuing, Representative McCracken. Representative Kulas has returned to the chamber. Return him to the Roll Call. Gentleman from Cook, Representative Cullerton."

Cullerton: "Leave to be verified, please."

Speaker Braun: "Leave is granted. Representative Turner."

McCracken: "Ready?"

Speaker Braun: "Representative Turner requests leave to be verified. Representative McPike requests leave to be



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verified. Representative Brookins. Representative Van Dwyne. Representative Younge, Wyvetter."

McCracken: "Slow down, or I won't give leave. Slow down. Okay, you're ready for me?"

Speaker Braun: "Yes, I am. Further questions of the affirmative."

McCracken: "Representative Giglio."

Speaker Braun: "Representative Frank Giglio. Is the Gentleman in the chamber? Remove him."

McCracken: "Representative Farley."

Speaker Braun: "Representative Farley. Is the Gentleman in the chamber. If not, remove him."

McCracken: "Representative Laurino."

Speaker Braun: "Representative Laurino. The Gentleman in the chamber? If not, remove him."

McCracken: "Representative Panayotovich."

Speaker Braun: "Representative Panayotovich. Gentleman in the chamber? Remove him."

McCracken: "Representative Pangle."

Speaker Braun: "Representative Pangle. Gentleman in the chamber? He's in his chair."

McCracken: "Representative Krska."

Speaker Braun: "Representative Krska. Is the Gentleman in the chamber? If not, remove him."

McCracken: "Representative Breslin."

Speaker Braun: "Representative Peg Breslin. Is the Lady in the chamber? Remove her."

McCracken: "Representative Currie."

Speaker Braun: "Representative Barbara Currie. Is the Lady in the chamber? Remove her."

McCracken: "Representative Berrios."

Speaker Braun: "Representative Berrios. Is the Gentleman in the chamber? Remove him. Further questions..."

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McCracken: "No further."

Speaker Braun: "No further questions. What reason does the Gentleman from Cook, Representative Young, rise?"

Young: "I'd like for this Bill to be placed on Postponed Consideration."

Speaker Braun: "Bill will be placed on the Order of Postponed Consideration. Out of the record. House Bill 3217, Representative Currie. Is the Lady in the chamber? Out of the record. House Bill 3224, Representative Ronan. Representative Ronan. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3224, a Bill for an Act to adopt the Tri-State High Speed Rail Line Compact. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from Cook, Representative Ronan."

Ronan: "Thank you, Madam Speaker, Members of the House. House Bill 3224 does establish the Tri-State High Speed Rail Line Compact. It's an opportunity for the State of Illinois to get involved in the planning process to see if it makes sense to establish a high speed rail line between the City of Detroit and the City of Chicago. The State of Michigan is moving ahead on this kind of a project. There's support in the State of Indiana and this mechanism will put the State of Illinois in a position to review the proposals that are being brought forth by the private sector. The commitment that the State of Illinois obviously wants is a financial support from the private sector. And we got some significant corporations in this country that support the concept. And we should be involved. It would give Illinois three members to sit on the Tri-State Compact to give us an opportunity to review proposals and see what the potential is to develop Illinois business and to establish a better transportation system in the State of Illinois. I

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move for the passage of House Bill 3224."

Speaker Braun: "The Gentleman has moved the passage of House Bill 3224. Does anyone stand in opposition? For what reason does the Gentleman from Adams rise, Representative Mays."

Mays: "I think that we ought to clarify something. So, I don't stand in opposition, but I would like to speak to the Sponsor on this high speed rail line compact between Chicago, Detroit and Quincy."

Speaker Braun: "Representative Mays, just keep your questions brief, if you will."

Mays: "Thank you very much. Now, we have filed two Amendments to this Bill prior to its being moved to Third, both of which address the questions of the appointments to the Board. While we agree with the concept and we applaud the Sponsor on the initiative that he has shown in this area, a major area of concern to Members on this side of the aisle is the appointment process by which these members from Illinois will be appointed to the tri-state board. In order not to hold the process up on this Bill, we would like to support the Bill as it goes through and we would like to have this Amendment addressed at future date. So, I rise in support with that caveat."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, to close."

Ronan: "Thank you. I appreciate the remarks from my colleague on the other side of the aisle. He's a fine Minority Spokesman of the Transportation Committee. As usual, it's a bipartisan effort to establish a better transportation network here in the State of Illinois. And I move for the passage of House Bill 3224."

Speaker Braun: "Gentleman have moved the passage of House Bill 3224. All those in favor vote 'aye', opposed vote 'no'. The voting is open. Have all voted who wish? Have all

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voted who wish? Clerk will take the record. On this question there are 107 voting 'aye', none voting 'no', none voting 'present'. And House Bill 3224, having received the Constitutional Majority, is hereby declared passed. House Bill 3266, Representative Keane. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3266, a Bill for an Act to amend an Act relating to state colleges and universities. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from Cook, Representative Keane."

Keane: "Thank you, Madam Speaker. House Bill 3266 increases the use of the Board of Governors Computer Center to include usage by any public/private... or private college or universities as well as governmental public or private agencies or persons. As some of the Members are aware, the Illinois Education Consortium which supplies computer services to the BOG, the Board of Regents, SIU and some to the U of I, will on July 1st of this year assume... the Board of Governors will assume responsibility for that network. And what... all the Bill does is say that they can offer the services of their computer center to other governmental agencies, other private or public universities. It's a pooling of resources which we are encouraging and I would ask for a favorable Roll Call."

Speaker Braun: "Gentleman has moved the passage of House Bill 3266. On that question, Representative Bowman."

Bowman: "Will the Gentleman yield for a couple of questions?"

Speaker Braun: "Representative Bowman, I would remind you that this is Short Debate, but I'm sure he will yield."

Bowman: "That's correct. I think the rules do provide..."

Speaker Braun: "Yes, it is."

Bowman: "...that some questions can ask."

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Speaker Braun: "They do. They do."

Bowman: "Okay. Representative Keane, according to the synopsis, this system would also be available to private persons. I assume that means private corporations or, indeed, even individuals - natural persons. Is that correct?"

Keane: "That is correct. It would be on a pecking order, and the purpose for that would be to allow the university to get a hundred percent... allow the SOG to get a hundred percent use out of its systems."

Bowman: "Right. But is there anything in the legislation that would require, not nearly permit, but would require full cost recovery for private parties?"

Keane: "I don't have the Bill right in front of me, but it's my understanding that they would have to be totally billed. All billing would have to be done on a cost plus basis."

Bowman: "I'm having a hard time hearing because you're speaking..."

Keane: "It would be done on a cost plus basis."

Bowman: "Okay."

Keane: "And a charge back for both private and public."

Bowman: "Alright..."

Keane: "It would not be subsidized computing services."

Bowman: "That's what I'm getting at. And so the Bill, then, requires as oppose to merely permits that kind of cost recovery. Is that correct?"

Keane: "I don't have a copy of the Bill in front of me, but if you'll hold on a second, I'll get it. The Bill... the original Bill that we're amending didn't address that, but it's my impression that it's on a cost plus basis."

Bowman: "Okay. You said, the original Bill did not address that?"

Keane: "Does not address that."

Bowman: "Does not address that. But, you say it is your

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impression that it's a cost plus basis."

Keane: "It's on a cost plus basis. They don't have enough money to subsidize. I know that the services that they will be providing to SIU, Board of Regents and other systems, U of I, will be done on a charge back basis. And I'm sure that the BOG is not giving services or giving BOG money away to the other systems. And I'm sure that that's the basis upon which they will bill."

Bowman: "Well... Okay. To the Bill, then. I... If the usage of this system were restricted solely to public agencies, whether in the higher ed. field or whether co-departments or any other public agency, I would not be so concerned about the absence of a... of restrictive language requiring full cost recovery. I am... am concerned, however, if we are opening this completely to private universities, private corporations or even private individuals as natural persons, that there be some protection for the taxpayers. I'm sure that BOG is not going to squander public resources, but I don't think squandering is the question here. I think the question is a matter of principle, are we or are we not going to charge private parties the full cost of providing these services to them? And for that reason, then I... I will be voting 'present' on the legislation."

Speaker Braun: "The Gentleman from Cook, Representative Keane, to close."

Keane: "My colleague, I think, is worried needlessly about that. What happens is there is no way that the appropriation from the state is minuscule and the Illinois Education Consortium has operated on an income basis the charge for its services. And I'm sure they're not... there is no way they can operate... they're not thinking of operating a program on appropriated dollars and I'd ask for a favorable

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Roll Call."

Speaker Braun: "Gentleman has moved the passage of House Bill 3266. All in favor vote 'aye', opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? This is final action. Clerk will take the record. On this question there are 101 voting 'aye', none voting 'no', 1 voting 'present'. House Bill 3266, having received the Constitutional Majority, is hereby declared passed. House Bill 3267, Representative Keane. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3267, a Bill for an Act to amend an Act relating to governmental boards of certain public institutions of higher education. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from Cook, Representative Keane."

Keane: "Thank you, Madam Speaker. House Bill 3267 will house the Board of Governors Southern Illinois University System and the Board of Regents because of an Amendment to pull... increase the use of self insurance and their pulling mechanism. The Bill removes the limitation to accumulate reserves in amount no greater than their deductible portion of the insurance. It brings the university... other university systems up to or in sync with the University of Illinois who has sort of led in the self insurance in higher education. I'd be happy to answer any questions and ask for a favorable Roll Call."

Speaker Braun: "Does anyone stand in opposition? There being none, the Gentleman has moved for the passage of... or the Chair recognizes the Gentleman from Cook, Representative Keane, to close."

Keane: "I ask for a favorable Roll Call."

Speaker Braun: "Gentleman has moved for the passage of House Bill

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3267. All in favor vote 'aye', opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? This is final action. The Clerk will take the Roll. Representative Laurino votes 'aye'. On this question there are 109 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3269, Representative Sutker. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3269, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from Cook, Representative Sutker."

Sutker: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Bill provides that a Member of the classified civil service, who is elected or appointed to a municipal, county, state or federal position, be allowed to serve in that position and be deemed to be on temporary unpaid leave of absence from his civil service position. It is a good Bill. It clarifies the Municipal Code with respect to such elections and appointments."

Speaker Braun: "Does anyone rise in opposition? Being none, the question is, 'Shall House Bill 3269 pass?' All in favor vote 'aye', opposed vote 'no'. The 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 105... 105 voting 'aye', 1 voting 'no', none voting 'present'. House Bill 3269, having received the Constitutional Majority, is hereby declared passed. House Bill 3276, Representative Capparelli. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3276, a Bill for an Act to amend the state... amend the Act in relationship to state monies.



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Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from Cook, Representative Capparelli."

Capparelli: "Thank you, Madam Speaker. House Bill 3276 provides that no institution approved as a depository for state money shall be disqualified solely because of its acquisition by another institution. This is response to our intrastate banking Bill where out of state banks are now purchasing banks in Illinois and we're not just... we're trying not to disqualify them from having state money. I would ask for a favorable Roll Call."

Speaker Braun: "Does anyone rise in opposition? If not, the question is, 'Shall House Bill 3276 pass?' All in favor vote 'aye', opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? This is final action. The Clerk will take the record. On this question there are 109 voting 'aye', none voting 'no', none voting 'present'. House Bill 3276, having received the Constitutional Majority, is hereby declared passed. House Bill 3277, Representative Breslin. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3277, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Lady from LaSalle, Representative Breslin."

Breslin: "Thank you, Madam Speaker. Ladies and Gentlemen, this Bill amends the Illinois Vehicle Code and provides the trucks that are purchased in December that would normally be subject to the apportioned or prorated fee shall not be exempt from that applicable reduced fee, despite the fact that they were purchased in December. Last year the Bill we passed provided that the December purchase would still be exempt from that fee. This Bill eliminates this because

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other IRP jurisdictions register only on a 12 months registration year. And if we don't change our statute, the State of Illinois would be required to access Illinois trucking companies for the last quarter registration year for foreign IRP number jurisdictions. As a consequence, what was previously a benefit to Illinois truckers and trucks that were purchased in December, would turn around and be a detriment to those truckers. So, I ask for the passage of this Bill."

Speaker Braun: "Does anyone stand in opposition? Then the question is, 'Shall House Bill 3277 pass?' All in favor vote 'aye', opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 100... 110 voting 'aye', none voting 'no', none voting 'present'. House Bill 3277, having received the Constitutional Majority, is hereby declared passed. House Bill 3424, Representative Slater. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3424, a Bill for an Act to amend the Agriculture Fair Act. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from McDonough, Representative Slater. Representative Slater."

Slater: "Thank you, Madam Speaker. House Bill 3424 provides that monies from the ag premium fund which are distributed to the county fairs for rehabilitation purposes may be used to purchase liability insurance for a period of three years. The amount, the maximum amount which will be distributed will be \$20,000. Of that \$20,000, 50% of it could be used for the purchase of liability insurance in order to keep the county fairs rolling for the years to come. It does sunset at the end of three years. Be happy to answer any questions."

Speaker Braun: "The Gentleman has moved for passage of House Bill

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3424. Does anyone stand in opposition? On that question, the Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Madam Speaker. I just want to take this opportunity to support this legislation and to commend Representative Slater for presenting this to us. I believe it's something that's well needed for our fair situation, downstate, especially."

Speaker Braun: "The Gentleman has moved... the Gentleman has moved the passage of House Bill 3424. All in favor vote 'aye', opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 108 voting 'aye', none voting 'no', none voting 'present'. House Bill 3424, having received the Constitutional Majority, is hereby declared passed. House Bill 3462, Representative Berrios. Representative Berrios. Out of the record. House Bill 3477, Representative Parcels. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3477, a Bill for an Act to amend an Act to provide training programs to foster care and adoption services. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Lady from Cook, Representative Parcels."

Parcels: "Thank you, Madam Speaker. House Bill 3477 would amend the State Finance Act to create the Department of Children and Family Services Training Fund to make dispersement... for training programs for foster care and adoptive care services. We are presently providing this training, but we're not receiving the federal funds that are available because the Federal Government will not give the funding unless these monies are isolated into a separate fund. Several other states have passed this legislation and set up this fund and have received a great deal of federal

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funding. We think we could bring in an extra 200 to 700 thousand dollars per year by setting up this fund. The money can be used only for this training and is contractually obligated to educational institutions. I'll be happy to answer any questions."

Speaker Braun: "The Lady... The Lady has moved the passage of House Bill 3477. Does anyone stand in opposition. If not, the question is, 'Shall House Bill 3477 pass?' All in favor vote 'aye', opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 108 voting 'aye', none voting 'no', none voting 'present'. House Bill 3477, having received the Constitutional Majority, is hereby declared passed. House Bill 3506, Representative Hastert. Mr. Clerk, read the bill."

Clerk Leone: "House Bill 3506, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Kendall, Representative Hastert."

Hastert: "Thank you, Madam Chairman, Ladies and Gentlemen of the House. House Bill 3506 brought before you is a request for many economic development type interest in my district, namely, highway builders and road builders. A couple of years ago, we enacted some legislation that limited to 1984 the use of the short wheel base dump trucks, trailer dump trucks. What's happened since 1984, and the grandfather stopped at 1982... vintage trucks, is that many old and unsafe trucks have been put on the road because we can't put new trucks built after 1984 that meet these requirements. What this does is extend the grandfather of those... of this to trucks that were built... will be built up to 1990 and have to be registered prior to January 1, 1991. Be happy to answer any questions."

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Speaker Braun: "Does anyone stand in opposition? Chair recognizes the Gentleman from Cook, Representative Terzich."

Terzich: "Representative Hastert, what would happen if this legislation isn't passed?"

Hastert: "I beg your pardon?"

Terzich: "I said, what would happen if we don't pass this legislation?"

Hastert: "Well, if we don't pass this legislation, one of the things that happens is we'll continue to keep old and relatively unsafe trucks on the road. Also people who are building highways and also people who are building construction sites, when you use the longer wheel based trucks and put those beds up in the air, they have had a high incidence of accidents for those beds tipping over. The safety factors are much, much greater with the short wheel base trucks. So, what this does is enhance the safety factor both on the highways and in construction."

Terzich: "Would it have any affect on the smaller people who are involved in this road building, I mean, would this..."

Hastert: "The people who are in favor of this are the people... are the small trucking companies and the small companies who are in the construction business and also people who haul coal, in downstate Illinois, and aggregate. This is a Bill that they all want."

Terzich: "Are these these trucks that spill all of the sand and stone and, you know, hit your automobile and break your windshield and sand blast your front end? Are these the same vehicles?"

Hastert: "Well, I think this is a different Bill that you might be talking about. What we're saying is a dif... a type of truck and whether those are tarped or non-tarped, that's a different issue. Usually... I understand that the ones

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that spill the gravel are those trucks that are peaked over  
are some of the bigger trucks."

Terzich: "These are all the good trucks, though, right?"

Hastert: "These are good trucks."

Terzich: "Okay."

Speaker Braun: "Representative... The Gentleman has moved the  
passage of House Bill 3506. All in favor vote 'aye',  
opposed vote 'no'. The voting is open. Have all voted who  
wish? Have all voted who wish? The Clerk will take the  
record. On this question there are 106 voting 'aye', none  
voting 'no', none voting 'present'. House Bill 3506,  
having received the Constitutional Majority, is hereby  
declared passed. House Bill 3529, Representative Johnson.  
Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3529, a Bill for an Act to amend the  
Uniform Anatomical Gift Act. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from Champaign,  
Representative Johnson."

Johnson: "This is one of the package of Bills, the three of which  
will be presented today that came out of the Committee  
unanimously. Representative Currie is a Chief Sponsor  
along with me. This simply eliminates some uncertainty and  
provides for implementing the wishes of a donor who has  
indicated during his or her life time that they want to  
give an organ donation on their death and to eliminate some  
of the fear of lawsuits that doctors may have in other  
consideration involved to provide that if a person does, in  
fact, make that wish known during his life time or her life  
time, that it can't be overcome by someone else later on."

Speaker Braun: "Does anyone stand in opposition? If not, the  
question is, 'Shall House Bill 3529 pass?' All in favor  
vote 'aye', opposed vote 'no'. The voting is open. Have  
all voted who wish? This is final action. Have all voted

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who wish? The Clerk will take the record. On this question there are 105 voting 'aye', 1 voting 'no', none voting 'present'. House Bill 3529, having received the Constitutional Majority, is hereby declared passed. House Bill 3532. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3532, a Bill for an Act to amend the Experimental Organ Transplantation Procedures Act. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from Champaign, Representative Johnson."

Johnson: "This simply implements a statewide public education program to the Department of Public Health to apprise people that the availability of organ transplants and state assistance for those transplants."

Speaker Braun: "Does anyone rise or stand in opposition? If not, the question is, 'Shall House Bill 3532 pass?' All in favor vote 'aye', opposed vote 'no'. The 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 98 voting 'aye', none voting 'no', 1 voting 'present'. House Bill 3532, having received the Constitutional Majority, is hereby declared passed. House Bill 3533. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3533, a Bill for an Act to amend an Act to provide for lifesaving organ transplant procedures. Third Reading of the Bill."

Speaker Braun: "Gentleman from Champaign, Representative Johnson."

Johnson: "Thank you, Madam Speaker, Members of the House. This Bill, through Amendment #1, has met whatever minor objection there may have been before from Hospital Association. So, as far as I know, all parties concerned are in agreement. It's required to request legislation to

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provide a mechanism so that hospitals and donors can get together with donees. And I move its adoption."

Speaker Braun: "The Gentleman has moved for the passage of House Bill 3533. Does anyone stand in opposition? Chair recognizes the Gentleman from Marion, Representative Friedrich."

Friedrich: "Madam Speaker, I don't know that I stand in opposition. I think I'd like a little more clarification and my reason is, I understand the first part, but when I got the Amendment that is the Bill, I believe that people after a big accident or something or one of the member... family members is killed, is probably under a great deal of strain and I wonder what... how this would work."

Johnson: "This Bill, as amended, would allow hospitals to set up their own mechanism and procedures, procedures so they don't interfere with people at a time of crisis or grief."

Friedrich: "But it would have to be done at the time of the... soon after the time of death. Wouldn't it... be?"

Johnson: "Right. But it allows hospitals the flexibility they feel they need in that regard."

Friedrich: "It doesn't mandate any particular program?"

Johnson: "No."

Friedrich: "Thank you."

Speaker Braun: "The Gentleman has moved the passage of House Bill 3533. All in favor vote 'aye', opposed vote 'no'. The 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 100 voting 'aye', 5 voting 'no', 2 voting 'present'. House Bill 3533, having received the Constitutional Majority, is hereby declared passed. House Bill 3549, Representative Steczko. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3549, a Bill for an Act to amend an Act



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relating to forest preserve districts. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Steczo."

Steczko: "Thank you, Madam Speaker. I would at this time ask leave of the House to return House Bill 3549 back to Second Reading for the purposes of an Amendment."

Speaker Braun: "Gentleman asks leave to return House Bill 3549 to the Order of Second Reading. Does he have leave? Leave is granted."

Steczko: "Thank you, Madam Speaker."

Speaker Braun: "Representative Steczo. Mr. Clerk, read the Bill"

Clerk Leone: "Floor Amendment #1, Steczo, amends House Bill 3549 on page one and so forth."

Speaker Braun: "Gentleman from Cook."

Steczko: "Thank you, Madam Speaker, Members of the House. House Bill 3549 deals with the bidding procedures for forest preserve districts outside Cook County and raises that non bid procedure from 4,000 to \$10,000. Amendment #1 simply extends that authority to park districts of the state as well. And I would move for its adoption."

Speaker Braun: "Gentleman has moved the adoption of Amendment #1 to House Bill 3549. On that, is there any discussion? There being none, all in favor say 'aye', opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #1 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Braun: "Third Reading. Gentleman from Cook, Representative Steczo."

Steczko: "Madam Speaker, I would ask leave of the House to have House Bill 3549 heard on Third Reading at the present time."

Speaker Braun: "The Gentleman asks leave for immediate

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consideration of House Bill 3549 on the Order of Third Reading. Is leave granted? Leave is granted. Proceed."

Steczo: "Thank you, Madam Speaker, Members of the House. House Bill 3549 follows the course of action that we've taken in the House of Representatives dealing with the non bid procedure for various units of local government. Just yesterday we passed a Bill regarding... that related to sanitary districts that increased that non bid procedure from 4,000 to \$10,000. House Bill 3549 extends that to forest preserve districts outside the County of Cook as well as to park districts in the State of Illinois. I believe that the Bill should be self-explanatory and would at this time, Madam Speaker, moves for its passage."

Speaker Braun: "Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3549, a Bill for an Act relating to forest preserve districts. Third Reading of the Bill."

Speaker Braun: "Representative Steczo has moved the passage of House Bill 3549. No one stands in opposition. The question is, 'Shall House Bill 3549 pass?' All in favor vote 'aye', opposed vote 'no'. This is final action. For what reason does the Gentleman from Saline rise, Representative Phelps?"

Phelps: "Thank you, Madam Speaker. If I might just for a moment, I would... want to take this privilege. We are... have this opportunity to be honored by having the presence of Southeastern Illinois College from Harrisburg, Illinois, the heart of my district. The Forensic Falcon Debate Team, who not only are state champions of the Community College Debate Organization, but they are the national champions. They are in the gallery. If they would stand, I'd like to give them a hand please. I'd like to recognize Gary Allen, George Dennis, Archie Blair, the coaching staff and assistance for the fine job and honor for the national

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champions. Thank you."

Speaker Braun: "Representative Phelps, you realize that it's against our rules to have introductions; but, in your case, we'll make an exception."

Phelps: "Right. It felt good. Thank you."

Speaker Braun: "Have all voted who wish? This is final action. On this question, there are 75... 76 voting 'aye', 25 voting 'no', 5 voting 'present'. House Bill 3549, having received the Constitutional Majority, is hereby declared passed. House Bill 3574. Out of the record. House Bill 1. Out of the record. We're on page 18 of the Calendar on the Order of Third Reading, House Bill 45. Representative Levin. Out of the record. House Bill 106, Representative Nash. I'm sorry, Representative Nash. Going back to House Bill 45. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 45, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you, Madam Speaker, Members of the House. Amendments #2 and 3 to this Bill and Amendment #1 deleted the underlined Bill and has changed it into a joint vocational education program Bill. Last year as part of the education program, we passed legislation from this House that addressed that question. Unfortunately, that piece of legislation was never moved in the State Senate. What we're attempting to do here today is to, again, clearly say that students have the right to the joint vocational education programs. That is the underlying purpose of this Bill and that is why we're trying to pass this Bill today. The Bill came out of Committee without any opposition, and I don't believe it's a controversial Bill and I'd be happy to answer any questions on it."

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Speaker Braun: "Does any one... The Gentleman has moved the passage of House Bill 45. Is there any discussion? There being none, the question is, 'Shall House Bill 45 pass?' All in favor vote 'aye', opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 108 voting 'aye', none voting 'no', none voting 'present'. House Bill 45, having received the Constitutional Majority, is hereby declared passed. House Bill 106. Out of the record. House Bill 191. Mr. Clerk, read the Bill. Oh, out of the record. House Bill 317. Out of the record. House Bill 330. Out of the record. House Bill 347. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 347, a Bill for an Act to amend the Pharmacy Practice Act. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from St. Clair, Representative Stephens."

Stephens: "Thank you, Madam Speaker. House Bill 347 allows the pharmacist practicing in the State of Illinois to choose the compendia of their choice to have in their pharmacy. Current law demands that they have a USP which is... most pharmacist agree it's not a practical compendia for every day use. And I urge an 'aye' vote."

Speaker Braun: "The Gentleman has moved the passage of House Bill 347. On that, is there any discussion? The Chair recognizes the Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker. This Bill was originally brought to my attention by a constituent last year. Now has the support of the Illinois Pharmacist Association, and I would urge its passage."

Speaker Braun: "The Gentleman has moved the passage... Representative Stephens, to close."

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Stephens: "Again, I urge an 'aye' vote."

Speaker Braun: "The Gentleman has moved the passage of House Bill 347. For what reason does the Gentleman from Cook, Representative Leverenz, rise?"

Leverenz: "The Gentleman said it had the support of the Pharmacist Association and... or somebody, but he didn't explain what it does. Did he? I must be lost in space today."

Speaker Braun: "The Gentleman has moved the passage... has moved the passage of House Bill 347. All in favor vote 'aye', opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? The Clerk will take the record. On this question there are 104 voting 'aye', none voting 'no', none... 4 voting 'present'. House Bill 347, having received the Constitutional Majority, is hereby declared passed. House Bill 500, Representative Cullerton. Out of the record. House Bill 546, Representative Rea. Do you wish to proceed? Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 546, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Franklin, Representative Rea."

Rea: "Thank you, Madam Speaker, Members of the House. House Bill 546 provides that residency requirements in effect at the time that an individual fireman or policeman is hired by a municipality cannot be changed for that individual, cannot be required to make another change during that period of service if they are hired under those particular conditions. And this Bill has been requested by the Illinois Professional Firefighters Association. I would move for its adoption."

Speaker Braun: "The Gentleman has moved the passage of House Bill 546. On that, is there any discussion? The Chair

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recognizes the Lady from Cook, Representative Alexander."

Alexander: "Representative Rea, does this Bill grandfather in a person who is in the services of the municipalities. Is this a grandfather entity?"

Rea: "Nothing prior to the time that a person is hired. But at the time a person is hired, if there are any residency requirements, it means that they cannot be changed during the continuation of that service."

Alexander: "And this is a statewide piece of legislation. It's not a local..."

Rea: "Yes, it is."

Alexander: "... or whatever or not. Thank you, so kindly."

Rea: "That's correct."

Speaker Braun: "The Chair recognizes the Gentleman from DuPage, Representative Barger."

Barger: "Thank you, Madam Speaker. I would like to speak to this Bill. The basic idea and the concept of being good to your employees is something every municipality supports, all municipal officials do. But in some cases, like in the suburban areas of the City of Chicago, communities build up. It takes longer to get to work than it did years ago. I used to be able to go from Wheaton to Racing and Jackson in less than 40 minutes in my automobile. To do that today, even with the expressways, will take well over an hour. I think this is a decision that should be left up to local government authorities to determine where their employees live because there is a need, on occasion, to call in your policemen who are off duty, or your firemen. And this Bill would be... would make it impossible for some municipalities to get some of their people to work when they need them. Thank you."

Speaker Braun: "Is there further discussion? The Gentleman from Cook, Representative Piel."

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Piel: "Thank you, Madam Speaker. Will the Gentleman yield, please?"

Speaker Braun: "He indicates he will"

Piel: "Representative Rea, sort of to expand a little bit on what the previous Gentleman said. Alright, correct me if I'm wrong. The way the Bill states right now is that it has nothing to do with the current rules and regulations of the city. But it basically states that if I am hired as a policemen and then... let's say they've got a five mile limit and, let's say, a month down the road - you know, I'm hired under the five mile limit for residency requirement to the city - and they change it to a mile limit - I... new people coming in would be subject to this new one mile limit, but the present ones who are still under probation are not covered, correct?"

Rea: "That is correct."

Piel: "Are there any other stipulations besides that in the Bill?"

Rea: "No."

Piel: "Thank you very much."

Speaker Breslin: "There being no... Is there further discussion? There being none, the Gentleman from Franklin, to close."

Rea: "This is a problem in... or has been a problem in many parts of the state, and I would just ask for a favorable Roll Call."

Speaker Braun: "Representative Rea, Representative Van Duyne apparently had his light on and I missed it. Representative... The Gentleman from Will, Representative Van Duyne."

Van Duyne: "Yes, thank you, Madam Speaker. I think really they're missing the point of this Bill. I think it's a very good Bill. And if they'll look at their synopsis, they'll find that it really doesn't change the living

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requirements at all. The Amendment #2 provides that the reside... in this Bill, that the residency requirements may not be made, 'more restrictive', rather than change. So, really this is sort of a small boon to the people who are already working as firemen and policemen who suffer these restrictions. So, I think it's a good... I think it's a good Bill, and I plan to vote for it."

Speaker Braun: "The Gentleman has moved the passage of House Bill 546. All in favor vote 'aye', opposed vote 'no'. The 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 96 voting 'aye', 6 voting 'no', none voting 'present'. House Bill 546, having received the Constitutional Majority, is hereby declared passed. House Bill 913. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 913, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

Speaker Breslin: "The Chair recognizes the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 913 would amend the Criminal Code to create the offense of first degree and second degree murder. First degree murder would be the same as it is defined today. Second degree murder would be defined as voluntary manslaughter is currently defined. Second degree murder would be a Class 1 felony under the Act. Voluntary manslaughter currently is a Class 1 felony. The distinction between the current law and the proposed Bill is that under the proposed Bill, if the state has introduced evidence on all elements of first degree murder, the defendant can raise evidence by a preponderance of that evidence in support of what's called mitigating factors. These mitigating factors are the same factors that are



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currently found in the elements of voluntary manslaughter. If, in fact, the defendant presents such evidence, then the jury would be instructed that it could not consider the second degree murder count until and unless the state has proven that guilt of the defendant beyond reasonable grounds as to the elements of the murder offense. That is, it would have to find the existence of the greater charge, and it would have to find that the elements of the second degree murder have been met in order to return that verdict. This has arisen originally as a complaint about jury instructions in cases where the defendant presents evidence relative to voluntary manslaughter. Typically, both definitions are given to the jury and there has been considerable confusion experienced by the juries relative to these two offenses. And it is more than just confusion which warrants a change in the law. The... The concept of voluntary manslaughter essentially is a defense to murder. It's a lesser... I won't say included, necessarily, but it's a lesser crime when provocation of a serious nature is present in the case. Essentially, under today's law, voluntary manslaughter is a middle ground between a self defense, which would exonerate the defendant completely, and guilt or culpability of murder. This would correct that confusion. It would place it in a more proper frame of reference; because, under current law, prosecutors commonly do not charge voluntary manslaughter. It is a charge more commonly asked for by the defendant in mitigation of the charge of murder. And I move its adoption."

Speaker Braun: "The Gentleman has moved the passage of House Bill 913. On that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Greiman."

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Greiman: "Yes, I wonder if the Gentleman could yield for a question or two?"

McCracken: "Yeah."

Speaker Braun: "He indicates he will."

Greiman: "Mr. McCracken, is... are we merely changing the name of voluntary manslaughter to second degree murder...?"

McCracken: "No."

Greiman: "And first degree murder?"

McCracken: "No."

Greiman: "No? So, precisely then are we changing the burdens of proof or the burden of coming forward with evidence."

McCracken: "Yes, coming forward with evidence. Now..."

Greiman: "Who are we... who now has the burden of coming forward with the evidence? And burdens of proof?"

McCracken: "Well, under current law, the defendant still has to introduce evidence of the sudden and intense provocation in order to raise the issue so that he can get a jury instruction on it. That is not different. However, ultimately, the burden of proof under current law is that all of the elements of murder are met and the defendant can argue that the state has only met the elements of voluntary manslaughter. So, it does not change the burden of..."

Greiman: "So, aren't the elements of voluntary manslaughter, in terms of the state's quantum of proof, the same as under murder today?"

McCracken: "Correct. No, no."

Greiman: "Well, why do we... why are we making the change? What's the purpose of the change, then?"

McCracken: "Well, the purpose of the change is to specify that first and second degree murder are charges that are - how shall I say - in fact, different for murder and voluntary manslaughter. What happens today in a murder and voluntary manslaughter case is that the defendant raises the

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evidence, either in cross-examination of the case in chief or by his own testimony or evidence in his case in chief, that sudden and intense provocation was present in this case, justifying a jury instruction asking them to find the defendant guilty of that charge."

Greiman: "Of involuntary manslaughter."

McCracken: "Voluntary."

Greiman: "Voluntary manslaughter, yes."

McCracken: "That's how it's done currently. Now, the problem with that is that the jury is given both instructions and confusion invariably results, because the state is required to prove beyond a reasonable doubt all elements of both offenses. So, the defendant raises the issue of voluntary manslaughter and argues it to the jury, but the defendant does not have to prove that issue. All he has to do is raise it for the jury and then the burden rests on the state to prove not what it charged and not a lesser included offense of what it charged, but voluntary manslaughter."

Greiman: "In running a system of justice, would we be better served if prosecutors made the decision in front that, indeed, this was a voluntary manslaughter case or a murder case? Are we better served by having that kind of judgement made?"

McCracken: "That depends on the facts of the case. I remember Representative Hawkinson mentioning once that when he was a prosecutor he charged voluntary manslaughter in the first instance. However, voluntary manslaughter is not always so clear cut. As I noted, it's the middle ground between self defense and criminal culpability for murder."

Greiman: "Right."

McCracken: "It is required to be sudden and intense provocation which he reasonably believed to be of imminent threat to

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him."

Greiman: "Right. That's still the same for murder, but we will call murder..."

McCracken: "Yes. Yes."

Greiman: "But we will call Murder 2 now if this passes, right?"

McCracken: "Correct."

Greiman: "Well, to the Bill. I'm not certain that this is a bad, bad Bill, but I'm not certain also that it will affect the administration of justice. If, in fact, the innocent are going... or the guilty are going free, that's a concern that we have. If, in fact, the innocent... the guilty, I mean, are still being charged with the appropriate crime, appropriate to their action. Then I'm not sure that we should tamper, at this time, and take out of our law things which have very distinct case and decisional definitions, such as voluntary manslaughter. We understand what voluntary manslaughter is, and that's the kind of things that we can... that people who are ordinary folk can find themselves in because of a troubled situation stemming from a bar fight to a hundred other things. And so, we ought not to make this change, I think, quite so drastically as to, first, have our murder in two degrees and end involuntary manslaughter. Voluntary manslau... It seems to me the juries are putting people away with sufficient number of... with sufficient volume. And I'm going to vote 'present' on this Bill because I think no case has been made to change any of the burdens or the presumptions or the burden of coming forward with evidence. So, I'm going to vote 'present' on it."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from McDonough, Representative Slater."

Slater: "Thank you, Madam Speaker. Would the Sponsor yield for a

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question?"

Speaker Braun: "He indicates he will."

Slater: "Representative McCracken, this is, indeed, a substantial change to the criminal law. Is that not correct?"

McCracken: "Yes, I would agree."

Slater: "And where does... where does this idea come from? From who?"

McCracken: "Well, it comes from a variety of sources. Judge Steigman is one source, but apparently the person he has been listening to is a law professor from John Marshall Law School."

Slater: "I have to identify with Representative Greiman when he says, 'What kind of need is there?' Can you explain or amplify further?"

McCracken: "Sure. Yes. The need is that under current law, the definitions, the burdens of proof, of going forward, of convincing the jury do not properly identify the relationship of voluntary manslaughter to murder. Voluntary manslaughter is, in fact, a defense or a mitigation of the charge of murder. Under this law, it would put that relationship in proper perspective, because, in this law, the mitigating factors as they would be known would, in fact, be elements of voluntary manslaughter, so that the relationship between the two would be clear to the jury. It is not clear now. It's interesting to note the according to the testimony, this type of solution was... was engendered because of jury confusion. So, it's not a question of jury confusion existing or not existing. The testimony was clear that it does exist."

Slater: "Thank you. To the Bill, Madam Speaker. I had the opportunity to represent a criminal defendant who had been charged with a very serious rape and sentenced to a term of 20 to 30 years. At that point in time, we had a statute in

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effect which dealt with the burden of proof and the burden of proof was placed on the defendant. And when the Appellate Court wrote its opinion in that case, the Court started out by saying, 'We regret doing what we have to do, but the law is the law and we're going to have to reverse this case, and we're going to have to unleash this man, this dangerous offender, on the public.' And it seems to me, as we look at this Bill and we're starting to change burdens of proof, we're going to do the same thing. We're going to open up a plethora of problems. We have now an experience of some 25 years with the Criminal Code and with the homicide provisions as they are now classified. And I suggest that the prudent and the wise and the responsible thing to do is to vote against this Bill and let the law continue to be in the same fashion that it is. Thank you."

Speaker Braun: "The Chair recognizes the Gentleman from Will, Representative Van Duyne."

Van Duyne: "Thank you. Would the Gentleman yield for a question, please?"

Speaker Braun: "He indicates he will."

Van Duyne: "Representative McCracken, you made a little dissertation about the prosecuting attorney having to argue before the jury and the court, a case involving manslaughter, involuntary manslaughter, or voluntary manslaughter, I should say. And I think you said that the prosecuting attorney had to address both segments of it - murder, and then also he had to go into another element of this and go into a manslaughter charge. Is that correct?"

McCracken: "Yes."

Van Duyne: "Then, with the changes that you're making he would simply be... the person would be charged with Murder 2 and he would no longer have to address the Murder 1 part of it at all."

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McCracken: "That's correct."

Van Duynes: "Okay. Now, with all this out of the way, how is this going to affect the defendant? Does this give this guy any more defense, a better defense, more decisive and less problem for him? Or, I should say on both sides?"

McCracken: "Well, it would be less problem for the prosecution. The defendant would have to convince the jury or his burden would be to produce evidence by a preponderance thereof that the mitigating factors, which are now the definition of voluntary manslaughter, exist. Under current law, he has the burden of coming forward and raising the issue. Once he raises the issue, it is incumbent upon the prosecution to prove both charges - one charge that it wants to prove or that it has originally indicted for and another charge which is not really the state's charge but should be the defendant's charge."

Van Duynes: "Yes. Well then... then he would gain in the sense that he would only be charged on Murder 2. He wouldn't have to be very convincing or even have to address Murder 1 at all."

McCracken: "Well, I would hesitate to come to that conclusion. I think he would make an argument for Murder 2; but, at the same time, he would be telling them why he should not be convicted of first degree murder."

Van Duynes: "Yes, but I thought that the whole reason for putting these into separate categories; that when the state does file its charges, it would file a specific charge of Murder 2, rather than Murder 1 and Murder 2. So, if he did file a charge of Murder 2, that would be the only charge addressed."

McCracken: "That's correct."

Speaker Braun: "Is there further discussion? In light of the time limitations, and this is regular debate, I'm going to

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put the timer on so that we don't have this debate carry on unnecessarily long. Alright. The Chair recognizes the Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker. Will the Sponsor yield for questions?"

Speaker Braun: "He indicates he will."

Hawkinson: "Representative, I voted for this in Committee indicating that I thought it needed some further study, but that there was a serious issue that deserved debate and that there was a serious problem that needed to be solved. I'm a bit confused by the last response to the questioner. It was my understanding that this Bill would require that the prosecutor charge Murder 1 and that the prosecutor would not be able to charge Murder 2. Am I mistaken?"

McCracken: "I thought that the prosecution would be able to charge either offense."

Hawkinson: "I asked the question in Committee and was told that that was not the case. And the reason for the question is, if the prosecutor chooses to charge Murder 2, who then has the burden of proving the mitigating factors or the burden of going forward? It was my understanding that you would always charge Murder 1 under the new Act and that then the defendant would go forward on showing the mitigating factors."

McCracken: "Yes, you're right. I apologize. I was mistaken. The... You are correct."

Hawkinson: "Alright. Has there been experience in other states with this kind of provision, or have there been federal court rulings on the constitutionality of this kind of a shift of the burden of going forward?"

McCracken: "I don't know if there have been challenges on that basis in this context of first and second degree murder. I don't know that."



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Hawkinson: "Alright. Have either the State's Attorneys' Association or the Bar Association changed their position since the Committee hearings?"

McCracken: "I don't know. I have not been contacted."

Hawkinson: "Alright, thank you."

Speaker Braun: "Is there further discussion? The Gentleman from Cook, Representative Young."

Young: "Thank you, Madam Chairman. Will the Sponsor yield?"

Speaker Braun: "He indicates he will."

Young: "Presently, are juries instructed regarding the preponderance of evidence in a criminal matter?"

McCracken: "I don't believe so."

Young: "As a matter of fact, there are not even preponderance of evidence instructions in the Illinois pattern jury instructions, are there?"

McCracken: "For criminal law, no."

Young: "Okay. Then, how would you propose to avoid confusion between the requirement of beyond a reasonable doubt on the state for first degree and the preponderance of the evidence of the mitigating circumstance?"

McCracken: "I'd take the preponderance of evidence definition found in the civil IPI."

Young: "So, in other words, you would amend the criminal IPI, or you put a new instruction in the jury instructions."

McCracken: "Right. Right."

Young: "Hasn't it the position of the... both the State Bar Association and the State Bar that this problem could be solved by just changing the jury instructions?"

McCracken: "There was testimony to that effect. I don't remember if the bar associations testified about that or not."

Young: "Okay. Thank you. To the Bill, Madam Speaker, Ladies and Gentlemen of the House. There is a problem in this area, but this Bill is not the way to correct it. This Bill was

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opposed by both the state's attorneys and the Illinois State Bar. This Bill puts an instruction to the juries in criminal cases that is not in the criminal instruction book at this time. And it would be a question of whether or not the state has to prove second degree murder or if they ever would even charge second degree murder. This Bill takes a confusing issue and makes it more confusion. And I'd urge a 'no' vote."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative DeLeo."

DeLeo: "Thank you, Chairman. Would the Sponsor yield?"

Speaker Braun: "He indicates he will."

DeLeo: "Good afternoon, Tom. Tom, I just got a couple of questions. They're very simple. Currently, the statute is if a man's charged with murder, or a man or a woman, the lesser included is voluntary?"

McCracken: "No, it's not a lesser included. It's a... it's a crime under Illinois law in which the elements of the offense are different from murder. However, the evidence, if it's raised by the defendant showing intense provocation, then that would raise the issue and he would be entitled to a jury instruction on that."

DeLeo: "Okay. Under current Illinois law, jury instruction... When they submit the jury instructions, there's voluntary, involuntary and reckless homicide."

McCracken: "Yeah, but voluntary is... I'm not sure the point of the question. I'm sorry."

DeLeo: "My question is, in a jury deliberations for murder, the defendant can be found guilty on lesser included charges."

McCracken: "They can be found... He can be found guilty of... Theoretically, he could be found guilty of involuntary or voluntary manslaughter, but that would only be before the jury if the defendant raised evidence in support of that

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jury instruction. So that, he isn't entitled to it automatically, because they're not lesser included offenses entitling him to an automatic jury instruction. He has to raise the evidence to justify the giving of the instruction."

DeLeo: "Well, under your... under your Bill, do you change that?"

McCracken: "No."

DeLeo: "You're just changing the title of it?"

McCracken: "No, no, no, no, no. It is a significant change. Under second degree murder, the burden of going forward and the burden of proof rests with the defendant by a preponderance of the evidence to prove the existence of the mitigating factors. Under current law, the defendant has the burden of going forward and presenting evidence on the issue. But, in the final analysis, if he raises the issue and gets a jury instruction, the state is forced to try to prove him guilty of both offenses."

DeLeo: "Is this putting more burden on the defendant?"

McCracken: "To the extent that there's a burden of persuasion in this Bill, I would say yes."

DeLeo: "Thank you."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Piel."

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

Speaker Braun: "The Gentleman has moved the previous question. All in favor say 'aye', opposed 'no'. All in favor vote 'aye', opposed vote 'no'. The previous question. Question is, 'Shall the previous question be put?' Representative Piel."

Piel: "I'll withdraw my request."

Speaker Braun: "The request is withdrawn. The Chair recognizes the Gentleman from Cook, Representative Shaw."

Shaw: "Yes, will the Sponsor yield?"

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McCracken: "Yes."

Speaker Braun: "He indicates he will."

Shaw: "Yeah. Yes, Representative, is it my understanding that you're changing manslaughter to... involuntary manslaughter to second degree murder?"

McCracken: "No. Voluntary manslaughter to second degree murder."

Shaw: "Oh, voluntary manslaughter. What happens if... if you're involved in a homicide in your automobile? What happens in that case? Could you explain that?"

McCracken: "Yes. Typically, a... a homicide committed by the use of an automobile is involuntary manslaughter or reckless homicide. Those are substantially different from what we're talking about here. Voluntary manslaughter is normally not an issue in a vehicular death."

Shaw: "That's not covered... that's not covered under this statute?"

McCracken: "Correct."

Shaw: "Doesn't have anything to do with this. It would be handled the same way as it's handled now."

McCracken: "Right."

Shaw: "Okay."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Winnebago, Representative Hallock."

Hallock: "Thank you. Will the Sponsor yield for a question?"

Speaker Braun: "He indicates he will."

Hallock: "Is it your belief that most states of the country deal in terms of murder in terms of degrees, first and second?"

McCracken: "I believe it is; although, candidly, I can't say that I know that."

Hallock: "Is one of the purposes of your legislation to try to make this process easier to understand for juries that try these kind of cases?"

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McCracken: "That's correct. And... And... And to put the relationship of the two concepts in proper perspective."

Hallock: "Well, yes, we are leading the witness. We all could use that once in a while. Mr. Speaker... Madam Speaker and Members of the House, it seems to me this is a very good idea. It's a good law and order Bill. So many times juries really have a hard time dealing with the question of voluntary manslaughter. It is, in fact, really a murder, but yet; we qualify it and say it's something different. We should call it what it is. It's either a first degree or second degree murder and we should call it that. I think it's a good Bill, and I hope you support it."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Fulton, Representative Homer. Representative Homer."

Homer: "Thank you... Thank you, Madam Speaker. I rise to support the Gentleman's Bill, and I think it's important that we try to understand what it is that the current law is deficient in. When a person is charged with murder and involun... or... and voluntary manslaughter, at the end of the case, the Judge will issue jury instructions to the jury. And in the case of murder, the Judge will say, 'Now, jury, in order to convict a murder, the state must prove the following elements beyond a reasonable doubt', and will recite those elements which are that the defendant killed an individual without lawful justification. Now, the Judge will say, 'If you find from the evidence that the state has proven that burden beyond a reasonable doubt, you should find the defendant guilty of murder.' And then the Judge will say, 'Now there's the invol... or the voluntary manslaughter charge.' And he'll say, 'To find the defendant guilty of voluntary manslaughter, you must find those same elements that you found for murder and, in

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addition, the state must prove beyond a reasonable doubt an additional element; that is, that the defendant acted with intense passion due to provocation.' Now, the problem I hope you can see is that the state is being required to prove a negative, to prove a mitigating factor and to prove it beyond a reasonable doubt, which is illogical. And if that jury then should return a verdict of voluntary manslaughter, then it means that that jury has found that the elements of murder have also been proven. And so, if the verdict is for voluntary manslaughter but an acquittal of murder, it's a contradictory verdict. And so, that, therein, is the reason for the legislation which attempts to address that anomaly. And I think we all recognize, those that have been engaged in the... in the area of prosecuting, that there is a problem in the current statute. This Bill that's been brought forth was brought forth by a number of scholars, Judge Steigman, out of Champaign County; Jim Haddid, the former first assistant state's attorney in Cook County, as well as an esteemed law professor; another scholarly professor from John Marshall whose name escapes me but has done Law Review articles also in support. And I think that although they're very technical issues, that the scholars are right. There is a problem in the existing statute and that the first degree/second degree murder alternative makes some sense. It's not a law and order Bill. It's not a pro defense Bill. It's just a Bill that tries to give some sense to a statute now that has an anomaly built in it. So, I join in supporting the Sponsor's Bill and would ask for you to vote 'aye' on the Bill."

Speaker Braun: "The Gentleman has moved the... Representative McCracken, to close."

McCracken: "Very briefly. I'd like to thank the last speaker for

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making clear what I could not make clear. And I could not have said it any better. But let me make one point. Under current law, the defendant still has the burden of going forward to raise the issue of these mitigating factors. Under this Bill, he would still have to go forward, but the state would not be required to prove beyond a reasonable doubt those illogical and inherently inconsistent propositions that Representative Homer makes reference to. Instead, the defendant would have to prove, by a preponderance of the evidence, the existence of the mitigating factors and, as an added safeguard, that would only happen after the jury had already found all of the elements present for a conviction on murder by proof beyond a reasonable doubt. Then, and only then, will they look at the issue of whether the mitigating factors have been proven by a preponderance of the evidence. It's... It is not an unfair proposition. It merely makes sense out of these two concepts and brings some order and sanity to the jury instructions. And I would ask for a favorable Roll Call."

Speaker Braun: "The Gentleman has moved the passage of House Bill 913. All in favor vote 'aye', opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 78 voting 'aye', 22 voting 'no', 7 voting 'present'. House Bill 913, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we are no longer on the Order of Short Debate and, of course, under our rules, everyone is entitled to debate a question. However, on that last Bill, on House Bill 913, we spent fully one half hour in debate. I would hope that we can... Every lawyer in the chamber had an oppor... had his light

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on at one point and another. If we can move these Bills, move along quicker, if you can keep your remarks in order, we can finish our assigned responsibilities for this day. House Bill 938, Representative Ropp. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 938, a Bill for an Act creating the Probation Alternative Project within Southeastern Illinois College. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Madam Speaker and Members of the House. Having served on the State Council on Vocational Education and a subcommittee that deals with correctional vocational programs. This particular committee is attempting to establish a pilot program whereby; probationary people in three counties in southern Illinois would go to this particular community college, particularly for vocational training. As many of you may know, about 85 percent of the young... of the people who are in our correctional institutions have not been prepared or, fact is, have not even graduated from high school. With the concern that the Governor has for building three new prisons in the next few years, it is my hope and others' too that this kind of a pilot program would serve to give direction, that one of the three correctional institutions would be specialized in one that deals with first time offenders, that they might learn by being involved in a vocational program rather than being associated with long time residents who will thoroughly train people on how to be a... a criminal when they get out of prison. I'm asking for this particular program, which is to follow with an appropriation of about 250,000 dollars to begin, since we have cooperation with the Judges in these counties, to establish a vocational



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training school for probationary people. I urge your favorable support."

Speaker Braun: "The Gentleman has moved the passage of House Bill 938. Is there any discussion? The Chair recognizes the Gentleman from Marion, Representative Friedrich."

Friedrich: "Will the Sponsor yield?"

Speaker Braun: "He indicates he will."

Friedrich: "A couple of quick questions. One is this may or shall? Does the probationer have to as a condition of his probation, or is it a shall?"

Ropp: "I don't have the Bill in front of me, but I know that the Judges that have been talked to, I suppose they will use discretion in what they will send to this particular program. They may."

Friedrich: "Okay. The other question is, those in prison are not on probation. So, you're talking about... you talked about the people in prison, they're not on probation and have... I don't understand quite how that would affect the prisons."

Ropp: "Well, the intent is that we think those people who have been involved in the kinds of crimes that either provide them a probationary sentence and even those that will be in correctional institutions need this additional vocational skill so that they do have something to offer society when they get out of either correctional institutions or have fulfill their probationary period."

Friedrich: "This does include those in prison then, or who will be getting out of prison."

Ropp: "Well, these people here are those people who will just be on probation. But I see it as an alternative, when the Governor proposes three prisons, that one of those would be established in this same kind of manner that would be strictly for vocational training for those first time

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offenders presumably from 18 to 25 years of age."

Friedrich: "Thank you."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Young."

Young: "Thank you, Madam Chairman. Will the Sponsor yield?"

Speaker Braun: "He indicates he will."

Young: "Could you repeat again - I didn't hear what you said - the cost of this project was going to be?"

Ropp: "The appropriation is being put in at 250,000 dollars."

Young: "And that would be a one year appropriation?"

Ropp: "Yes, Sir."

Young: "Could you tell me, where is Southeastern Illinois College located?"

Ropp: "It's down in southern Illinois."

Young: "Okay."

Ropp: "It's... Maybe Representative Phelps could help me on that. I'm not sure exactly what city that is. Where's Representative Phelps? Dave?"

Young: "That's okay about the city. Southern Illinois is enough."

Ropp: "Yeah..."

Young: "This... Is it the intent of this program that if it's successful this year that perhaps... to be implemented on a statewide basis in the future years?"

Ropp: "It's certainly our hope that we can provide people with those kinds of opportunities that will keep them from going back into prison after they've once been there. The college is in Harrisburg, for your information."

Young: "But back to my question about the intent of whether or not this is... I'm trying to... Because, you know, I support programs such as this and pilot projects in specific areas of the state, but a lot of our Members have problems with things unless they're on a statewide basis."

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And just for the purpose of legislative intent, I'd like to know..."

Ropp: "Yeah."

Young: "... Is this a program that is intended to be operated on a statewide basis if it is, in fact, successful?"

Ropp: "I think down the road, my intent certainly would be, subject to this Legislature, that it would be statewide. And I think what we're attempting to do is to prevent people from going back into prison after they've once been there. And we hope that by this kind of program, we can, in fact, give them some direction, some educational skills, some vocational skills that they will be able to use out in society in seeking employment. And we think that often times people find themselves in the situation where they lean to drugs, to alcohol, to crime because, in fact, they have not been properly trained or skilled to do something."

Young: "Okay. Just one more question, Representative. It's not your intention to use this program to provide labor to build the new prisons that the Governor wants to build, is it?"

Ropp: "We're going to... We're not going to build new prisons with these people."

Young: "Oh, okay".

Ropp: "We hope that he doesn't even have to build anymore. That's the long term effect."

Young: "Thank you very much, Representative. And I support this Bill."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker. Will the Sponsor yield for questions?"

Speaker Braun: "He indicates he will."

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Hawkinson: "Representative, your rationale for the Bill escapes me as it pertains to what you want to do with corrections. Does this Bill have anything to do with corrections, or does it just have to do with probation programs in these three counties?"

Ropp: "This deals with probation people in those three counties."

Hawkinson: "Alright."

Ropp: "Where I get involved in the corrections is..."

Hawkinson: "But that's another idea, the corrections, or the same idea for people who are in prison. But this Bill doesn't do anything with corrections?"

Ropp: "It does not, but we think that the effect will be able to be utilized in the correctional program for those first time offenders from the result of the successes that this program will prove after one year."

Hawkinson: "Well, hopefully the successes for this program will never end up in corrections. But my question then is, do the probation departments in the circuits involved, did they ask for this program?"

Ropp: "I'm not sure that they asked for them. I know they have been contacted and they have approved this movement forward with this program."

Hawkinson: "And what's the cost going to be of this pilot program?"

Ropp: "Two hundred and fifty thousand dollars."

Hawkinson: "And who will pay that?"

Ropp: "The State of Illinois."

Hawkinson: "Is that a separate appropriation item?"

Ropp: "Yes, Sir."

Hawkinson: "Is that in the Governor's budget?"

Ropp: "It will be when we pass it."

Hawkinson: "But it is not at the moment in the..."

Ropp: "That is correct. It is not right now."

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Hawkinson: "... in the budget."

Ropp: "I have an Amendment on the..."

Hawkinson: "Does this... does this program in any way require or affect persons who have been sentenced to the Department of Corrections and this is to be an alternative?"

Ropp: "If I understand your question, no."

Hawkinson: "So, this is for persons who have committed a probationable felony and this is to be a part of their sentence of probation, but it's not intended, after probation has been revoked, as a subsequent condition. This would be an initial condition of their original felony probation."

Ropp: "Yes, Sir."

Hawkinson: "Thank you."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Brookins."

Brookins: "Thank you. Would the Gentleman yield for a question?"

Speaker Braun: "He indicates he will."

Brookins: "What type of counseling will be given to these people?"

Ropp: "Well, I have a complete setup guidelines that have been prepared. I don't have them with me. But they will be given thorough interviews and testing to determine what kinds of skills they are capable of and to begin to develop and expand on their abilities that they personally possess. And at that point then, they will move into those particular vocational programs that they have the best abilities for."

Brookins: "And where will these inmates or these people come from? Where will these probation areas... probation areas come..."

Ropp: "Well, these on this pilot program will come from these

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three counties which happen to be Johnson, Pope and Saline."

Brookins: "No, meaning... no, meaning how will they be enrolled in the program? Will they be mandatoried into the program by Judges or by how?"

Ropp: "Yes, Sir. By the Judges."

Brookins: "Yes. Representative Ropp, are you familiar with House Bill 2714, probation challenge?"

Ropp: "I think you've mentioned it to me. I haven't studied it."

Brookins: "It's the same thing."

Ropp: "Well, then it's a good Bill."

Brookins: "How did you vote on 2714?"

Ropp: "I don't recall, but I'm sure you remember."

Brookins: "Thank you. To the Bill, Madam Chairman. For three years now, the same Bill, the same theory and the same legislation I have been sponsoring before this House will do the same thing. On a volunteer basis, this idea has been put forth in a program called probation challenge, and it works. It works. It has turned around the... by those that have been remanded to it by Judges in the court systems in Cook County to a figure of less than one percent. So, with that small program, they know... have found that it works. But for some reason, the other side of the aisle have fought this in thinking that this was alternative for a vote for probation itself. It is not an alternative probation itself. It's a helping... It is a tool that the probationary department can use. This is a good Bill. The concept is good. I know it's good, and I know it works. So, I rise in support of this Bill, along with the Bill that I've also have introduced."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Cullerton."

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Cullerton: "Yes, this may have been answered before. Quick question. How much money do you anticipate this costing?"

Ropp: "Two hundred fifty thousand."

Cullerton: "And it covers how many counties?"

Ropp: "Three."

Cullerton: "And you're looking for support from Members representing the entire state."

Ropp: "Yes, Sir, because..."

Cullerton: "In an... In an effort to help these three counties because it's a pilot project and it will set a good example and it's needed."

Ropp: "Yes."

Cullerton: "And then when other Bills come up that affect other limited regions of the state, you are just as open-minded."

Ropp: "My hope is that when the Governor determines where the three prisons will go, that one of them will be utilized in this fashion, to train those first time offenders, specifically, so that they would be prepared to go out into the job market rather than to be repeaters."

Cullerton: "That's fine. Are you closing though, or are you answering my question?"

Ropp: "I was answering your question."

Cullerton: "You'll be just as open-minded when you are confronted with Bills that benefit other more limited geographic areas of the state other than your own."

Ropp: "This is not my area. This is way... southern Illinois."

Cullerton: "So, you do recognize then that some Bills are... benefit certain areas of the state rather than others, and you support those if they're good projects."

Ropp: "This intent will benefit all of state as a result of proving the success."

Cullerton: "Thank you."

Speaker Braun: "Is there further discussion? The Chair

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recognizes the Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House, I rise in support of the legislation before us. Although it is a limited program, because it is a pilot program, we would hope that the information obtained from this pilot would be useful to other parts of the state in the future, not only in terms of using probation as a good alternative to incarceration; but, as the Sponsor has indicated, we may also see that some of the aspects that are gained through this pilot project could be transferred into the correctional system and utilized there to upgrade the programs available to those who are in prison as well. I think that it deserves to have a chance. We know that we have not been successful in getting broader programs passed in the last few years, and I would certainly support those as well. But, at least give us the opportunity to have a limited program in place so that we can document the good things that can be done and then, hopefully, expand that not only to other people who are given probation throughout the state, but to upgrade the opportunities available within the corrections system. I think the small cost will more than pay for itself over the length of time that we would keep people out of prisons and keep them in more productive pursuits. And I urge your support of the legislation."

Speaker Braun: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative LeFlore."

LeFlore: "Thank you, Madam Chair. Representative Ropp, what components with these... training components would these young people be exposed to?"

Ropp: "I'm sorry. I didn't hear."

LeFlore: "What training areas would these youngsters be exposed



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to?"

Ropp: "It would primarily deal with what kind of abilities that the interviews would come up with. Some may be skilled or have the potential for, let's say, art. Some might have the skills for horticulture. Some might have skills for being beauticians, or barbers, or mechanics or any number of other accepted vocational programs that are being taught now."

LeFlore: "Will there be any type of job development added into this program? You know, once they complete the training, they would be assured a job?"

Ropp: "I don't think there's any program that we have now that will guarantee a job, but what this will do will be that it will guarantee that, as they complete their courses, they will have certain abilities, certain skills that will place them in a more desirable position to acquire jobs that are out in the job market. And I think that is one of the real pluses; that they do have the ability after being properly trained. Oftentimes, many of these people do not have, number one, the skill, the ability or even knowledge of the work ethics. And those are the kinds of programs that we hope they will learn as a result of the passage of this Bill."

LeFlore: "If you're successful in getting this Bill passed and are successful in getting an appropriation for the program, would you... after the pilot program in, would you be willing to work towards the creative efforts in making sure it becomes statewide?"

Ropp: "Yes, Sir."

LeFlore: "Thank you. To the Bill, Madam Chairman. I think it's a good Bill. I think it's a Bill that we need here in the state to train some of our young fellows who are incarcerated, because, in Chicago, I find that we have a

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great number. Many of these people are released and, once they're released, they have no place to go for employment or training. So, with that, I support the Bill."

Speaker Braun: "The... Representative Ropp, to close."

Ropp: "Thank you, Madam Speaker. I think the Bill has been discussed. It is a pilot program, one to address a very important need, and I urge your favorable support."

Speaker Braun: "The Gentleman moves the passage of House Bill 938. All in favor vote 'aye', opposed vote 'no'. The Chair recognizes the Gentleman from Saline, Representative Phelps, to explain his vote. The voting is open."

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just want to rise in support of Representative Ropp's Bill. This affects three counties right in the heart of my district. We are fortunate to have two large prisons in my area, as besides a couple of work camps, other programs that will be used as testing ground, hopefully that will expand throughout the state in the near future. I believe this program, with job placement as the main incentive to give a goal to these people on probation, will produce results that will deter any type of future activity that many of these minor crimes are committed now in our area. So, I believe this... this program has great merit to what it could mean for the state as a whole. Urge your support."

Speaker Braun: "Have all voted who wish? The Clerk will take the record. The chair recog... I'm sorry. For what reason does the Gentleman from Cook, Representative Leverenz, rise? The Clerk will take the record. On this question there are 89 voting 'aye', 15 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Pursuant to Rule 63, while we welcome our guests, if all unauthorized persons

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would leave the House floor, we will be able to proceed with our business. All unauthorized persons please leave the floor and retire to the gallery. Representative Breslin in the Chair."

Speaker Breslin: "House Bill 954, Representative Deuchler. Clerk, read the Bill."

Clerk O'Brien: "House Bill 954, a Bill for an Act to amend Sections of the Township Law of 1874. Third Reading of the Bill."

Speaker Breslin: "Representative Deuchler."

Deuchler: "Madam Speaker, Ladies and Gentlemen of the House, House Bill 954 would authorize the board of trustees of a township to appoint a township enforcement officer. This would be subject to approval of the county sheriff. And the township enforcement officer would be hired for the purpose of the enforcement of township ordinances."

Speaker Breslin: "The Lady has moved for the adoption... or the passage of House Bill 954. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Breslin: "She will."

Cullerton: "Give me an example of what a township ordinance is."

Deuchler: "Townships are regulated by about 14 or 15 areas. Their major ordinance is in the area of garbage dumping, prevents the deposit of garbage or other offensive substances on township roads. Another major area that they are... cover, would be weight limits on township roads."

Cullerton: "Weight limits..."

Deuchler: "But there are additional areas which I would be glad to read for you."

Cullerton: "That's fine. Now, these will be called a township enforcement officer, is that correct?"

Deuchler: "That's correct."

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Cullerton: "Will this person have the power to arrest people?"

Deuchler: "This person would be... have the power to ticket other persons. They would not carry any firearms."

Cullerton: "And right now this function is being performed by the county sheriff's office, is that correct?"

Deuchler: "Yes, it is. Unfortunately, they don't have the time in most instances in small downstate areas to fulfill more serious functions and also this enforcement of the garbage dumping."

Cullerton: "The sheriff doesn't have the time, but the township has enough money to appoint a township enforcement officer to go around and give tickets to people?"

Deuchler: "Well, the townships might be doing this on a part time basis."

Cullerton: "So, they'll hire a part time. Kind of like a 'Barney Fife' type of a part time enforcement officer."

Deuchler: "The legislation would provide for either full or part time. It is subject to the approval of the county sheriff."

Cullerton: "It's subject to the approval of the county sheriff?"

Deuchler: "That's correct."

Cullerton: "So, you have to have the permission of the county sheriff..."

Deuchler: "To hire that person, by name. Yes."

Cullerton: "... To hire the person. But he won't work for the county sheriff, will he? He will work for the township."

Deuchler: "No, township."

Cullerton: "And the township then would have to presumably, unless they have some excess funds, they would have to somehow raise the money to pay for this enforcement officer. Is that correct?"

Deuchler: "Well, we expect that if they don't have the funds, they would not participate in the program. It's strictly

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optional."

Cullerton: "Now, are you sure that the authority that you're giving this person is not the same authority that is given to a deputy sheriff?"

Deuchler: "Are you addressing the power to address... arrest? Because really the only statutory authority for this person is to enforce ordinances upon which the township has jurisdiction."

Cullerton: "But does that mean that that person cannot use weapons or other police procedures?"

Deuchler: "That's correct. They may not use weapons."

Cullerton: "Does the Bill say that?"

Deuchler: "That's correct."

Cullerton: "Where does it say that? What page, what line? You amended the Bill to say that, is that correct?"

Deuchler: "Yes."

Cullerton: "Now, is the Illinois Sheriffs' Association still opposed to this Bill?"

Deuchler: "It's my understanding that they have no position on the Bill."

Cullerton: "They used to be opposed to it."

Deuchler: "Cook County was opposed. We took Cook County out of the Bill."

Cullerton: "So, this doesn't apply to Cook County..."

Deuchler: "That's correct."

Cullerton: "... Just townships outside of Chicago. So, this is for downstate only, outside of Cook County?"

Deuchler: "Page two, line 17 addresses the question of firearms."

Cullerton: "So, the townships outside of Chicago cannot hire this new police officer to go around and give tickets. It only applies to..."

Deuchler: "That's correct. If they are within Cook County."

Cullerton: "Well, isn't it true that the sheriff right now, can

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appoint special deputies and auxiliary deputies?"

Deuchler: "They do have the power to enter into contractual arrangements."

Cullerton: "And how much do you think these new township police will have to be paid? Give me a rough idea of how much more money you'd expect to be spent on these enforcement officers."

Deuchler: "I think that's up to the... to the township."

Cullerton: "It's up to the township. What does a police officer make? About three dollars an hour or 15 dollars an hour?"

Deuchler: "I believe the new state sheriffs' deputies earn about 20,000 dollars a year."

Cullerton: "Okay. And townships raise their money primarily or exclusively through property tax, is that correct?"

Deuchler: "Yes."

Cullerton: "So, in order to pay for this special deputy you'd have to raise the property tax if you didn't have enough money in the budget right now."

Deuchler: "Well, that's a supposition on your part. We did indicate..."

Cullerton: "Well, I don't mean... It's a question on my part."

Deuchler: "... that we felt that... We did indicate that we felt that the township did not have the money within their budget, that they would probably not be participating in the program."

Cullerton: "Alright. Thank you very much for answering my questions."

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

Giglio: "Thank you, Mr. (sic - Madam) Speaker. You know, this was a good Bill and it still is a good Bill. The only thing is they took out Cook County. You know... and the townships in Cook County need some more help. You know,

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the people are moving to the suburbs, and this is one way to save some money. And that's what the Lady is trying to do. Trying to save some money for the townships; and, by putting these people on, it's going to do a lot of good and we're going to save a lot of money. So, I would urge your support."

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

Ronan: "Thank you, Madam Speaker. I just want to make sure we set the record straight on this fine piece of legislation for Representative Deuchler. Now, yesterday we had a Bill that Representative Giorgi tried to sneak out of the General Assembly - only got beat with about 90 votes - to allow townships, in an emergency situation, to tax their constituents to whatever level they want to go to. Now I've figured out what the emergency is. We're going to... Thank God we killed that Bill yesterday, by the way; because, if we had passed that, what we would have done would have given the townships the opportunity to hire thousands of people because it's an emergency. So, we could have had these constables working all over the State of Illinois, having powers that are unbelievable. Thank goodness we killed a bad Bill yesterday. Representative Giorgi got caught. Now we're going to catch another bad one today. So that let's always make sure we know what we're voting on. We don't need emergencies. We don't need constables. We don't need people pretending that they're law enforcement officers. This is a bad concept. Let's make sure we defeat it."

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

Hastert: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand in support of the Lady's proposition. If you come from a small county like I do, which is relatively

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all rural, we have about 1400 square miles of township roads, area that's intersected with township roads. We do have a problem with people coming out and dumping in those areas. We do have a problem, especially in the springtime, on township roads when the frost goes out of the roads and they get soft. And people... We have to have a lot of people at that time to be out on those roads and make sure somebody isn't breaking the weight limits. So, there's need. There's need in downstate Illinois. There's need in townships that they can hire people to enforce their ordinances. This doesn't impinge upon the rights of the sheriff's office. It doesn't impinge on the rights of deputy sheriffs. It doesn't give them the same rights as a deputy sheriff or tells them to enforce all the laws and the statutes of the State of Illinois. It's very specialized. There's a need for it, and I think we ought to take a second look at the argument from the Lady from Kane County. And I support this proposition."

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

Regan: "Thank you, Madam Speaker, Members of the House. I echo everything that Representative Hastert said, because in the Will County section that we have, the eastern end of Will County, about 600 square miles has got two police cars. That's all the county can provide and afford. I think the additional help, if the township requires it, if the township has got the funds to do it, it certainly is needed, and it's a good piece of legislation."

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

McNamara: "The Lady will yield for a question?"

Speaker Breslin: "She will."

McNamara: "It is my understanding that townships have the power to make a contractual agreement with the sheriff's office."



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Is that correct? Then, why wouldn't it be much more cost effective to make that contract with the sheriff's office in order to provide that policing service that's necessary, rather than to train, arm, outfit... forget about the arming - outfit your complete different police force? What is the... Why wouldn't it be more cost effective to go through the sheriff's department?"

Deuchler: "Well, Representative, we feel that this limits the scope. Permits, on a very limited basis, if the township so wishes, to, on a part time basis, to enforce the ordinances. And we feel that it's more cost effective than some of the contractual arrangements that I believe that DuPage County was looking at in enforcing some of their ordinances."

McNamara: "To the Bill. I know that in Worth Township they do have such a contractual agreement with the sheriff's department. After a study by that township, it was much more cost effective to go that way and to police the township's ordinances and their particular situations over there. They also supplement the police force in some of the towns... or some of the towns that they cover. And I think that this is something that will be quite costly because now it duplicates another constable service. And there is one in existence that is a well trained force that can be utilized. I think that it's much more cost effective to go that way."

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

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

Speaker Breslin: "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

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question is put. Representative Deuchler, to close."

Deuchler: "Just to ask for the positive votes on House Bill 954.

It really is a problem. I think if you've driven the township roads in the recent spring here to see the dumping and littering and the inability of the townships. I think they just need another option. Perhaps they might use the contracting, but they also would like to hire one enforcement officer to do this job directly under their supervision."

Speaker Breslin: "The question is, 'Shall House Bill 954 pass?'

All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Will, Representative Van Duynes, to explain his vote. One minute."

Van Duynes: "Thank you, Madam Speaker. Really I'm... I'm voting 'no' because I really think the Bill is mute. They already have the authority right now to... to hire sheriff's deputies. We've done it in Joliet Township in the past. And there's another point that should be brought up, I think, and that is it does create a little bit of expense to the township. These people, by the Bill, must be trained, and there are no reimbursements for this training. I think it costs somewhere around a thousand dollars to train these people as a law enforcement officer, especially... and it becomes a mute question when they can't even carry a gun and their only authority is to enforce the ordinance of the township. And as somebody else mentioned, it does create a sort of a jurisdictional dispute between the sheriff and the constable. So, I'm forced to vote 'no'."

Speaker Breslin: "Representative Hawkinson, one minute to explain your vote."

Hawkinson: "Thank you, Madam Speaker. I think there is a need for legislation of this type, and I was going to ask some

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questions on debate. But my main concern is that we're sending an officer out on the road to enforce ordinances and then specifically prohibiting that person from being armed. And I think that creates a dangerous situation. And for that reason, I have to vote 'no'."

Speaker Breslin: "Representative DeJaegher, one minute to explain your vote."

DeJaegher: "Thank you, Madam Speaker. I think many of us are losing sight of what the Bill intends to do. We're talking about expenditures. This does not... it does not require a township to implement or provide that particular service. Yes, they do have contracting ability if needed to hire an outside law enforcement. That had been given to townships quite some time ago. But I think all we're... all Sue is asking for is to give townships just a little bit more leverage to police their own jurisdiction. And, again, this has to be... that authority has to be given by the local sheriff. They cannot implement the provision without the sheriff being receptive to it. I think it's a good Bill. I think the townships are progressive. I think they are responsive to the people's needs, and basically; all she's asking you to do is be responsive to their needs so that they can take care of townships adequately. Thank you."

Speaker Breslin: "Representative Hartke, one minute to explain your vote."

Hartke: "Yes, I stand opposed to this legislation. When you look around, we've got the sheriff's department, the State Police, the city police, the FBI, the CIA, the IBI, military police, Secretary of State Police. Big Brother is getting pretty big, and I really don't think we need another police department out here doing... doing a supposed job."

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Speaker Breslin: "Representative Leverenz, one minute to explain your vote."

Leverenz: "I ask leave to revise and extend my remarks in my newsletter. Thank you."

Speaker Breslin: "Representative Friedrich, one minute to explain your..."

Friedrich: "Well, Representative Hartke didn't say how the United Nations stand on this, but I can tell you I stand for it. We had constables in this country... or in this state for a hundred years. I don't know anyone they did any harm with. The township that hired him, paid him and that's all we're talking about here. It's enabling legislation. It's not mandating legislation. And I can tell you they can do a lot of good in the rural areas where the sheriff cannot reach these rural areas. I hope you'll vote for it because you're... you're not mandating again. I tell you, just give them the opportunity to run the township."

Speaker Breslin: "Representative Deuchler, one minute to explain your vote."

Deuchler: "Permission to place this on Postponed please."

Speaker Breslin: "Mr. Clerk, take the record. On this question there are 51 voting 'aye', 41 voting 'no' and 9 voting 'present'. And the Lady has requested leave to place the Bill on the Order of Postponed Consideration. Lady has leave. House Bill 1130, Representative Keane. Clerk, read the Bill. Representative Braun in the Chair."

Clerk Leone: "House Bill 1130, a Bill for an Act in relationship to local property taxes. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Keane."

Keane: "Madam Speaker, Representative McGann will handle this Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Cook,

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Representative McGann."

McGann: "Thank you, Madam Speaker, Members of the Assembly. House Bill 1130 amends the Revenue Act. It makes several changes regarding the definition of cost of cash, property tax appeals board, office of appraisals, means of payment of taxes, notice to taxpayers delinquent on property taxes and distribution of property taxes. This Bill is a Committee Bill that's comprised of ideas brought on by the Members of the Revenue Committee and endorsed by Members from both sides of the aisle. It is a request also from the Department of Revenue that are being carried out in this Bill, and I would answer any questions, and I would ask for an affirmative Roll Call vote."

Speaker Braun: "The Gentleman has moved the passage of House Bill 1130. On that, is there any discussion? The Chair recognizes the Gentleman from Madison, Representative Wolf."

Wolf: "Thank you, Madam Speaker. Would the Sponsor yield to a question?"

Speaker Braun: "He indicates he will."

Wolf: "Representative McGann, included in House Bill 1130, one of the changes indicates that the Department of Revenue is revising the operation of the Department of Office of Appraisals. Could you tell me what revisions they are making?"

McGann: "First of all, there was the thought of abolishing this office, but instead they have enhanced the office. It will go into effect on January 1 of 1987. It will be working in conjunction with the county assessors, and it's also will be working along in these areas to enhance the appraisals accordingly. And, by the way, I may mention to you, Representative Wolf, this was requested by the Cook County Assessors' Offices Association."

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Wolf: "It's my understanding that this Bill now specifies the threshold or the level of appraisals that will be made by the Department of Revenue under this Office of Appraisals."

McGann: "Yes, that is correct."

Wolf: "Could you tell me what that threshold now is?"

McGann: "The threshold is 350,000 dollars."

Wolf: "In other words, all properties are risk estimated to be in excess of that valuation. If a local unit of government would request assistance to make such an appraisal, the Department of Revenue would extend that service. Is that correct?"

McGann: "Upon the appeal, that is correct."

Wolf: "Thank you."

Speaker Braun: "Is there further discussion? Chair recognizes the Gentleman from Cook, Representative McGann, to close."

McGann: "I... The Bill is... As stated, the House Bill 1130 is a request from the Department of Revenue and thoroughly discussed in Committee, proved by both sides of the aisle, and I would just ask for an 'aye' vote."

Speaker Braun: "The Gentleman has moved for the passage of House Bill 1130. All in favor vote 'aye', opposed vote 'no'. The 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 109 voting 'aye', 1 voting 'no', none voting 'present'. House Bill 1130, having received the Constitutional Majority, is hereby declared passed. House Bill 1155, Representative McGann. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1155, a Bill for an Act in relationship to certain state taxes. Third Reading of the Bill."

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

McGann: "Thank you, Madam Speaker and Members of the Assembly. Likewise, House Bill 1155 is a Committee Bill. It's been

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presented by both sides of the aisle. It makes a clarification, first of all, in regards to the private non-dealer parties in the... selling the used car to an individual. It also answers a request from the Department of Revenue in regards to penalties. It also goes onto handle with regards to corporate individuals that are not paying the sales tax. It was amended by Representative Hastert in order to have an effective date and also a clarification point, and it has been accepted by the Committee recommended for passage. And I would ask... answer any questions and request a green vote."

Speaker Braun: "The Gentleman has moved the passage of House Bill 1155. On that, is there discussion? The Chair recognizes the Gentleman from Cook, Representative Young."

Young: "Will the Sponsor yield?"

Speaker Braun: "He indicates he will."

Young: "I'm sorry, Repres... I'm not quite sure what this Bill does. Could you explain it to me?"

McGann: "Well, it's... it adds three provision... three revisions, excuse me, three revisions to the sales and use tax law. The one is that the new tax will clarify that the taxable status of traded motor vehicles between private non-dealer parties is the same as that between a registered dealer and a private party. Thus, only the difference in the value between the traded motor vehicles would be subject to the five percent vehicle use tax and not, as now, the full value of both vehicles involved in the trade. That's one part."

Young: "Okay. As to that part, would that provision increase or decrease the tax on the trade between the private parties?"

McGann: "The tax rate will remain the same. It's five percent."

Young: "No, I'm not talking about the rate. I'm talking about on any specific deal, the actual tax involved. Is this

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provision intended to increase that tax or decrease that tax?"

McGann: "No, it actually will make it less because... but, at the same time, in fairness as it would be handled with a dealer and an individual, we are just rectifying the error that was placed in last year."

Young: "Okay, thank you very much."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Winnebago, Representative Hallock."

Hallock: "Thank you. Will the Sponsor yield for a question?"

Speaker Braun: "He indicates he will."

Hallock: "This tax is one of the basis for the Build Illinois funds which apparently have come up a little bit short from last year's estimations. If this Bill passes, what impact would that have financially on that fund?"

McGann: "Actually, Representative Hallock, it's a very minor difference. And it's actually a fair approach in taxation because when we enacted the used car tax, we did not take into consideration some of the... some of the areas of fairness to those that are exchanging a car between non-dealer parties and that, rather than both of them have to pay the sales tax, which would not be the case with a used car dealer and the participant."

Hallock: "Well, I respect that. But if the impact is very minor - I suppose we probably should have had a fiscal note. But, you know in terms of millions of dollars how much this would take away from the system? I'm fairly concerned, because as you recall last year, each of us, when we supported Build Illinois, we put in a tax to fund the bond stream, the debt stream for that. That money has come up short. If we take away more from that, we may not have any funding source at all for that bond debt



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stream and that's our obligation. So, I'd appreciate knowing just roughly, if it is a small amount, what the amount is, if you know that?"

McGann: "Alright. I believe it's very hard to estimate, but I've been notified by the Department of Revenue that it would be nominal and they were very much in support of this change. And also, Representative Hastert placed a safeguard in it by having the both persons file with the state. So, they're satisfied that this will not have a great impact as far as the tax coming in."

Hallock: "Well, nominal is an interesting word, especially in terms of State Government parlance. A billion or two to some people, I suppose, might be nominal out of a 20 billion dollar budget. I assume you're probably talking roughly about amounts in the hundreds of thousands of dollars, but I sure would like to know that information."

McGann: "I would say, Representative Hallock, there's no experience factor for it as yet, so that it's pretty hard to estimate. But I would say that it would be well under a hundred thousand."

Hallock: "Thank you."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Jefferson, Representative Hicks."

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

Speaker Braun: "He indicates he will."

Hicks: "Representative McGann, if I can present a scenario to you. If I'm a car dealer and you come in and you buy a car from me and you want to trade your car in, I currently then would only have to... you would only have to be taxed on the difference between the used car you're trading in and the new car you're buying. Now, under your Bill, as I understand it, if I'm an individual and you're an

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individual and we trade cars, then currently we both have to pay the taxes on the full amount of both those cars."

McGann: "That is correct."

Hicks: "So, all you're actually talking about is equity for the consumers in this state, is that not correct?"

McGann: "That's correct."

Hicks: "Thank you. And, Madam Speaker, to the Bill. I think this Bill is a very good Bill. It simply puts into reality what has happened for a number of years in the State of Illinois. And we tried to do that last year by implementing this tax. This simply is going to give the consumer the same fair break that they have dealing with each other that they have dealing with a car dealer and I'd ask for your 'aye' vote along with Representative McGann. I think it's a good Bill."

Speaker Braun: "Chair recognizes the Gentleman from Cook, to close."

McGann: "I would just ask for a green vote. I believe it's been discussed. I believe the entire legislation in House Bill 1155 is a step in the right direction we should be handling for our citizens of the state. Appreciate the green vote."

Speaker Braun: "The Gentleman has moved for the passage of House Bill 1155. All in favor vote 'aye', opposed vote 'no'. The 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 110 voting 'aye', none voting 'no', none voting 'present'. House Bill 1155, having received the Constitutional Majority, is hereby declared passed. House Bill 1236, Representative Younge. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1236, a Bill for an Act to create the Enterprise High School Act. Third Reading of the Bill."

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Speaker Braun: "The Chair recognizes the Lady from St. Clair."

Younger: "Thank you very much, Madam Speaker and Members of the House. House Bill 1236 would establish the enterprise high schools in school district 188 and 189 in my district. Enterprise high school basically; is a school in which young people who are dropouts and truants would be able to go to school one half a day to learn academic subjects and the other half of days they would learn how to make a product to provide a service. The young people would be able to work in either governmental or private industries and they would be able to form businesses in an incubator at the State Community College. This Bill came out of a task force that was put together by Senator Hall and by me, the Center for Economic Self Reliance, which has come to the conclusion that the most expedient thing to be done is to teach the students in our districts economic self reliance. And by their going back to school - and we have a situation that more than half of the students drop out of school before graduation. This program is a successful program in... in Michigan. It has an 80 percent retention rate. The fiscal impact is up to a million dollars. The funds for the school would be dependent upon the number of students that would be enrolled and the projects. I ask for your support of this very important legislation to my district."

Speaker Braun: "The Lady has moved the passage of House Bill 1236. On that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Piel."

Piel: "Thank you, Madam Speaker. Will the Lady yield, please?"

Speaker Braun: "She indicates she will."

Piel: "Representative, what is the projected cost of this Bill?"

Younger: "As I had just indicated, the companion bill would provide up to a million dollars for the enterprise high

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schools. It would be dependent really on the number of students that would be involved in the program. If there are 25 students, the cost could possibly be 100,000 dollars. You'll understand that the... we're talking about people who are eligible to go to high school; therefore, part of the cost would be under the daily average attendance funding. Part of the cost would probably be under the Joint Partnership Training Act Fund so that there would be duplication there. We're talking about rather than people... 90 percent of the people who are in our prisons are high school dropouts. We're talking about providing a educational experience that will lead people to go back to school and to graduate and therefore, we don't have to pick up the cost of twenty thousand dollars a bed per year in prison. So, the cost is relative."

Piel: "What is the cost with Amendment #1, now?"

Younge: "Amendment #1 would provide for the House Bills 1700 which is the provision for an incubator at State Community College."

Piel: "At what cost?"

Younge: " ...The amount of funds available for the incubator would probably be from somewhere between three and four hundred thousand dollars depending upon the particular building to be renovated."

Piel: "So, in other words we're talking about a potential cost of this anywhere from a million three hundred to on up, right?"

Younge: "No, the maximum amount in the companion Bill is up to a million dollars."

Piel: "Well, you got a million for the high school area and now you got a incubator that you added on the Bill with Amendment #1. And, you just said the incubator area would be approximately three to four hundred thousand dollars."

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So, we're talking about a million on the one and three hundred -four hundred thousand on the other. So, in simply mathematics were talking about anywhere from a million three on up, right?"

Younger: "Both Bills have been included in the one Bill and the companion Bill is up to a million dollars."

Piel: "I think, to the Bill Madam Speaker, I think what we have is a situation I would ask the Members of the House to peruse this piece of legislation very closely before the vote in favor of it. We're talking about a situation I realize it is a devastative part of the state but, if we're opening a door here to this one area of the state what would stop any other areas of the state to having the exact same type of a legislation proposed for their specific ...I commend the Lady on her, you know, dedication to the constituents in her district. But, if we have this type of a situation going for every district in the State of Illinois we're talking about hundreds of millions of dollars and honestly the taxpayers in Illinois just can't afford that. So, I would ask for a 'no' vote at the present time on House Bill 1236."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from St. Clair, Representative Stephens."

Stephens: "Will the sponsor yield?"

Speaker Braun: "She indicates she will."

Stephens: "Representative Younger, do you have a Junior Achievement Programs at your local high schools and junior high schools?"

Younger: "Yes, we have a very, very limited Junior Achievement Program, Representative Stephens, involving only some twenty students. There are very, very, few businesses in my community. And, therefore, the usual leadership in

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reference to the Junior Achievement Program which is that the business community shows students and young people how to go into business. We find that there is just a very limited opportunity for that and that is why there is a need for the Enterprise High School to... to do this function."

Stephens: "Thank you, Madam Speaker, to the Bill. I think it is quite a cruel hoax to... to mislead young students in our inner cities that if they are assigned to a certain program, that says well, we're going to teach you how to go into business. That a they're going to interpret that to mean well if they enroll in that course indeed, they can learn how to be a business man and be a successful business woman or whatever. I don't think anything can be further from the truth than to think that if you take a course in high school and whether its a work study program or half a day in class and half a day actually running a business in a community where the wisest of business men continue to fail. It's a cruel hoax to think that that is going to lead them to a successful business career. As a matter of fact, in the city of East St. Louis and those few surrounding communities along the river there certainly is a problem, with the economy, and with especially the unemployed black youths and I would like to help you address that problem. But, I think the way to address that problem, Representative, is to really let free enterprise loose in those cities and to discontinue the approach that government is the solution to the economic problems of the inter city. It's not. We got forty years of history in America that proves the more government intervention in the inter city the more burden we're placing on those youths that are born into those situations. If we want to bring jobs to the people in your district, we need to do things

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like address the bridge problem in East St. Louis, and I want to work with you on that. We need to spur business involvement in East St. Louis. We need to talk about the tax rate in East St. Louis. We need to work with the local mayor and the local aldermen and trustees in your cities and somehow help them to bring business and encourage business to stay. Instead of asking for more government programs that lead no where and do nothing but discourage the next generation, the next and the next. I salute you for the sincere care you have for the people in your district. But, I think this is not the direction that state government should follow. Thank you."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Shaw."

Shaw: "Thank you, Madam Speaker and Ladies and Gentlemen of the House, but, you know I couldn't help but sit here and realize that less than half a hour ago, we sent out of here House Bill 938, and we was talking about prisons and we was talking about some type of innovative programs to be introduced in the prisons to help young people and old people learn additional skills. But, you... we passed that Bill out of here about twenty minutes or half an hour ago. But, here is a Lady that's trying to do something for the people of her district to keep those people from winding up in the prisons of this state. But, we have the same people telling us now, that we don't need... that she don't need this program. Well, if it's the intention of this Body is to allow every citizen of this and especially young citizens of this state to wind up in the penitentiary and then do something, then so be it. But, I don't think that's what this Body should be about. I think that Representative Younge have a very inavative program. She wants to do something for the young people of our

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district, and the people of Illinois. She wants to cut down on the crime rate in East St. Louis and the least that this House could do is afford her the opportunity of passing this Bill. You know its good on one hand when you have a Bill in we just passed it out two hundred and fifty thousand dollars for a program down in southern Illinois somewhere, half of the Members here probably don't know where the program is. But, we give the money to that program but now, you have a worthwhile program on the other side here and you tell the people this is not a good program. It's going to cost the state to much money. Do you want them in the penitentiary first? Or do you want to learn them something before they get that far? What's it costing the people of this state to keep the doors and keep people behind bars? That's what you have to think about. But, at the same time you talk it's hypocrisy at its worse.

What you're doing here you should vote for this legislation. It's a good piece of legislation and because you didn't think of it that doesn't make it bad. You should vote for this legislation. You should support it. And, then go back to your respective districts and talk about what you've done for the people of Illinois."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Leverenz."

Leverenz: "Let me... Let me speak, I guess, direct to the Bill and a couple of prior speakers on the other side of the aisle. One Gentleman stood and admonished the sponsor and said to talk about something like this is simply a cruel hoax. The cruel hoax, I think is that the Gentleman stands up and says that and wants to help her, but won't help her with a vote. We have another Gentleman, I guess he's off the floor, wants to salute and commend the Sponsor, but's



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going to vote red. If he wants to salute and commend the sponsor let him vote green. The Gentleman from the other side of the aisle said, 'let the free enterprise system loose'. Well, we've done that for a number of years now, down there and we can see what we've got. W. Clement Stone isn't going down there to preach anything. I would suggest to you that the Governor doesn't think too much about it at all either. And, your Governor, my Governor, has allowed that to exist down there for ten years. His solution is to build three new prisons. I would suggest that we help the Lady to put a package such as this together to unspiral those caught in the spiral. I'd ask for your 'aye' vote."

Speaker Braun: "The Chair recognizes the Lady from St. Clair, Representative Younge, to close."

Younge: "Thank you very much, Madam Speaker, I appreciate your support in reference to this matter. I think that the bottom line is that this is a program that works in terms of helping drop outs go back to school and become gainfully employed, independent adults. That is the whole purpose of the government that we are supporting here and that we are helping to implement its... its... its responsibility, we're trying to help every individual develop to his or her fullest potential. In a community in which there is not a lot of examples of what private business is and how people take care of themselves in our and live in self sufficient lives it becomes a responsibility of the public to help do that. In a black community, in a black family there is not very much example of what a business man is and does and I would think that anyone who really believes in private enterprise and anyone who really believes in the private capitalistic system would want every child in our state to know what that is and how to become self sufficient. The biggest example in my district is welfare. If we can take

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boys and girls at a tender age and teach them how to be self sufficient we will have done the thing which is necessary to keep them out of prison, to keep them off the state supported responsibility and to help them to be economists adults, fully developed adults, and good Americans. And, I believe that this Bill helps do that and... based on that reason, I ask for your full support."

Speaker Braun: "The Lady is moved the passage of House Bill 1236. All in favor vote 'aye', opposed vote 'no'. The voting is open. The Clerk has a announcement."

Clerk Leone: "Supplemental Calendar #1 is being distributed."

Speaker Braun: "Have all voted who wish? Have all voted who wish? This is final action. All voted who wish? The Clerk will take the record. I'm sorry, the Lady from Champaign, Representative Satterthwaite, to explain her vote. One minute."

Satterthwaite: "Madam Speaker and Members of the House, again simply to say that it is better for us to put funds into educational programs than into correctional programs. I think that we have tried with our reform legislation to provide viable alternatives for those who would otherwise drop out of school. We commend the sponsor of this legislation for a program which she feels can work in her area. And, I urge your support."

Speaker Braun: "The Gentleman from Cook, Representative Parke to explain his vote."

Parke: "Yes, could I have verification, please."

Speaker Braun: "The Gentleman from Cook, Representative Piel, to explain his vote. Have all voted who wish? The Clerk will take the record. On this question there are 61 voting 'aye', 46 voting 'no', none voting 'present'. The Gentleman has requested a verification of the affirmative. The Lady requests a Poll of the Absentees."

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Clerk Leone: "Poll of the Absentees, DeJaegher, Flinn, Homer..."

Speaker Braun: "Representative Flinn requests leave to vote 'aye'."

Clerk Leone: "Continuing with the Poll of the Absentees, Krska, Panayotovitch, Richmond, and Zwick."

Speaker Braun: "For what reason, the Gentleman from Cook, Representative LeFlore, seek recognition? Leave to be verified, Representative LeFlore, requested leave to be verified. Leave is granted. Continue with the poll of... the poll, Mr. Clerk."

Clerk Leone: "Poll the Affirmative, Alexander, Berrios, Bowman, Braun, Breslin, Brookins, Brunsvold, Capparelli, Christensen, Cullerton, Curran, Currie, Daley, DeLeo, Deuchler, Didrickson, Dunn, Farley, Flinn, Flowers, Giglio, Giorgi, Greiman, Hannig, Hartke, Hicks, Huff, Keane, Kulas, LeFlore, Leverenz, Levin, Martinez, Matijevich, Mautino, McGann, McNamara, McPike, Mulcahey, Nash, O'Connell, Pangle, Phelps, Preston, Rae, Ronan, Ropp, Saltsman, Satterthwaite, Shaw, Steczo, Stern, Sutker, Terzich, Turner, Van Duynes, Washington, White, Wolf, Anthony Young, Wyvetter Younger, and Mr. Speaker."

Speaker Braun: "Representative have you questions of the Affirmative Roll Call? Representative Parke."

Parke: "Yes, Representative Krska."

Speaker Braun: "Representative Krska. Is the Gentleman in the chamber? The Gentleman is not recorded as voting."

Parke: "Representative Turner."

Speaker Braun: "Representative Turner. Representative Turner. Is the Gentleman in the chamber? He is not. Remove him. For what reason does the Gentleman from Jackson, rise. Representative Richmond votes 'aye'. Continue Representative Parke."

Parke: "Representative Stern."

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Speaker Braun: "Representative Stern, Grace Mary Stern, is the Lady in the chamber? Remove her. The Gentleman from Fulton, Representative Homer votes 'aye'."

Parke: "Representative Preston."

Speaker Braun: "Representative Preston. Is the Gentleman in the chamber? Representative Preston. Remove him."

Parke: "Representative Huff."

Speaker Braun: "Representative Huff, is in his chair."

Parke: "I'm sorry. Thank you. Representative DeLeo."

Speaker Braun: "Representative DeLeo. Is the Gentleman in the chamber? Remove him. Representative Van Duyne seeks recognition. Asks to be verified. Continue Representative Parke."

Parke: "Representative Richmond. Thank you. Thank you."

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

Parke: "Panayotovich."

Speaker Braun: "Representative Panayotovich. The Gentleman has not voted."

Parke: "Thank you, Representative O'Connell."

Speaker Braun: "Representative O'Connell. The Gentleman in the chamber? Representative... Still in the chamber? He's not, remove him."

Parke: "Representative Shaw."

Speaker Braun: "Representative Shaw. The Gentleman is in the chamber. Representative Preston asks leave... votes 'aye'. Representative Preston votes 'aye'."

Parke: "Representative Farley."

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

Parke: "Representative Ronan."

Speaker Braun: "Representative Ronan. Representative Ronan. Is the Gentleman in the chamber? If not remove him."

Parke: "Representative Mautino."

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Speaker Braun: "Representative Mautino. Representative Mautino.

Is the Gentleman in the chamber? Remove him."

Parke: "Representative Currie."

Speaker Braun: "Representative Currie. The Lady is in her chair."

Parke: "I'm sorry, thank you, I see her. Representative DeJaegher."

Speaker Braun: "Representative DeJaegher."

Parke: "Okay, he's not voting?"

Speaker Braun: "The Gentleman is not voting. Representative McPike asks leave to be verified. Representative Greiman, leave to be verified. Representative O'Connell has to removed from the chamber... has returned to the chamber and asks leave. Representative O'Connell, how are you voted? Votes 'aye', Representative O'Connell votes 'aye'."

Parke: "Representative Homer."

Speaker Braun: "Representative Homer. Representative Homer asks leave to be verified."

Parke: "Thank you, Madam Speaker."

Speaker Braun: "Representative Homer has returned to the chair, to the chamber in any event. Any further questions? Lady from Cook, (sic - St. Clair) Representative Younge."

Younge: "Poll the Absentees."

Speaker Braun: "Representative Younge. We've polled the absentees. We done that. Mr. Clerk take the record."

Younge: "Postponed consideration."

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

Alexander: "How am I voted?"

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

Alexander: "Thank you, please."

Speaker Braun: "Representative Panayotovich has returned to the chamber. Return him to the Roll Call. Return him... Representative Panayotovich has returned to the chamber. I

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have several people seeking recognition, including people on your side of the aisle. For what reason do you rise Representative Hallock?"

Hallock: "Madam Speaker, you said very clearly, take the record. Which means that it, its all done, its all over, you should quit, period.

Speaker Braun: "Thank you, Representative Hallock. For what reason does Representative Cullerton seek recognition."

Cullerton: "Yes, I just want explain as I've... If I believe I'm correct that 'take the record' does not mean she's declaring the Roll Call. So, we take the record when we finish the debate. She's taken the record twice, but she hasn't declared the Roll Call, and secondly, when Representative Panayotovich returned to the chamber, she was kind enough to allow him to get back to his seat, so he could determine what the Bill was about, so as to determine how he wishes to vote, and once again, I think the Speaker is just trying to be polite to all the Members and fair and take as long amount of time as she possibly can. And, I think that the... so that everything is fair. And I think that that's an excellent way, and I think we should commend the Speaker for the fine work that she has done in the Chair. And, I think that we should perhaps declare a... perhaps prepare a Resolution to that effect and vote on it before we take the record on this case."

Speaker Braun: "Again there are several people seeking recognition. Representative Hallock, I will come back to you after I've recognized other Members who are seeking recognition. Representative Brunsvold."

Brunsvold: "How am I recorded, Madam Speaker?"

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

Brunsvold: "Thank you."

Speaker Braun: "Representative Piel."

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Piel: "Two things, Madam Speaker. First of all if you check the record, the Lady asked for postponed consideration. Second thing, If you will check the record, Representative Panayotovich did not vote on the current Roll Call. He walked back in and you said, 'put him back on the Roll Call as an 'aye' vote'. He never voted 'aye' in the first place."

Speaker Braun: "Representative, it seems to me that that is discussion. We have not declared a result yet. Okay. For what reason does the Gentleman from Rock Island rise? Representative DeJaegher votes 'aye'. Is there anyone else seeking recognition? Mr. Clerk take the record. On this question... Representative Hallock do you still want recognition?"

Hallock: "Well, Miss, Madam Speaker you obviously going to take the record all afternoon. But, you took the record once. Representative Cullerton tried to post gate the issue, but its very clear. You took the record and that was it, it should be over. And, now your allowing members to get back on and change their votes. Its up to you, you can do that, but, you're assuming to much power in the Chair and I resent it. And, you're wrong and you know it."

Speaker Braun: "On this question, there are 60 voting 'aye', 46 voting 'no' and 'none' voting present. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill... House Bill 1245. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1245, a Bill for an Act to amend an Act to require prompt payments by the State of Illinois for goods or services. Third Reading of the Bill."

Speaker Braun: "The Gentleman from Cook, Representative Steczko."

Steczko: "Thank you, Madam Speaker. As the House progresses from enterprise high schools to free enterprise, House Bill 1245

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Amends the Prompt Payment Act that the state currently has and requires that... rather than the thirty days that is currently allocated to pay bills to vendors. House Bill 1245 specifies 30 calendar days which provides for more promptness in those prompt payments. In addition to that, Madam Speaker, it requires notice of disapproval of bills for perishable goods be made to the vendor within three working days and allows then thirty calendar days for that vendor to be paid. That was a question that arose in House Committee and that's one thing that was clarified by an Amendment that we adopted yesterday. House Bill 1245 also changes the commencement of the interest penalty period from the current so called 45 day period, but; now the thirty day period from when the bill is paid to the date when the... after the receipt for goods for services is submitted. It also provides that the... that the penalty will be added on automatically. That is one thing that does not happen now. And the onus is on the vendor to go to the Court of Claims and be paid the interest penalty, that's been very unfair, and this Bill seeks to address that. And, also provides that there shall be one... the agency head shall be responsible for the approvals or denials or can appoint a person at each facility to provide for such. House Bill 1245 was also Amended yesterday by Representative Matijevich and deals with citizen action programs. We believe that we... that yesterday that that Amendment was noncontroversial so, Madam Speaker, I would be willing to answer any questions but, if not, move for the passage of House Bill 1245."

Speaker Braun: "The Gentleman has moved for passage of House Bill 1245. And, on that is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Harris."

Harris: "Thank you, Madam Speaker. Will the sponsor yield for a



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question?"

Speaker Braun: "He indicates he will."

Harris: "Representative, my synopsis indicates that the Bill also requires payments for perishable goods within seven days of delivery. Is that accurate?"

Steczo: "Representative Harris, the Bill originally did that. There was a problem from the agencies, who said that payment within 7 days was not a practical matter for them. So, yesterday the House adopted an Amendment that said that the vendors should be paid... or should receive notice of approval within 3 days and then the 30 calendar days specification would kick in and that seemed to make both parties happy."

Harris: "Thank you very much."

Speaker Braun: "Is there further question? Are there further questions? There being none, The Gentleman from Cook to close."

Steczo: "Thank you, Madam Speaker, I would just move for the passage of the Bill."

Speaker Braun: "The Gentleman has moved the passage of House Bill 1245. All in favor vote 'aye', opposed vote 'no'. The 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 111 voting 'aye', none voting 'no', none voting 'present'. House Bill 1245, having received the Constitutional Majority, is hereby declared passed. House Bill 1302, Representative Levin. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1302, a Bill for an Act to Amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Levin."

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the

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House. Last year we passed and the Governor signed Senate Bill 1014, which provides that individuals who are on aid to the blind and disabled and going to a psychiatric or other institution shall continue to be eligible for the AABD payments. But, their held in suspense during the time that individual is in the institution and then they receive them again once they get back out. Amendment #3 to House Bill 1302, struck everything after the enacting clause that was in the Bill originally and extended those provisions to pick up... to pick up general assistance and ADC. Amendment #5, which was added at the request of the Department of Public Aid amended the provision that we passed last year in Senate Bill 1014, to clarify that the person remains eligible only for 30 days after they go into the institution, but that upon coming out of the institution eligibility is to be determined from that point and if the person remains eligible they're to receive payments then. There was no opposition to legislation. Department of Public Aid had no problem with it. And if there is any questions I will be happy to answer them. Otherwise, I would urge your support for House Bill 1302."

Speaker Braun: "The Gentleman has moved the passage of House Bill 1302. Is there any discussion? The Chair recognizes the Gentleman from Lake, Representative Peterson."

Peterson: "Thank you, Madam Speaker. Will the sponsor yield?"

Speaker Braun: "He indicates he will."

Peterson: "Representative, I would like a clarification. What you're saying is that once an individual is already on GA benefits enters an institution, if he is on GA benefits from a township that township will have to continue to pay those benefits for minimum 30 days."

Levin: "No, no he remains eligible for the benefits."

Peterson: "Well, what's the difference between eligible and

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receiving the benefits?"

Levin: "He does not receive them. But, he's eligibility has been previously determined and he remains eligible for thirty days.. thirty days."

Peterson: "So, it is your intention..."

Levin: "... If he does... and if he comes out within 30 days then he would receive the benefits once again... once again."

Peterson: "Alright, he would become eligible for a grant once he is released from the institution. Is that what you are saying Representative?"

Levin: "Yes, and the other part of the Bill makes a technical change in the law we passed last year. Because Public Aid faced the problem that under the law we passed last year dealing with AA3D a person remained in this suspense status as long as they were in the institution. And, my understanding is that required, that would mean that Public Aid had to review every six months that persons eligibility. So, if he's there for five years the paper work was every six months Public Aid would have to review then the individual eligibility even though he wasn't receiving anything. And, Amendment 65 by... amends that existing law to limit the eligibility to 30 days so, that Public Aid doesn't have to go threw the paper work and then it just picks up when that person is released."

Peterson: "Okay, so it, as you said before you're intention on this particular part of the Bill is that people would be eligible but they would not receive any benefits from a township where they may have been receiving benefits prior to admission to that institution. Once their in an institution the benefits cease from the township. Because they are picked up by the state."

Levin: "Yes. Be it somebody from a township or somebody in Chicago, while he's in the institution he would receive no

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benefits. He would remain eligible for 30 days and at the point that he was to be released he would be... he would be reinstated when he was released."

Peterson: "Alright, thank you."

Speaker Braun: "Is there further discussion? There being none the Gentleman from Cook to close."

Levin: "I would just ask for a favorable Roll Call."

Speaker Braun: "The Gentleman moves the passage of House Bill 1302. All in favor vote 'aye', opposed vote 'no'. The 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 110 voting 'aye', none voting 'no', none voting 'present'. House Bill 1302, having received the Constitutional Majority, is hereby declared passed. House Bill 1321, Representative Keane. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1321, a Bill for an Act to amend the Illinois Income Tax Act. Third Reading of the Bill."

Speaker Braun: "The Gentleman from Cook, Representative Keane."

Keane: "Thank you, Madam Speaker, Amendment 31 to House Bill 1321 became the Bill. And, what it does the Bill is a request of the Department of Revenue to conform on the income tax and the income tax structure the same rules for seizure sales as exist in sales tax. What it allows the department to do is to conduct have third parties if the state police are to busy to allow third parties, to conduct these sales. I would be happy to answer any questions and ask for a favorable Roll Call."

Speaker Braun: "The Gentleman has moved the passage of House Bill 1321. On that, is there any discussion? There being none, the question is, 'Shall House Bill 1321 pass?' All in favor vote 'aye', 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 111 voting 'aye', 1 voting 'no', none voting 'present'. House Bill 1321, having received the Constitutional Majority, is hereby declared passed. House Bill 1323, Representative Washington. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1323, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Braun: "The Gentleman from Cook, Representative Washington. Representative Washington. The microphone has to be turned on."

Washington: "Madam Speaker, Members of the House. House Bill 1323 was Amendment #2, which became the bill, itself. It asks that new provisions beginning July 1, '86, that the General Assembly would annually adopt a Joint Resolution indicating the specific relationship between grants and the annual standard of need for General Assistance and ADC programs. The resolution would indicate the percentage of standard of need as a statement of legislative intent concerning the administration of the annual lump sum of appropriations for these programs. For fiscal year 1987, the percentage must be at least 50 percent. The last resolution adopted by the General Assembly would be governed. Grant levels would still be established as a direct function of available appropriation. The department would have to determine the sufficiency of funding each January. It would not be obligated to maintain payment levels at a specific percentage in event of insufficient appropriation. Implements this particular program implements a procedure similar to the Congressional Budget Resolution that got annual appropriation and established clear legislative intent for the administration of appropriated funds."

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Speaker Braun: "The Gentleman has moved the passage of House Bill 1323. And, on that is there any discussion? The Chair recognizes the Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you, Madam Chairman. Would the sponsor yield for some questions?"

Speaker Braun: "He indicates he will."

Ryder: "Representative, at several times during your explanation of this Bill, you refer to a Resolution. This is, indeed, a House Bill and it does indeed require, mandates, obligate, the Governor and the State of Illinois to pay at 50 percent of need. Is that correct?"

Washington: "That's what the current level is right now and that would be only required for the first year. The current level being what the department paying out now."

Ryder: "I'm sorry, I apologize for interrupting. There is a question as to what may happen once this standard is established this year. What for example might happen in the out years. Is there not built in a map, a kind of a cost of living that looks like about 4 percent this year and there after? Is that correct?"

Washington: "Well, we would have to adopt a Resolution, and then, again, we would be fixed as to what amounts the legislation would appropriate, in terms of what would be requested."

Ryder: "I apologize because I don't read your Bill that way. And, that's the reason I'm asking the question. I read your Bill to mandate the 50 percent, to mandate what it is that the aid will be and the Legislature and the Governor are obligated to pay that money. There is no, in the manner, that I read it, Resolution as you refer to. It's an obligation. It is a mandate. We are in the same way that the Federal Government with Social Security, we are obligated to spend this. Is that not correct?"

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Washington: "No, that is not correct. If you would look at page 2, line 20 and 21, it would specifically it states specifically that appropriations law provides... it would only pay that if the appropriations law would provide."

Ryder: "Thank you, Representative, and I would refer you to the sentence that begins on line 24, on that very same page. Does that sentence not say for the State Fiscal Year beginning July 1, 1986 such single percentage shall not be less than 50 percent of such standard."

Washington: "Yeah, if you look at that specific sentence refer back to line 21, previously, what I had mentioned in terms of what the appropriated law the appropriated law provides for, which such single percentage."

Ryder: "Well, I apologize. I just don't read that Bill that way, but let us go on, what is the financial and fiscal impact of this Bill for the fiscal year, the six months of fiscal year 87?"

Washington: "My intent would be as I originally stated, that only what this legislative would be... would appropriate at the end of this Session and that would be the amount that would go into affect."

Ryder: "Then it is my understanding that you deny that this would have an eighteen million dollar impact this year?"

Washington: "Yeah, I deny it, but again, only to the extent that the appropriation would provide, but it certainly would not have that kind of impact."

Ryder: "Additionally, is it such, that the annualized rate of fiscal impact for this Bill would be 35.6 million?"

Washington: "No, that's not true. If the Appropriations Committee can appropriate a specific amount, that's the amount that would available for... for the Department."

Ryder: "Representative, thank you, for answering my questions. Madam Chairman, to the Bill."

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Speaker Braun: "Proceed."

Ryder: "Thank you, I wish to thank the Representative for being very cooperative in answering the questions that I asked. He and I obviously have a disagreement as to what this Bill does. My understanding of the Bill is that it sets a floor, a minimum below which we shall not go and that minimum will cost 18 million dollars, in the next fiscal year. It sets up a floor for analyzed increases, which will have an annual fiscal impact of some 36 million dollars. What we are doing here is taking away from the General Assembly the ability to appropriate money, we are taking away from them the ability to spend money as we see fit, to allocate our resources. Rather we are delegating that responsibility to the people who set up this standard of need, which is not the General Assembly. But, in bottom line terms this has to be construed as an increase to the amount of money that we spend on general assistance and welfare in the State of Illinois. A raise that is mandated and put in part of the budget without our due deliberation and appropriation. For those reasons, I stand in opposition to the Bill and would ask to be joined in opposition to the Bill. Thank you, Madam Chairman."

Speaker Braun: "Is there further discussion? The Chair recognizes the Lady from Cook, Representative Currie."

Currie: "Thank you, Madam Speaker, Members of the House. I think the previous speaker misunderstands both the intent and the effect of the Bill. He may have missed noticing that several Amendments have been adopted to the Bill and in fact House Amendment 2, now is House Bill 1323. As I read the Bill, the Bill in no way makes for an entitlement of a particular amount of money, a particular grant level for public aid recipients from one year to the next. All this Bill does is establish a procedure so that when we



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appropriate dollars for grant... cash grant awards in the public aid process we are aware of the percentage of the state set standard of need those monies will supply. There is... there are Federal Court cases that make it absolutely clear and this Bill does not try to under cut those findings that the level of appropriations is the level of support we provide. House Amendment 2 to House Bill 1323 establishes for the next fiscal year a standard that has no fiscal implications whatsoever. This is only a Bill that says lets look as we establish what is the appropriate level of support at the extent to which the dollars meet the standard of need. This Bill does not cost the taxpayers one single penny. I strongly urge its support. It is a good Bill. It will bring the appropriations process with respect to public aid recipients into the light of day, make clear to the public and to ourselves exactly how adequate our dollars are for purposes of meeting basic health, safety, and life needs for the least among us."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Piel."

Piel: "Thank you, Madam Speaker. Will the Gentleman yield, please?"

Speaker Braun: "He indicates he will."

Piel: "Representative Washington, I was talking to someone when you were talking to Representative Ryder. what did you say was the cost of this Bill? What would this Bill cost if implemented today?"

Washington: "This Bill would only cost what we have appropriated by this Body of men and women, General Assembly, and no more, no less."

Piel: "No, what I am saying is, you know, obviously, you know, we have to abide by the law in the appropriations process,

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too. But, I'm saying is if this Bill was implemented today, what would the cost be, if this was implemented."

Washington: "This Bill, Representative Piel, wouldn't cost anymore than what we already been, presently been appropriated for those people who receiving these benefits in the State of Illinois."

Piel: "I'm, you know, I'm sitting here getting two different stories. I hear from the Department of Public Aid that this Bill was implemented today. The increased cost would be 35.6 million dollars. And, there is a little bit of difference between zero dollars and 35.6 million dollars. And, you know, maybe you can explain why they are saying that this would cost 35 million dollars if implemented."

Washington: "Well, Representative Piel, I think what it is that they're not listening to the legislative intent. Right now, their paying at a certain level and we're not asking anymore than what they are presently paying. And, the Bill says that and we're trying to basically establish the legislative intent. Quite naturally the appropriation department appropriates money for education and we're asking them to look into this fact as a matter too, and let the legislative be the final decision in terms of the amount that should be appropriated for the department for this purpose."

Piel: "Jerry, I'm still, I'm still a little bit, you know, in the fog here. I'm trying to figure out, why would the department say this if implemented would cost 35 million dollars. You're saying that all this does is... institute it for legislative intent and there's obviously, you know, a problem here, I mean, because if it is legislative intent, I don't think we need to have legislation just basically saying what the intent of the law is. But you, when you're sitting here giving figures on what it's

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suppose to be, and one thing and an other, obviously if you don't have funds there you can't appropriate them. I remember last year we had a problem when we were talking about increasing just 6 million dollars and twice it passed out of here... once it passed out here, it went to the Governor it was vetoed, came back here and, you know, we went through the whole shooting match all over again. That's the reason I'm sitting here, you know, we're talking about something that's, you know, six and a half times more... about six times more and we're talking about some very, very, big dollars and let's face it, if we're talking about a cost to the taxpayers about 35 million dollars. That... Those funds have to come from some where. And, whether it be coming from the education, or whether it be coming from corrections, whether it be coming from DCFS, or something thing like that. You know, some area of the state is going to have to suffer, if we're talking about an increase of potentially a 35 million dollars. I'm... Why would the department come up with this figure, if it wasn't the truth?"

Washington: "Representative Piel, you know, I can't sit here and argue the point of why the department can't come up with a actual assessment of what is the actual standard of need. All I'm trying to establish a intent in terms of their payment at a certain level now. And... And all I'm basically trying to do is, and their telling you over and over what the Bill provides and their paying at a certain level right now. And, it's not costing any more or any less. And, all I'm saying is that we want to establish legislative intent."

Piel: "I've got a question."

Speaker Braun: "Proceed, Representative Piel."

Piel: "Alright. A fiscal note was requested, Representative

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Washington, have you seen a copy of the fiscal note?"

Washington: "Yes."

Piel: "What is your explanation of the fiscal note? I'm just sitting here, you keep on telling us it's not going to cost anything and here is a fiscal note."

Washington: "Well, I believe the fiscal note is in error. I think that the department was well off base in terms of their estimate on that fiscal note."

Piel: "To the Bill, Madam Speaker. Ladies and Gentlemen of the House, we've obviously got a disparity here of opinions. We're talking about we instituted the Fiscal Note Act, strickly so that we as Legislators would know what a specific piece of legislation was going to cost the taxpayers of Illinois. A fiscal note from the Department of Public Aid says an increased cost would be 35.65 million dollars. This is the minimum cost and does not account for a increase in case load. So, before you vote 'yes' on this Bill, I would ask you to think we're going to have to get the money somewhere. You want to raise taxes, or you're going to have to cut from some other department. We're talking about a huge increase. As far as monies it is going to cost the State of Illinois and Ladies and Gentlemen we do not have the money right now to absorb something like this. And, I would ask for a 'no' vote on 1323."

Speaker Breslin: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Leverenz."

Leverenz: "Madam Speaker, I rise in support of the Bill in as much as it will have the same reaction in terms of percentage increase, if in fact, that comes about because of the appropriations process. We can only spend what we appropriate, but it will match the percentage increase to

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the Helmut Johns Memorial in Chicago."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Marion, Representative Friedrich."

Friedrich: "Madam, Madam Speaker and Members of the House. I don't agree with the interpretation that is being put on this Bill by the Sponsor. It does fix a level of spending, and that level of spending will start July the 1st regardlessly what the appropriation is. Now, if you only, you have two billion dollars for Public Aid and you'll run out of money at whatever time this level of spending will come to. It's not like education where you say the schools aid will be proportioned because if you run out of money next May, you're not going to let's say well okay we ran out of money we're not going to pay any public aid until the first of July again. So, if you establish this level of spending, I don't care what the appropriation is, when you run out of money you're broke and you have to come in for another appropriation. The irony of this is that the Comptroller who happens to be elected by the people on the other side of the aisle is saying we are already short of money, that the Governors' Budget is already to big. And, now you're adding 36 million dollars here that we don't have."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Huff."

Huff: "Yes. Thank you, Madam Speaker. Just a question. Representative Washington, can you tell me what the current present standard of need is, right now?"

Washington: "They're currently paying about... at a level of about 50 percent."

Huff: "Not 50..."

Washington: "Of the tentatively."

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Huff: "... 50 percent."

Washington: "Yes, currently."

Huff: "I think that's reasonable."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Kendall, Representative Hastert."

Hastert: "Thank you, Madam Chairman, Ladies and Gentlemen of the House. You know the appropriation process takes probably... three to four months of the cycle of the process that we work on. This, the standard of need has been discussed in this General Assembly several times last year, several times this year. The standard of need is an arbitrary number that a federal bureaucracy says the standard of need is X number of dollars for a family of so many. We've discussed what percentage that we put forward on the standard of need. The appropriation process is based on two things, demand on the dollars that we have in the State Treasury and the amount of dollars that we have in the State Treasury. What we're doing with this Bill... Mr. Speaker (sic) what we're doing with this Bill is by passing the appropriation process. We're saying that we sent the state a Joint Resolution to say what the standard of need and then we fund it. Now, if we want to carry on a dialogue, if we want to discuss what the priorities of the State of Illinois are, if we want to discuss how we're going to appropriate to those priorities then we need to go with an appropriation process. If we want to pass the buck to some type of a Resolution then we start putting it in statute that takes away the power of the Illinois General Assembly. That's exactly what this piece of legislation does. It bypasses the system, it bypasses the process and it is a very bad Bill. And, I ask for your 'no' vote."

Speaker Braun: "Is there further discussion? There being none,

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the Chair recognizes the Gentleman from Cook, Representative Washington, to close."

Washington: "Yes, Madam Speaker, in closing all I can say is that this particular Bill implements a procedure similar to the Congressional Budget Resolution that guides an annual appropriation and establishes a clear legislative intentions for the administration of appropriated funds. And, I disagree with what the other side has been saying about astronomical cost, that's not true they're paying at a certain level now. And I... All I'm saying now allow the appropriations to come to this Body of men and women and let them decide whether or not its too much or too low. That's all we're asking. And, again the Bill is a fine Bill. And, I urge an 'aye' vote on this Bill for the people of this state. Thank you."

Speaker Braun: "The Gentleman has moved the passage of House Bill 1323. All in favor vote 'aye', opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? For what reason does the Gentleman from Cook, Representative Washington, rise?"

Washington: "Hadam Speaker, I would like to put this on Postponed Consideration."

Speaker Braun: "I haven't, we haven't gotten there yet. Have all voted who wish? The Clerk will take the record. On this question there are 47 voting 'aye', 52 voting 'no', 5 voting 'present'. This Bill pursuant to the Sponsor's request will be placed on the Order of Postponed Consideration. House Bill 1332, Representative Pangle. Out of the record. House Bill 1429, Representative Greiman... Levin. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1429, a Bill for an Act to amend the General Not-for-Profit Corporation Act. Third Reading of the Bill."

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

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. If you live in a condominium or a townhouse or any other form of multi-family residential property, the largest single investment that most people make in their life is when they buy that apartment. And, we have provided that those unit owners have the right to observe the workings of the boards that run their condominiums and townhouses and that protection applies state-wide, and it applies to hundreds of thousands of multi-family residential units throughout the state. There are certain exceptions and those exceptions apply to those kind of situations where it would be reasonable to allow closed meetings, where there are consultations between the boards and attorneys, between the boards on disciplinary action, or where there are employment disputes. The only area, right now, where the right of the owner of an apartment, residential apartment not to be able to observe the workings of their board in their building occurs, is with respect to cooperative apartments. There are not that many co-ops in Illinois. It is a very popular form of ownership in New York, but to the best of my understanding, there are about 19 large projects in Chicago and a couple in the suburbs, and that's about it. But at the present time, if you live in a co-op, which very much in many respects... in most respects, like a condo or like a townhouse, you don't have a right to observe the meetings of your board. You're an owner. You paid your money. You have an interest in what goes on, but that board can meet in secret, doesn't have to tell you literally anything about what goes on. House Bill 1429 would extend to the co-op, all apartment owners, the same protections that currently exist for every other form of residential real estate in the state, which



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simply provide that if you are an owner of a co-op unit, you have a right to attend the board meetings, not necessarily to speak, but to observe. And there are exceptions, which are the same exceptions that apply to condominiums and townhouses and community associations, and those exceptions are; for consultations with attorneys, for disciplinary actions, and for labor related matters. The genesis of this legislation were problems in my district where I have several buildings that are co-op, people who came to me and to Representative Greiman about the problems in their building where they do not have the opportunity to observe the meetings that go on. And, the intent of this legislation is very limited. It's simply to give the co-op unit owner the same right to observe board meetings, as exists in these other forms of real... in every other form of residential real estate. I've got to tell you that there are some co-op boards that do not like this proposal because they would like to be able to continue to do things in secret to keep their unit owners in the dark. One of those boards came to see me about a month, a month and a half ago, and I told them philosophically, you know, I am for the legislation, but I said, 'If there are technical problems, if there are areas that you feel the meeting should be closed, let me know and we can work them out'. Well, they walked out the door and they never came back again. So, I stand here with House Bill 1429, which I think makes a modest, a very modest change in terms of providing some rights for, you know, co-op unit owners and if there are questions, I would be happy to answer them."

Speaker Braun: "Is there any discussion? There being none... the Chair recognizes the Gentleman from Cook, Representative Steczo."

Steczko: "Thank you, Madam Speaker, Members of the House. I rise

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in opposition to House Bill 1429. The Gentleman would have you believe that residential co-op housing is done in secret and there is no input by members of cooperative housing boards or their shareholders, or the people that they answer to. However, in the south suburban area of Cook County, we are fortunate to have one of the largest housing co-operatives anywhere in the State of Illinois, and that is in the Village of Park Forest, a very progressive, forward thinking community. The people in Park Forest, who live in the co-ops - and I should mention that the co-ops represent about one-third of the population of the Village of Park Forest - that the shareholders or the residents of those co-ops, whose board members do things in public do not think that House Bill 1429 would really provide any assistance to them. They think that it would actually be more of an inhibition than it would be an aid. What it would do would be to take the powers away from the co-op board, invest that power in the general manager of the board, and actually, you're taking rights away from the people who can go to the board and who can provide and ask and receive from that board, and the board is in power to make decisions. The option that people on co-op boards have is to, at the next election, vote for somebody other than the current members of the co-op board. It's that simple and I believe that House Bill 1429, in fact, may be an over reaction to situations that have occurred in the Sponsor's district. We have seen, in other cases, that managers or others who are hired to oversee and supervise, pretty soon become the people that are actually in power and that the board, in essence, becomes a rubber stamp for whatever that person wants to do. And, I don't think that that should be the case in this instance. We have a particularly good type of housing in this regard.

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It is much more inexpensive than condominiums... it allows you property ownership as apartments do not. People who can't afford residential houses find co-operatives very meaningful and a very good way to live. I think that House Bill 1429 is premature. I think that they're other ways to cure the problems that the Sponsor is trying to solve and resolve by the sponsorship of House Bill 1429, and I would urge the opposition of the House on this Bill."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Piel."

Piel: "Thank you Madam... Thank you Madam Speaker. Will the Gentleman yield, please?"

Levin: "Yes."

Piel: "Representative Levin, what is the genesis... the genesis of this Bill? Where did you get the idea for this?"

Levin: "Okay. The genesis for the legislation is a problem in my district, where we have, in several co-ops, a conflict at this point where the boards refused to open up their meeting."

Piel: "Was this just basically a, you know, a group of 10, 20 people that contacted you? The reason I'm asking, let me explain why I'm asking the question, is because I have received, you know, I have nothing to do with the Bill whatsoever, and I have received, oh, anywhere from 50 to 70 letters in opposition of this Bill, and they're all from co-op residents, and I think what it might be, I think it might be a situation where, in your specific instance, is that the board has had an 'I don't give a darn, attitude towards the members of the co-op, where it could very easily be rectified by getting a new board, more than passing legislation saying the board has to do this, because I've found, from the letters that I've received from all over, that the people are basically against this

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type of legislation and they are satisfied with their board, they're satisfied with the dealings of their co-op, and they don't need legislation to change things. So, I think what you're doing, you're dealing with something that just happened to be in your area and is not necessarily for the betterment of the co-ops state-wide. I think it might be better in your area, in that situation, to where that co-op is having problems with their board, but the overall, state-wide. I don't think there is a major problem, and, I would ask people to vote 'no' on 1429."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Will, Representative Regan."

Regan: "Thank you, Madam Speakers, Members of the Board. My district is Park Forest. A third of my district is co-ops. I lived in a co-op in Park Forest for three years, found them run extremely well, and they're quite economical with a tremendous tax advantage, I might add. I have also numerous letters, over 70 letters, that indicate from the members, which, by the way, the members are stock owners in this private corporation. This is different than a condo association, different than a townhouse. This a private corporation doing business just like any other private corporation in the United States of America. If this Bill goes through, we might as well push it on the grocery stores and when the owner of the store wants to have a meeting with the stock boys, he's got to put a 48 hour notification in the newspaper and notify everybody that there is an open meeting so that he can tell the stock boys they got to sweep the floor better. These people are happy with their form of government in Park Forest. They've had no problems whatsoever. This is not a secret society. This is a private corporation. They have minutes in the corporation. The minutes are open to all the membership at

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all times. I feel that any type of government control in this area, all it does is cause them interference, causes them additional money, certainly causes them inconvenience, because under the Open Meeting Act they have to file with the newspapers, they have to put signs up 48 hours before a meeting. These people, most of them, are commuters... commuters and they travel along distance back and forth to work. It is hard to get anybody to serve an extra capacity and I certainly don't want to cause them any more inconvenience, and, I would appreciate a nice big red one on this one for me."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Levin, to close."

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. If I can first respond to a couple of the points made from some of the previous speakers. This legislation does not, in any way shape or form, regulate the operations of a co-op. It doesn't say who is in charge, who is responsible. The only thing it does is to take the same form of rights that currently exist for every other form of residential multi-family property owner and gives them to the co-op apartment owner. It doesn't tell how to run their operation, who's in charge or anything of that sort. Secondly, many of these boards are pretty much entities unto themselves and with the proxy system, it is very, very difficult to vote out of office these individuals who are on these boards. They get the proxies, they vote for themselves, and they designate that they stay in office. So, there is really very little that most co-op unit owners can do to combat this kind of situation. I have received expressions of concern about this problem, not only from my district, and, I do have several co-ops in my district,

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including the co-op where the late 'George Hallis' lived, which is the most northern building in my district. I received communications from co-op owners throughout Chicago and throughout the metropolitan area. We're concerned about the operation of their co-ops and would like to be able to simply observe what goes on. You know, there really is no magic in the name co-op, there really is no... no difference between whether it is a 'co-op' or condo or a townhouse. You buy an apartment. It is the biggest investment you make. Real estate, I think, is sacrosanct. It is the biggest investment most people make in their lives, and, you know, they ought to have at least the opportunity to observe the decision makers who are making the decisions that affect their property. So, I would urge your support. Thank you very much."

Speaker Braun: "The Gentleman has moved the passage of House Bill 1429. I'm sorry, has moved the passage of House Bill 1429. All in favor vote 'aye', opposed vote 'no'. The voting is open. This is final action. I recognize the Gentleman from DuPage, Representative Hoffman, to explain his vote."

Hoffman: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I can see by the way the Roll Call is going, there is no need for me to reiterate the fact that we join with the opponents on this legislation and would ask others to do the same."

Speaker Breslin: "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 16 voting 'aye' 78 voting 'no', 5 voting 'present'. This Bill, having failed to receive the... Constitutional Majority, is hereby declared lost. House Bill 1442. Out of the record. 1459, Representative Countryman. Out of the record. 1473, Representative Nash. Mr. Clerk, read the Bill."

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Clerk Leone: "House Bill 1473, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Braun: "The Gentleman from Cook, Representative Nash."

Nash: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 1473 amends the Public Aid Code. What it does is extends to September 19, 1990; a provision that enables general systems recipients to retain additional earned income as work incentive, which is up to 143 dollars, to still qualify for assistance. We passed this last Session. This piece of legislation is supported by Public Aid. It's the continuation of the Work Fair Bill I passed when I was in the Senate. I ask for an 'aye' vote."

Speaker Braun: "The Gentleman has moved the passage of House Bill 1473 and on that is there any discussion? There being none the question is, 'Shall House Bill 1473 pass?' All in favor vote 'aye', opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Younge, I don't know if we can vote you from the hall. Representative Younge, votes 'aye'. Myvetter Younge. Have all voted who wish? The Clerk will take the record. On this question there are 63 voting 'aye', 47 voting 'no', none voting 'present'. House Bill 1473, having received the Constitutional Majority, is hereby declared passed. House Bill 1477, Representative Turner. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1477, a Bill for an Act to amend the Public Aid Code. Third Reading of the Bill."

Speaker Braun: "The Gentleman from Cook, Representative Turner."

Turner: "Madam Speaker, thank you. I would like to have leave to bring this Bill back to Second Reading for purposes of an Amendment. And, I would like to table Amendment #1. No, I would like to just bring it back."

Speaker Braun: "The Gentleman requests leave to have this Bill

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returned to the Order of Second Reading. Leave granted? Leave. Mr. Clerk, read the Bill. On the Order of Second Reading."

Clerk Leone: "House Bill 1477, a Bill for an Act to amend the Illinois Public Aid Code. On the Order of Second Reading, Amendment #2, Turner, amends House Bill 1477."

Speaker Braun: "The Gentleman from Cook, Representative Turner."

Turner: "Thank you, Madam Speaker. Amendment #2, rewrites the Bill, in fact..."

Speaker Braun: "Representative Turner, did you want to table Amendment #1?"

Turner: "No, No."

Speaker Braun: "Proceed."

Turner: "Amendment #2 deletes everything after the enactment clause. So, it rewrites the Bill. It becomes the Bill. And, what it does in essence it retains the energy allowance for the aids to the aged, blind and disabled recipients similar to the six percent increase provided to other types of recipients in fiscal year 1985. It deletes the existing shelter allowance cap of 97 dollars for AABD clients and it sets a minimum 150 dollars shelter payments for interim disability assistance cases, excluding utility and household furnishings and further authorizes the department to pay a shelter allowance even if the recipient does not have a current residence. So, it takes into consideration our homeless here in the state. I would ask for adoption of Amendment #2."

Speaker Braun: "The Gentleman moves the Adoption of Amendment #2... and on that the Chair recognizes the Gentleman from DuPage, Representative Hoffman. Representative Hoffman."

Hoffman: "Yes, Madam Speaker, has this Amendment been printed and distributed?"

Speaker Braun: "We will check with the Clerk."



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Hoffman: "Thank you."

Speaker Braun: "If the Amendment has not been printed or has not been distributed. Representative Turner."

Turner: "Yes, thank you, Madam Chairman, I thought the Amendment had been distributed. I would like to leave it on Second Reading until the Amendment is... Leave it on Third. Leave it on Third Reading and we'll wait. Can I..."

Speaker Braun: "Representative Turner, the Bill will remain on Second Reading. We will return to it when the Amendment is distributed. Moving right along. House Bill 1618, Representative Vinson. Out of the record. House Bill 1647, Representative Terzich. Representative Terzich. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1647, a Bill for an Act to amend Sections of the Fireworks Regulation Act of Illinois. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Terzich."

Terzich: "Yes, Mrs. Speaker, Ladies and Gentleman of the House. Amendment #1, adopted in committee changes the title and deletes everything after the enacting clause and it amends the Fireworks Regulation Act to remove sparklers from the exceptions through the definition of fireworks. This Amendment is designed to discontinue non-control use of sparklers, making them fireworks subject to the rules and regulations governing the use of any explosive substance or other combustional substance producing visual effect. The Bill is promoted as a safety measure to reduce the incident of fire, burned skin, eye injuries due to casual use of sparklers primarily by young and inexperienced persons. The sparklers are extremely dangerous according to the reports from the fireworks... U.S. Consumers Products Safety Commission, that sparklers are the third most

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dangerous type of fireworks that are produced and used today. In addition there are hundreds of cases where it has caused serious burns and also fires throughout the State of Illinois. It simply would put it in the same category the other items that are not combustible will still remain in tact and only put sparklers in this category. And, I would urge your support."

Speaker Braun: "Is there any discussion? The Chair recognizes the Gentleman from Macon, Representative Tate."

Tate: "Thank you Madam Speaker. As many of the Members probably remember, this General Assembly legalized sparklers just a few years ago. The rationale at that time had been that a vast... a good portion of the citizens in this state used sparklers and were under the old statute. Sparklers were illegal, so we were making our young people and people that liked to participate in 4th of July events criminals. If this Bill would pass, it would prohibit the use of sparklers and again, make those participants criminals. Sparklers as well as many other fireworks that were legalized two years ago, if we were to prohibit that we would just again see large quantities of illegal fireworks cross Illinois' borders and we would lose that type of revenue. And, I would suggest to you that rather than to punish the little kids in this state for using, what is considered a relatively safe firework as opposed to some of the class B fireworks or class A fireworks that are currently prohibited by law, if we would like to have a pleasant celebration and 4th of July and keep our citizens honest and on the right side of the law, we'll oppose this Bill and vote 'no'."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Marion, Representative Friedrich."

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Friedrich: "Madam Speaker and Members of the House, I can only conclude that the Sponsor of this Bill believes that we ought to have an all protective government. If I had seen this Bill earlier I would have put in roller skates, bicycles, skate boards and everything else in which a child who's having a little fun might get hurt. I had a lot of fun with fireworks when I was a kid and I think the kids are missing something if they don't have that. They do have to except responsibility and so on and this here would keep taking things away so they could have an all protective government. I think this is the wrong way to go."

Speaker Braun: "The Chair recognizes the Gentleman from Champaign, Representative Johnson."

Johnson: "Gosh, the next thing you know, somebody's going to make you have a smoke alarm near your bedroom. Representative Terzich, what... what year did this General Assembly allow fireworks... make fire... not fireworks, sparklers legal again? What year did we do that?"

Terzich: "I believe, I recall Representative Tate had a list of fireworks that were excluded from the Class C Section of the Firework Law, which includes..."

Johnson: "Well, just tell me what year?"

Terzich: "Well, I think about three or four years ago."

Johnson: "Okay. What... Tell me what the statistics have been with respect to deaths or serious injury from sparklers since we made that change."

Terzich: "According to the statistical information that I got, which was given to me by the manufacturer of fireworks from Indiana, according to the fireworks industry of 1980, which I have from U.S. consumer product, the average number of injuries during the holiday period per year was 4,480 of which..."

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Johnson: "Is that... Just a minute now."

Terzich: "Well, you're asking. I'm giving you an answer."

Johnson: "Could I just ask you to answer what I'm asking you? I'm asking you since Illinois made the change, what increase have we had in deaths or injuries in this state from sparklers. I don't want nationwide statistics."

Terzich: "I don't... I... Well, I couldn't tell you."

Johnson: "Go ahead. Go ahead. You speaking for Illinois only?"

Terzich: "No."

Johnson: "Well, I'm not interested in nationwide. I'm talking about Illinois."

Terzich: "Well, alright. Well, I'm telling you... Well, I'm telling you I don't know. Do you?"

Johnson: "Well, I'm not the Sponsor of the Bill. I was interested to know whether there's been an increase in deaths and/or injuries from sparklers since we made them legal?"

Terzich: "I don't know."

Johnson: "I'm not going to try to characterize this, because I don't think it's legitimately characterized as an issue similar to seatbelts or smoke alarms, because obviously we're dealing with something that can potentially hurt someone else rather than yourself. So, I don't think it's exactly the same. But, I do believe that we ought to exercise a little common sense in here. There hasn't been at least any discernable increase, I believe, in deaths or in serious injuries from sparklers. They're primarily used in the summertime around the 4th of the July in every community - my kids use them and other people do. And there's probably a few people who are going to get some burns, and I'd rather not have those burns. Matches cause damage to people and so do skateboards, as Representative Friedrich things... says, and a lot of other things."

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Unfortunately, we don't have a perfect society. But, gosh, I don't know what's so bad about celebrating the 4th of July, maybe a week before and maybe a week afterwards and maybe some people do it a little too long. But, by and large, it's kind of a fun thing to do, not particularly harmful. I don't think there's been any deaths attributable to it that I know of. And I think the bottom line is that, as Representative Friedrich and Tate said and as I think most of us believe, that we really ought to go gingerly when we go about the business of prohibiting everything just because it might and, in some cases, does hurt a few people. I think it's a... I think it's a... I'm sure, well intended by Representative Terzich, but I really don't think it's something that's a serious problem. And I think it's kind of a fun thing to have around and, for those reasons, I'm going to vote "no".

Speaker Braun: "Is there further discussion? While we are on the Order of Regular Debate, Third Reading, I would ask the Members to keep their comments short. We will put on the timer. The Chair recognizes the Gentleman from Cook, Representative Nash."

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

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

Nash: "Representative Terzich, under your legislation, will restaurants that use sparklers on birthday cakes still be able to use them?"

Terzich: "Yes, if they want a new restaurant which they call spontaneous combustion and they seem to disappear and the next day they get new restaurants. I think they use sparklers for that."

Speaker Braun: "Is there further discussion? I would remind the Membership, while we are delighted to have guests join us

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here in the General Assembly, pursuant to Rule 64, guests are not allowed on the floor unless specifically authorized. And so, I would ask the... that the chambers be cleared of visitors at this time. You retire to the gallery, please. The Chair recognizes Representative Regan."

Regan: "Thank you, Madam Speaker, Members of the House. To the Bill. I was giving this serious thought until Representative Nash brought up the fact that the sparklers could not be put on birthday cakes at the restaurants. Every year, I take my wife on her birthday to a restaurant and they put candles on it, and as each year goes by it gets a little more dangerous, I must admit. But we enjoy that activity, and I certainly oppose the bill. It was going to make my wife angry. Thank you."

Speaker Braun: "Is there further discussion? There being none, the Chair recognizes the Gentleman from Cook, to close."

Terzich: "Well, yes, Mr. (sic - Madam) Speaker, Ladies and Gentlemen of the House, this legislation is not put in lightly. I... I've used fireworks just as well as everyone else. However, sparklers are extremely dangerous. It's not only causing injuries. There's been substantial injuries as far as eyes, hands, that everyone has grabbed a sparkler now and then. Sparklers get up to 2400 degrees in fahrenheit. There are hundreds of different fires throughout the state. Property damage as a result of discarded sparklers is astronomical. They throw them on grooves of houses. They throw it in dry materials that cause substantial fire damage. At the same time, that the... if you've seen a blind child or someone whose hands have been burnt by a sparklers. I did not exclude other items in there which certainly is recognizable, such as glow worm pellets, smoke devices. But covered under the

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Section (C) of the affected fireworks, what are we talking? We're talking about cherry bombs, smoke bombs. Some of these firecrackers and torpedos are enough. They're not only blowing your hand off or blinding you permanently, but also cause you your life. This is something that we cannot tolerate, as well as a number of other states throughout the United States. The sparklers are extremely dangerous. We're not trying to moralize on whether or not a child should use them. But, they are the ones that do use them. They are the ones that usually do get injured, and they are also the ones that do cause fires. And this is simply putting the sparklers in the Class C category. And as far as the moralizing is concerned, where's the product liability involved with this when someone gets burned or dies or injured? I don't see any of them. I don't see anybody talking against that. And certainly this is a Bill that is sponsored by the State Fire Marshall, the Illinois Fire Advisory Board, as well as the Chicago Fire Department. And I would urge your support of this legislation."

Speaker Braun: "The Gentleman has moved the passage of House Bill 1647. All in favor vote 'aye', 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 34 voting 'aye', 68 voting 'no', 5 voting 'present'. This Bill, having failed to receive the required Majority, is hereby declared lost. House Bill 1699, Representative Younge. Out of the record. House Bill 1865, Representative Dunn. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1865, a Bill for an Act to amend Sections of the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Braun: "Gentleman from Macon, Representative Dunn."

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Dunn: "Thank you, Madam Speaker. With the adoption of Amendment #2, which is now on the Bill, the fiscal impact of this legislation has been drastically reduced. The fiscal cost is in the range of about 240,000 dollars statewide. And what this legislation will do, if enacted, is allow people who want to get off the welfare rolls but at entry level jobs don't earn a lot of money to make that transition and still be assured that they will have medical care by means of a green card. So, I would ask for a favorable vote on this piece of legislation, which will help people go back to work."

Speaker Braun: "The Gentleman has moved the passage of House Bill 1865. On that question, is there any discussion? The Chair recognizes the Gentleman from DuPage, Representative McCracken."

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

Speaker Braun: "He indicates he will."

McCracken: "Representative, I note that the fiscal impact is reduced dramatically. What does this Bill do now?"

Dunn: "What this Bill does is enables people, who get off the welfare rolls and go back to work, to obtain medical coverage the same as they previously had when they were on the welfare rolls. And the purpose, of course, is to encourage them to leave the welfare rolls. We find that there are people in this state who do the things we want them to do. They jump through the hoops to get job training, and then they find that they have an entry level job which pays minimum wage probably and has no fringe benefits. So, they have a terrible dilemma. Do they remain at the taxpayers' expense on the welfare rolls and have medical coverage or do they take a chance with an entry level job at minimum wage, no insurance coverage and hope they don't get sick?"



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McCracken: "So, this is for the working indigent, and you disregard the federal maximum earned income to determine eligibility."

Dunn: "That's right. This is currently federally authorized. As I indicated earlier, it doesn't affect a lot of people. About 240,000 dollars is the expected cost statewide, but it sends a strong signal that if you... if you do try to get off the welfare rolls, we'll help you make that transition."

McCracken: "Okay. Under current law, aren't these same people getting nine months worth of benefits, or is that not correct?"

Dunn: "Yes, they are, and this would extend those benefits another six months on top of that."

McCracken: "Okay. To the Bill, Madam Speaker. If, in fact, the nine month period is current law, I'm not certain what the substantial justification is for extending it another six months. I think that if it were a question of receiving or not receiving any of this for the working indigent, then maybe there would be a case for this... for this Bill. But, I mean, what difference is 15 months going to make? I just don't see it. If it's an either/or proposition, I can understand that; but, to extend it on the theory that these people in the next six months are going to move on to some higher level of job or income, I think, just is not demonstrated. Thank you."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you, Madam Chairman. Would the Sponsor yield for questions?"

Speaker Braun: "He indicates he will."

Ryder: "Representative, I'm certain that you just heard the

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previous speaker make reference and I'd like to give you an opportunity to answer one of the questions that he raised in his argument against this. Can you cite to me specific examples that are opportunities lost because this six months does not exist?"

Dunn: "Sure. I would..."

Ryder: "Please do."

Dunn: "I wouldn't want, particularly if I had concern about any kind of health problem, to give up medical coverage for a minimum wage job for nine months of employment and go to work for an employer who doesn't have benefits and take a chance that I wouldn't get sick. The point of this legislation is that this would put the State of Illinois in parallel operation with the Federal Government. The current administration in Washington, the Reagan administration has recognized the need for an additional six months. This is federal rule now. We're just trying to take advantage of what the Federal Government has... this particular administration had said and recognized as something which needs to be done. It doesn't cost much. And if we really want to get people off the welfare rolls, we need to say we're going to give them a helping hand to do that. And no one knows if or when they're going to get sick. And if you can't get a job the first time out with fringe benefits, maybe you can work six months, nine months, 15 months and then move to some... some other job. But you need some... some assurance that support will be there at least on a temporary basis and the current federal administration has discovered that nine months is too short a time period and you need another six months."

Ryder: "Representative, I appreciate a very thorough answer. In fact, it would make an excellent closing for your debate. But, I think that you may have misconstrued my question."

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What is so magic about nine months or six months beyond? In the event that the person attempts, during that nine month period, to find the job or to go on the job and go off of the welfare rolls, then, in the event the job doesn't work out, in the event that they are fired or they have other problems, are they in some way now prohibited from reapplying for public aid?"

Dunn: "The answer to your question is, if we follow your logic, we might as well say that one or two weeks support is plenty. Because once you get out, get that minimum wage job, then... then you can apply for a better job. You and I know that if you go to work frying hamburgers for minimum wage it's not likely that you'll get a better job in the first or the second week. And if you've come to areas of the State of Illinois which don't have a large influx of tax dollars, like the community from which I am from, Decatur, Danville, Rockford, Peoria, the blue collar industrial belt cities of this state, not to mention Chicago and East St. Louis, you come from any of the hard hit areas, if you can get a minimum wage job and have the spunk to get off the welfare rolls, it really isn't too likely that you're going to have employers knocking at your door to... to step up quickly to a better job. You need all the time you can get. And what I'm saying to the General Assembly is that what we all know is a very conservative administration with regard to social programs out in Washington has recognized that nine months plus an additional six months is a reasonable time period. It's not my administration out of Washington. It's the Reagan administration. And if they recognize this, I think that we ought to take advantage of it here in the State of Illinois. I think we need to get people off welfare rolls. I talk about that. We all talk about that. This is

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something that has a very low price tag to put our money where our mouth is. Two hundred and forty thousand dollars is not too much to try this experiment and encourage people to do what we want them to do."

Ryder: "Representative, then, I'll ask you a more concise question and hopefully receive a more concise answer. When, under your Act, these folks are receiving the 15 months of eligibility, are they required to report in on a monthly basis?"

Speaker Braun: "Before you respond, Representative Dunn, I'd like the Body to recognize the presence of former Representative Harold Katz, who's joined us in here in the front. Continue. Proceed, Representative Dunn. I'm sorry."

Dunn: "Yeah. I'm told that the Department gives them an automatic pass for the first nine months. And during the second period of time, it would be appropriate to review the determination. I don't think anybody is trying to make it cushy for someone to take advantage of a boondoggle program. This... Don't forget, this contemplates employment and contemplates employment to where it is not likely to have fringe benefits and lots of jobs don't these days. There are a lot of temporary jobs out there in fast food operations and shopping malls, for example, where people are only hired for 20 hours a week. And the purpose of that is to avoid paying fringe benefits. Those jobs are everywhere. If someone is willing to get off the welfare rolls and take a job like that, let's encourage him to do that to... to develop some self confidence. That doesn't happen overnight either. It may take six or nine months. If we can't spend 240,000 dollars statewide to do what we all preach about both in here and on the campaign trail, then we're not really being honest with ourselves."

Speaker Braun: "Is there further discussion?"

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Ryder: "May I speak to the Bill?"

Speaker Braun: "Proceed, Representative Ryder."

Ryder: "Thank you, Madam Chairman. Since my questions were not answered, except for three closing statements, I would indicate to the Body that what we're talking about is not an either/or situation. No one is indicating that these people should not have the opportunity for nine months. What is being requested is that the nine months be extended to 15 months. And I have attempted to ask the Sponsor for examples where the additional six months would be of some benefit; and, although he indicates that he may know of some, I am afraid that in the conversations that we had, he was unable to provide same. No one is saying that the nine months should be abolished. I'm not. The Sponsor is not. But we're talking about an additional quarter of a million dollars here, and we are not provided justification for that. Again, it's more money. It's money that's being spent and, in this situation, I don't believe it's being wisely spent because the reasons have not been established. And I would urge a 'no' vote. Thank you, Madam Chairman."

Speaker Braun: "Representative Dunn, to close."

Dunn: "Well, I guess maybe the best way to close is to say that we are either last or next to last in return of federal dollars from Washington. I'm trying to pass a Bill that would appropriate 240,000 dollars and get a few bucks back from Washington in a program which is authorized by Washington, but I guess the people on the other side of the aisle don't want to do that. They want to remain last getting taxpayer dollars back from Washington and maybe that's why we are in that position. I don't know. I'd like to get people off the welfare rolls. I'd like to start doing it. I'd like to start doing it today. This will help do that. This is a program authorized and

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encouraged by the Reagan administration. So, I guess I'm standing up here supporting one of their programs which is not a typical thing for me to do, but it's a good program. So, I support it. Let's pass this Bill. It doesn't have much of a price tag and will be very helpful to a lot of people in the State of Illinois."

Speaker Braun: "The Gentleman has moved the passage of House Bill 1865. All in favor vote 'aye', opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? For what reason, the Lady... The Chair recognizes the Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Speaker and Members of the House, we frequently are concerned about the fact that there is a drain of state dollars to subsidize federal programs and that we do not get our fair share back. Although the money for this program would have to be expended by the state upfront, it's my understanding that half of the funds would be reimbursed to us and would help us to address that imbalance. If federal law permits states to provide this benefit and we are among a few states who do not, it essentially means that our federal tax dollars are going to other states to provide for this program to recipients in those states. And I think that it is a benefit that we should be extending to our own citizens in order to help them get back on the payrolls instead of being additional burdens for a long time to the State of Illinois and to the Federal Government."

Speaker Braun: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 60 voting 'aye', 46 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2060,

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Representative Churchill. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2060, a Bill for an Act to amend Sections of the Illinois Low Level Radioactive Waste Management Act. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Lake, Representative Churchill."

Churchill: "Thank you, Madam Speaker. House Bill 2060 is a cleanup Bill for the Department of Nuclear Safety on low level nuclear waste. It adds a definition of 'waste broker' to the Act and regulates what waste brokers can do and have to do in their reports that they have to file. It amends the Section of the Act providing for the cost on shared liability between states to the Low Level Nuclear Waste Pact saying that a state that generates less than ten percent volume for a compact region does not have to pay any of the costs. And it repeals all of the Sections which dealt with the Central Midwest Compact since the State of Illinois did not join the Central Midwest Compact... or I'm sorry, the Midwest Compact, but is now a member of the Central Compact. So, it puts the word 'Central' in for 'Midwest' so that it clearly identifies the compact that we have joined. I would ask for a positive vote."

Speaker Braun: "The Gentleman moves the passage of House Bill 2060. On that, is there any discussion? There being none, the question is, 'Shall House Bill 2060 pass?' All in favor vote 'aye', 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 108 voting 'aye', none voting 'no', 2 voting 'present'. House Bill 2060, having received the Constitutional Majority, is hereby declared passed. House Bill 2073, Representative Phelps. Mr. Clerk, read the Bill."

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Clerk O'Brien: "House Bill 2073, a Bill for an Act to amend Sections of an Act in relation to natural resources, research, data collection and environmental studies. Third Reading of the Bill."

Speaker Braun: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. When Amendment 1 was adopted to House Bill 2073, it actually became the bill. The original bill actually stated the creation of a Division, Office of Coal, in the Department of Energy, Environment and Natural Resources. I believe part of our problems in high sulfur coal in Illinois is the lack of promotion and marketing on the international scale as well as nationally. So, this... the purpose of this Bill is just to properly put in priority, emphasize the value of marketing our own Illinois coal. So, I compromised with the Department and offered the Amendment to make the division broad category down to an office, which now will be a full purpose on focusing on the marketing of Illinois high sulfur coal. And I would ask for a favorable vote."

Speaker Braun: "The Gentleman has moved the passage of House Bill 2073. And on that, is there any discussion? There being none, the question is, 'Shall House Bill 2073 pass?' All in favor vote 'aye', opposed vote 'no'. The 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 103 voting 'aye', 3 voting 'no', 2 voting 'present'. House Bill 2070 (sic - 2073), having received the Constitutional Majority, is hereby declared passed. House Bill 2093, Representative Wash. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2093, a Bill for an Act to amend



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Sections of the Social Workers' Registration Act. Third Reading of the Bill."

Speaker Braun: "Representative Nash."

Nash: "Leave to handle the Bill for Representative Braun. Thank you. Madam Speaker, Ladies and Gentlemen of the House, House Bill 2093 amends the Social Workers' Registration Act. It provides that each examination fee shall cover the cost of providing only one examination. The Department of Registration and Education has no position on this Bill. I ask for a favorable Roll Call."

Speaker Braun: "The Gentleman has moved the passage of House Bill 2093. And on that, is there any discussion? There being none, the question is, 'Shall House Bill 2093 pass?' On. The Chair recognizes the Gentleman from Lake, Representative Churchill."

Churchill: "Thank you, Madam Speaker. Will the Gentleman yield?"

Speaker Braun: "He indicates he will."

Churchill: "Representative Nash, would you explain... This is to provide a new fee or is this an additional fee?"

Nash: "This clarifies the legislation that one fee covers one examination."

Churchill: "Has there been some problem with this in the past?"

Nash: "There was constituent problems with the Sponsor of the Bill."

Churchill: "And you're not... it is not your intention nor the original Sponsor of the Bill's intention to attach the former language from House Bill 934 into this on licensure? This is not going to be a licensure Bill?"

Nash: "No. No, this only deals with the license fee that you pay to take the test. One fee. This Bill simply makes it clear that when an applicant for an examination is required to pay the Department for any selected testing service for an exam, the person pays for only one exam."

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Churchill: "Okay. After a hearing you say that this will not deal with licensure and noticing. The Sponsor shaking her head no, this will not deal with licensure. I have no objection."

Nash: "Thank you. I move for a favorable Roll Call if there's no more questions."

Speaker Braun: "The Gentleman from Kendall seeks recognition, Representative Hastert."

Hastert: "Thank you, Madam Speaker. And I excuse myself. I was talking to somebody else during that conversation. I just want to clarify. Isn't this already... Can I... May I ask a question? Will the Sponsor yield?"

Speaker Braun: "He indicates he will."

Hastert: "Isn't this already in current law?"

Nash: "No."

Hastert: "Otherwise, we don't charge a fee to take the test each time a person takes a test."

Nash: "We're just clarifying what the fee covers."

Hastert: "Then, in that case, is this a vehicle Bill? Is this a vehicle Bill for something?"

Nash: "No, no, it's not. We're just taking care of constituent problems for the Sponsor."

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

Leverenz: "To the... the Bill. A lot of people, they pay one fee and they think that they can take the test until they pass. We go to outside testing services and we have to pay for every time we take the tests. That's the purpose of the Bill."

Speaker Braun: "Is there further discussion? The Gentleman has moved the passage... Representative Nash, to close."

Nash: "Thank you, Madam Speaker. I ask for a favorable Roll Call."

Speaker Braun: "The Gentleman has moved the passage of House Bill

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2093. All in favor vote 'aye', opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 104 voting 'aye', 5 voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2236, Representative Currie. One second, Representative Currie. For purposes of an announcement, Representative Christensen. Representative Christensen in the chair."

Speaker Christensen: "Thank you, Madam Speaker. I would like to introduce to the Members of the General Assembly, Terry Keigher. Terry finished first in a statewide contest called 'National Consumer Week Poster Contest,' sponsored by the Attorney General, and it was for sixth, seventh and eighth graders. Terry was the first place winner out of all kids all across the State of Illinois. Now, Terry, 13 years old, is the son of Pat and Jean Keigher from Manteno. With him also is his sister, Julie. Now, we have a Resolution for Terry. Would you read the Resolution, Mr. Clerk?"

Clerk O'Brien: "Senate Joint Resolution 147, sponsored by Representative Christensen. Whereas, thirteen year old Terry Keigher of 661 West End Drive, Manteno, Illinois is the son of Patrick and Jean Keigher; and whereas, Terry has been chosen from more than 400 students statewide as winner of the Illinois Attorney General's First Annual Consumer Awareness Poster Contest; and whereas, Terry's simple and direct message, 'Be a Suckerbuster', has served to create awareness among consumers during the National Consumer Protection Week, April 20 to the 26, and shall continue to serve as a reminder to consumers throughout the year; and whereas, this distinction has brought pride to the Manteno

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community and especially to the teachers and students of Manteno Junior High School where Terry attends eighth grade; and whereas, Terry's unselfish use of his creative abilities for the good of all of Illinois citizens serves as an example to the young and old alike. Therefore, be it resolved by the Senate of the 84th General Assembly of the State of Illinois, the House of Representatives concurring herein, that the Members of these chambers offer their sincere congratulations to Terry Keigher in recognition of his achievement as Illinois' outstanding young consumer, and be it further resolved that a suitable copy of this Preamble be prepared and delivered to Terry and to his parents to service as a lasting tribute to his efforts in consumer awareness."

Christensen: "Thank you. Let's give first place Terry and his first place family a big hand."

Speaker Braun: "House Bill 2236, Representative Currie. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2236, a Bill for an Act to amend Sections of the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Braun: "Lady from Cook, Representative Currie."

Currie: "Thank you, Madam Speaker. I would ask leave to return the Bill to Second Reading for purposes of an Amendment."

Speaker Braun: "The Lady requests leave to return the Bill to the Order of Second Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "This Bill has been read a second time previously. Amendment #2, offered by Representative Currie, amends House Bill 2236 as amended and so forth."

Speaker Braun: "Representative Currie, on Amendment 2."

Currie: "Thank you, Madam Speaker and Members of the House. Amendment 2 changes the... the content of the bill. It deletes the provisions that were first offered in House

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Bill 2236 and instead merely lifts the present statutory cap on expenditures for special and emergency assistance under the Public Aid Code. The Bill has no fiscal impact. Appropriations would drive the amount of money we choose to spend on emergency and special assistance in any given year. The value of lifting the statutory cap is that when we make a decision in the appropriations process, that decision will govern and the value of the Amendment will be that in the homeless programs that now operate, if there is an opportunity for emergency assistance money to help fund individuals in some of those programs, there's also an opportunity for federal reimbursement. This Amendment then offers us flexibility in establishing how we organize the emergency and special assistance programs through the Department of Public Aid for public aid clients. I would be happy to answer questions, and I would urge adoption of Amendment 2 to House Bill 2236."

Speaker Braun: "Lady moves the amendment of... The Lady moves the adoption of Amendment #2. And on that, is there any discussion? The Chair recognizes the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Representative, on the last page... I wonder, Madam Speaker, if the Sponsor would yield for a question?"

Speaker Braun: "She indicates that she will."

Vinson: "On the last page of your Amendment as it was filed - I don't believe that I have the distributed copy, so I'm looking at the filed copy, Representative - you have language that says, 'in the annual appropriations Bill submitted to the Illinois General Assembly, the Department shall specify separate line items requested appropriations for assistance under these provisions. Expenditures for each type of assistance under this Section shall not exceed such request.' Could you explain to me what that language

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means?"

Currie: "What the language means is that the amount of money we appropriate for emergency and special assistance will determine how much money is available to fund emergency and special assistance through the Department of Public Aid. Right now, there is a statutory cap. The cap has been changed several times. I think there would be more flexibility for the Department and for the General Assembly if, instead of a statutory cap, we merely let the amount of money we appropriate drive spending for these two programs."

Vinson: "But that... what you're stating is I thought what your intention was. That's not what your language says."

Currie: "I think that's what the Bill..."

Vinson: "As I read your language, it's the request in the appropriation bill that spending can't exceed, not the appropriation. Isn't that correct?"

Currie: "Well, Mr. Vinson... Representative Vinson, as I read it, it is the request of the appropriations process rather than specifically the Department."

Vinson: "Now, the language on line seven of the Amendment as introduced says, 'Shall not exceed such request.' Correct?"

Currie: "Yes, but I believe the requested appropriations are those that are defined by the General Assembly rather than the Department. Presently, the Department line items special and emergency assistance funds. This Bill doesn't change that. It just says that it's the amount of money requested through the appropriations process by the General Assembly that will determine available dollars for spending."

Vinson: "It doesn't really say as determined by the General Assembly. It says as the Department shall specify, though,

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doesn't it?"

Currie: "And that's exactly..."

Vinson: "What's the difference between a requested appropriation and an appropriation?"

Currie: "That's right. And that's exactly what happens now."

Vinson: "Okay. To the Amendment, Madam Speaker and Members of the Assembly."

Speaker Braun: "Proceed."

Vinson: "I rise in opposition to the Amendment, not because the Lady's purpose in the Amendment is wrong or inappropriate, but because if you actually read the Amendment, she's not stating in the Amendment what it is that's she's saying that she wants to do on the floor. The Amendment specifically states that there is a ceiling that can be spent on the amount of money for this purpose by how much the Department requests. Now, I would say that that would seed the appropriation authority of this General Assembly to the Department. We know what we appropriate. We can't determine what the Department will request. For that reason, we should never put ourselves in the position of letting any agency determine how much can be spent by how much they request. And that is precisely what the language in the Amendment does. She might wish that the language in the Amendment said something different, and if she does, I would urge her to take the Bill out of the record for another Amendment that says what she really means. Because you can't use legislative intent to vary the specific wording of a Bill. You can only use legislative intent in subsequent court actions to vary the language where there's ambiguity, to broaden the language or to make it narrow where there's ambiguity. There's no ambiguity here. What we're dealing with is such request and requested appropriations. We know what an appropriation is. A

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requested appropriation is something very different. It's what the Department requests. We should not be locked in. Some day, I know... currently, we have a good Governor. We have a Governor who wouldn't request excessive appropriations. But the day may come when there's a Governor who requests inadequate or excessive appropriations, and this language would lock us in to those inappropriate actions. I would urge defeat of the Amendment. Actually, what I would urge is that the Lady withdraw the Bill at this point and come back with a properly worded Amendment that does not seed legislative authority to the Executive Branch. In the event she chooses not to do that, I would urge a "no" vote on the Amendment, request a Roll Call vote and ask for a verification should it appear to get the requisite number of votes, Madam Speaker."

Currie: "Madam Speaker, Members of the House..."

Speaker Braun: "Is there further discussion?"

Currie: "The Gentleman has convinced me that there may be some ambiguity in the way this Amendment is drafted, and I would be happy, with his leave and the leave of the House, to take the Bill out of the record so as to look more closely at the issue with the opportunity to come back to this Bill this afternoon with either an alteration in language or... or with this... with the Amendment as it now reads. Is that acceptable to the interlocutor on the other side of the aisle?"

Speaker Braun: "The Lady has requested leave to temporarily withdraw this Bill with leave to come back to it before the end of business today. Representative Vinson."

Vinson: "I would certainly grant the Lady leave to take the Bill from the record and leave to come back to the Bill when an appropriate Amendment is ready. I would not want to appear



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to be granting leave to have an Amendment considered that was not filed, distributed... printed and distributed to the Membership."

Currie: "Oh, absolutely, Representative Vinson."

Speaker Braun: "The Bill is out of the record."

Vinson: "And I would also suggest that she get a better draftsman to do her work this time."

Speaker Braun: "The Bill is out of the record. Moving right along. House Bill 2254, Representative Slater. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2254, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from McDonough, Representative Slater."

Slater: "House... Thank you, Madam Speaker. House Bill 2254 amends the Marriage and Dissolution of Marriage Act. At the present time, under the no fault provisions of our Marriage and Dissolution of Marriage Act, the parties can waive the two year separation time if they have lived separate and apart for six months. This Bill changes the six months down to thirty days but still requires the two years and that may be waived by a thirty day provision by the parties."

Speaker Braun: "The Gentleman moves the passage of House Bill 2254. On that, is there any discussion? There being none, the question is, 'Shall House Bill 2254 pass?' All in favor vote 'aye', opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 85 voting 'aye', 13 voting 'no', 9 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2459, Representative

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Younge, Wyvetter Younge. Out of the record. 2537. Out of the record. House Bill 2546, Representative Kulas. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2546, a Bill for an Act to amend Sections of an Act in relation to fire protection districts. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from Cook, Representative Kulas."

Kulas: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 2546 is a very simple Bill. It amends the Fire Protection District Act and all it does, it provides that a petition to prevent territory, which is annexed by a municipality, from being disconnected from a fire protection district by operation of law must be filed with the county clerk as well as with the appropriate court. So, all this Bill does is it requires that the protection district file the petition with the county clerk, which now it doesn't have to do. And I would ask for a favorable Roll Call."

Speaker Braun: "The Gentleman moves the passage of House Bill 2546. And on that, is there any discussion? There being none, the question is, 'Shall House Bill 2546 pass?' All in favor vote 'aye', all 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 109 voting 'aye', 3 voting 'no', none voting 'present'. House Bill 2546, having received the Constitutional Majority, is hereby declared passed. House Bill 2549, Representative Ronan. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2549, a Bill for an Act to create the China Development Corporation of Illinois. Third Reading of the Bill."

Speaker Braun: "The Gentleman from Cook, Representative Ronan."

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Ronan: "Thank you, Madam Speaker. I'd like to bring this Bill back to Second Reading for an Amendment."

Speaker Braun: "The Bill is returned to the Order... Return the Bill to the Order of Second Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "This Bill has been read a second time previously. Floor Amendment #2, offered by Representative Ronan."

Ronan: "Thank you, Madam Speaker. Amendment #2 is... we've worked out a compromise with the Department of Commerce and Community Affairs. Our goal is to improve the business opportunities with China. They don't want a separate agency, but they're willing to have an advisory committee set up within the agency, which will appoint a professional executive director who will be in a much better position to improve our business opportunities in the mainland China. So, that I move for the adoption of Amendment #2 to House Bill 2549."

Speaker Braun: "The Gentleman moves the passage of... or the adoption of Amendment 2. And on that, is there any discussion? All in favor say 'aye', 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 Braun: "For what reason does the Gentleman from Cook, Representative Piel, rise?"

Piel: "Yes, Madam Speaker, according to Rule 36(d), I would ask that that go back to Second Reading First Legislative Day, please."

Speaker Braun: "Representative Ronan."

Ronan: "Yeah, I move to overrule his ruling... suspend the appropriate rule and have the Bill heard immediately."

Speaker Braun: "Representative Vin... Representative Vinson."

Vinson: "I would..."

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Speaker Braun: "Piel, I'm sorry. Representative Piel."

Piel: "I would ask a ruling of the Chair. He has made a joint Motion, so it would take 71 votes the way he put the Motion on the floor."

Speaker Braun: "Representative Vinson. Representative Vinson."

Vinson: "I think Mr. Piel made the requisite point of order. There is a joint Motion and to hear it immediately would take 71 votes."

Speaker Braun: "The Parliamentarian is examining the rule whether or not this Bill should return to the Order of First... Second Reading, First Legislative Day and whether or not the substitute Motion made by Representative Ronan requires 71 votes. To separate out the Motions that have been made, the Amendment amends the title of the Bill. Therefore, the Bill would return to the Order of Second Reading, First Legislative Day. Representative Ronan has moved to suspend that rule. That Motion requires 60 votes. Representative Piel."

Piel: "Unless Representative Ronan wants to restate his Motion, the way the Motion was stated is that he wanted to overrule my... 36(d) and to have it heard on Third Reading immediately. That is technically classified as one Motion which would take 71 votes. Correct?"

Speaker Braun: "Representative Ronan. Representative Ronan's Motion..."

Ronan: "Yeah, Madam Speaker, here's what I'm willing to do. Representative Vinson's got another interesting idea for Clinton County, I assume. All I want to have it, is I want the Bill to be on Third Reading. I'll bring it back for Vinson when he gets his crazy idea established. And I just don't want it to be lost. So, I have faith in the distinguished whatever he is that he's going to allow that to happen at some point in the next ten days. So, in

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deference to the distinguished whatever he is, I will do that for Vinson."

Speaker Braun: "To restate where we are. Representative Ronan has moved to suspend the provisions of Rule 37... 36(d). That Motion requires 60 votes. All in favor of the... Representative... Representative Piel."

Piel: "I'll remove my request."

Speaker Braun: "The Bill, as amended by Amendment #2... has been amended by Amendment #2. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Braun: "Third Reading. Representative Ronan. Representative Ronan, it is not your intention to have this Bill heard immediately; therefore, it will remain on the Order of Third Reading. House Bill 2552, Representative Curran. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2552, a Bill for an Act to amend Sections of the State Comptroller's Act and the School Code. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Jangamon, Representative Curran."

Curran: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 2552 amends the State Comptroller's Act and the School Code to allow the Comptroller, at the direction of the Illinois State Scholarship Commission, to garnish state income tax refunds to pay for the amount of financial aid which is delinquent. In simple terms, if you're a deadbeat on your student loan, the state, under the authority of this Bill, would reduce your income tax return, state income tax return, by the amount that you owe. This Bill provides for notice to the borrower and an opportunity to be heard for appeal in accordance with the Administrative Review Law. The Federal Government already has this right with federal tax returns. The Illinois

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State Scholarship Commission supports this Bill. Be glad to answer any questions."

Speaker Braun: "The Gentleman has moved the passage of House Bill 2552. On that, is there any discussion? The Lady from Cook, Representative Alexander."

Alexander: "Representative Curran, is this the Bill where the State... rather the Department of Revenue have the opportunity to go in to private numbers and solicited money from students who own delinquent taxes. Is this the same Bill?"

Curran: "This is the Bill where that was an original request. That request by the State Scholarship Commission has been dropped. So, this Bill does not have that offensive matter in it."

Alexander: "Okay. In other words, they cannot use my private number..."

Curran: "That is correct."

Alexander: "Okay. Thank you so kindly."

Speaker Braun: "Is there further discussion? Gentleman from McHenry, Representative Klemm."

Klemm: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Braun: "He indicates he will."

Klemm: "Representative Curran, I notice in our analysis that it says there are 57,000 students who have defaulted on state loans for a cost of about 130 some million dollars. Is that correct?"

Curran: "It is... The information that I have does not deal with the total numbers. It deals with the percent. And approximately 6.2 percent of the... Approximately 6.2 percent of loans valued at over 265 million dollars."

Klemm: "Alright. Well, ours shows 57,000 students that... Is there no other way to collect any delinquent payments from these individuals who have done this other than the method

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that you're suggesting?"

Curran: "There are a lot of other procedures. If you'd like, I'd be glad..."

Klemm: "Are we doing any of them?"

Curran: "Pardon?"

Klemm: "Are we doing any of them to collect other than this?"

Curran: "I'm sure we're doing all of them. This is simply an addition. The State Scholarship Commission wishes to have this authority because it's state money going back to somebody who's a deadbeat. And it's kind of silly for us to give some deadbeat back some money."

Klemm: "No, I'm not opposing your Bill."

Curran: "Yes, I understand that."

Klemm: "I certainly intend to vote for. It was just amazed at the number of people that are delinquent and taking away money from others that we could give to help them out."

Curran: "That's correct."

Klemm: "I was wondering, we should do more than just take away some of their possible state refunds, because that way never even come close to paying what they owe us."

Curran: "I'll be glad to join you in that effort."

Klemm: "Alright. Thank you very much."

Speaker Braun: "Is there further discussion? There being none, Representative Curran, to close."

Curran: "Simply ask for a favorable Roll Call. This is to get more money back for student loans from deadbeats."

Speaker Braun: "The Gentleman has moved the passage of House Bill 2552. All in favor vote 'aye', opposed vote 'no'. Voting is open. It's final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 109 voting 'aye', none voting 'no', 1 voting 'present'. House Bill 2552, having received the Constitutional Majority, is hereby declared passed."

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House Bill 2564, Representative Shaw. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2564, a Bill for an Act to add Sections to the Civil Administrative Code of Illinois. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from Cook, Representative Shaw."

Shaw: "Yes, we have Amendment #1. We'd like leave to bring it back to Second for the purpose of putting on an Amendment."

Speaker Braun: "The Bill will be returned to the Order of Second Reading for purposes of an Amendment. Mr. Clerk, read the Bill."

Clerk O'Brien: "This Bill has been read a second time previously. Floor Amendment #1, offered by Representative Shaw."

Shaw: "Amendment 1 reduces the amount from 50,000... from 50,000,000 to 5,000,000 for energy assistance grant. I ask for its adoption."

Speaker Braun: "The Gentleman has moved the adoption of Floor Amendment #1. All in favor say 'aye', opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Braun: "Third Reading."

Shaw: "Yes, Madam Chairman, and Ladies and Gentlemen of the House, House Bill 2564, it provides that the Department of..."

Speaker Braun: "The Gentleman requests leave to have... for immediately consideration of this legislation. Leave granted? Leave. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2564, a Bill for an Act to amend Sections of the Civil Administrative Code. Third Reading of the Bill."

Speaker Braun: "Gentleman from Cook."



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Shaw: "Yes, Madam Speaker. House Bill 2564 provides that the Department of Commerce and Community Affairs shall provide energy assistance grant to purchase and install dampers for gas and oil heating systems in residents of low income individuals."

Speaker Braun: "For what reason does the Gentleman from Morgan, Representative Ryder, rise?"

Ryder: "I wish to have an opportunity to question... ask questions of the Sponsor at the appropriate time."

Speaker Braun: "Continue, Representative Shaw."

Shaw: "I'm ready... I've stated what the Bill..."

Speaker Braun: "The Gentleman is prepared to answer your questions, Representative Ryder."

Ryder: "Okay?"

Speaker Braun: "Proceed."

Ryder: "Thank you, Madam Speaker. Representative, at this point, are you aware of any opponents to the Bill?"

Shaw: "No, I'm not."

Ryder: "Alright. At an earlier portion there was some suggestion that the Department of Commerce and Community Affairs were in oppose position to the Bill. Is that the case at this time?"

Shaw: "They have not spoken with me or the staff people about it."

Ryder: "Pardon me?"

Shaw: "They have not spoken with me or any staff person about it."

Ryder: "So, at this point, it would take you by surprise if they were to indicate that they're opposed to the Bill."

Shaw: "Very much so."

Ryder: "Alright. I am informed that they're opposed to the Bill."

Shaw: "I'm shocked."

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Ryder: "Well. I know that you are and, in good faith, I'm sure that you'd like to work out that problem, as would I. Would you mind taking this out of the record for a moment, so we could discuss that?"

Shaw: "Right. Yes, I'll agree to take it out."

Ryder: "Thank you."

Shaw: "With leave... with leave that we get back to it."

Ryder: "That's up to the Chair, and I'm not going to object to that."

Shaw: "Madam Speaker."

Speaker Braun: "Out of the record. House Bill 2573, Representative McNamara. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2573, a Bill for an Act concerning missing children. Third Reading of the Bill."

Speaker Braun: "The Gentleman from Cook, Representative McNamara."

McNamara: "Thank you, Madam Speaker. House Bill 2573 creates an Act concerning missing children and it provides for the communication of information concerning missing children among state and local law enforcement agencies... authorities, state and local registrars of vital records in schools and it provides for the alerting of law enforcement authorities when birth certificates and school records are missing and missing children are requested. It requires the Department of State Police to notify the state registrar of vital records, the last school that the missing person attended when he receives a report that a person 17 years of age or under has been abducted, lost or a runaway. It requires the state registrar to flag the birth certificates and records so that whenever the records are requested the custodian will be alerted. Custodians are to be defined as the state registrar vital records, local registrar's vital records appointed by the state

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registrar and county clerks. It provides for specific procedures to be followed when the flag birth certificate is requested. On Amendment #1 changed the age of a missing person to a person 17 years of age or younger and it provided that the Department of State Police shall notify the registrar within five business days of disappearance. Deletes all references to the local law enforcement agency and refers to the Department of State Police. And it also includes that the affidavit to be filed include a passport, visa or other governmental documentation as reliable proof of the child's identity if a birth certificate cannot be produced. And it provides for an immediate effective date. The reason for the immediate effective date was because the State of Florida is proceeding with model... This is the first legislation in the United States and Florida will be coming next. They're legislation will be passed in August. It also requires the Department of State Police to enter a report of missing persons into LEADS, the Law Enforcement Agencies Data System, and it requires that custodians' personnel to follow the DSP procedures for ascertaining the person's identity instead of the specifics outlined originally. I'll be happy to answer any questions regarding this Bill."

Speaker Braun: "The Gentleman has moved the passage of House Bill 2573. And on that, is there any discussion? There being none, the question is, 'Shall House Bill 2573 pass?' All in favor vote 'aye', opposed vote 'no'. Voting is open. It's 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', none voting 'present'. House Bill 2573, having received a Constitutional Majority, is hereby declared passed. House Bill 2574, Representative Phelps. Mr. Clerk, read the

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Bill."

Clerk O'Brien: "House Bill 2574, a Bill for an Act to add Sections to the Illinois Municipal Code. Third Reading of the Bill."

Speaker Braun: "Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 2574 allows the option for municipalities who own and operate their own municipal gas system to now jointly form with other contiguous or noncontiguous municipalities for the purpose of trying to bring down the price of that municipal gas bill in a range that would be competitive with other large firms. And this only applies to those municipalities that have and operate municipal gas companies and within their municipality. And I would ask for your favorable vote. This got consideration last year, passed out of the House in a great deal of votes. So, I appreciate that support again."

Speaker Braun: "Gentleman has moved the passage of House Bill 2574. And on that, is there any discussion? There being none, the question is, 'Shall House Bill 2574 pass?' All in favor vote 'aye', opposed vote 'no'. Voting is open. Chair recognizes the Gentleman from Cook, Representative... no. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 101 voting 'aye', 6 voting 'no', none voting 'present'. House Bill 2574, having received the Constitutional Majority, is hereby declared passed. House Bill 2576, Representative Preston. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2576, a Bill for an Act in relation to the privacy of child victims of sexual criminal offenses. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from Cook, Representative Preston."

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Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 2576 is part of the child protection package. What this Bill does is to permit the court to protect the right of privacy, the identity, of the juvenile victim of sexual abuse similarly to the way we today protect the right of privacy of juvenile offenders. Recently in Illinois there was a situation in which a young woman from one of the downstate communities was the victim of a gang rape and the intimate details, including the name and address of this young woman, were reported in the news media. So, to the end that she and her family had to move out of town because she was so horrified and mortified by her identity being disclosed in the intimate details of the sexual assault that she underwent being disclosed. Fortunately, most of the newspapers and radio and television stations in Illinois, as an internal policy, do not disclose that identify. But, yet, sometimes they do disclose it and this Bill would afford victims the same protection that we afford, by law, to juvenile offenders."

Speaker Braun: "Gentleman has moved the passage of House Bill 2576. And on that, is there any discussion? There being none, the question is, 'Shall House Bill...'" The Chair recognizes the Gentleman from Will County, Representative Regan."

Regan: "Thank you, Madam Speaker, Members of the House. A brief statement in regard to the next five Bills in this package. They all indicate that there is a need..."

Speaker Braun: "Representative Regan, we are on House Bill 2576."

Regan: "Yes. This and the next five Bills is what I'll address."

Speaker Braun: "Are your remarks directed to this Bill?"

Regan: "This Bill and the next five."

Speaker Braun: "And the next five. Proceed."

Regan: "The Iribune today, in newspaper, indicated that the

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Children and Family Service employees are now being checked for background information. They said out of 300 cases they've checked so far, they've found 20 cases that they went into deeper and the comment was made, out of those 20, they had arrest records longer than my arm. The point I'd like to make is that we have people running the street here that are pedophilia. They're arrested, and arrested, and arrested and they're never convicted. Problem is we must move forward, help put these people in jail, get them corrected, get them off the streets, get them away from our kids. This Bill and the next four certainly will apply just to that, to help the criminal child abuser go to jail. Please vote with the big green."

Speaker Braun: "The Gentleman has moved... Representative Preston, to close."

Preston: "Thank you, Madam Speaker. Representative Regan eloquently stated the need for this Bill as well as the others. I'd ask for your 'aye' vote."

Speaker Braun: "The Gentleman has moved the passage of House Bill 2576. All in favor vote 'aye', opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? The Clerk will take the record. On this question there are 106 voting 'aye', none voting 'no', none voting 'present'. House Bill 2576, having received a Constitutional Majority, is hereby declared passed. House Bill 2579. I'm sorry. House Bill 2577."

Clerk O'Brien: "House Bill 2577, a Bill for an Act in relation to testimony of certain child victims of criminal sexual offenses. Third Reading of the Bill."

Speaker Braun: "The Gentleman from Cook, Representative Preston."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 2577 authorizes the Illinois Supreme Court to establish a program to train Judges on how to go

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about detraumatizing the courtroom setting so as to encourage juvenile witness victims to testify in court without being yet the victim one more time of the court process. There are many things in a courtroom setting that are so formalized through the American legal tradition that are very frightening to juvenile witnesses. They're very frightening to adult witnesses who have to appear in court, all the more so to youngsters. Things such as the... as simple as the Judge coming out in a long, black robe can be very frightening to a young child. The heavy furniture. Everybody being high above the child and looking down at the child. In one instance, in a courtroom in Illinois, there was a young child who was six years of age who was testifying in a sex abuse case and it was necessary for this child to testify from under a table so that they had to hold a microphone to this young man under a table because he is so frightened by everything that was happening he refused to come out. It was a very knowledgeable and wise Judge who handled that case to permit that to happen. Many Judges wouldn't permit that breach of decorum in our courtroom settings. They have to be sensitized to the special needs of juveniles who have to appear in court as witnesses because the end result may well be that if a child is too frightened or if the whole situation is too traumatizing so that a mother or father will not let that child go to court because of the additional traumatization, we end up with offenders, defendants who are guilty of those crimes taking a walk and going free and being free to yet, abuse other children. So, this kind of a training program is necessary. This authorizes the Supreme Court to establish this training for Judges in Illinois. And I ask for your 'aye' vote."

Speaker Braun: "The Chair recognizes the Gentleman from Marion,

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Representative Friedrich."

Friedrich: "Madam Speaker, Members of the House, I appreciate what you're trying to do, but I am appalled at the idea that a \$75,000 a year Judge would be insensitive to a child who is under a traumatic situation."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Madam Speaker. Will the Gentleman yield?"

Speaker Braun: "He indicates he will."

Countryman: "Representative Preston, I see that the next Bill on the Calendar is a similar type of piece of legislation, but it deals with the State's Attorneys' Appellate Service Commission. What's the difference between this Bill and the next Bill on the Calendar?"

Preston: "The only difference is that the next Bill permits the state's attorney... or requires the State's Attorneys' Appellate Service Commission, which now has a different name, to train prosecutors and court personnel. The reason for two Bills rather than one Bill is that we cannot, through a separation of powers, require the Supreme Court to train anyone but Judges, nor do I think it's wise to do that. The... It is within the sound discretion of the Supreme Court for the training and the programs that are available to the Judiciary and it is necessary to keep the Judicial Branch and the prosecutorial process separate from one another."

Countryman: "My analysis of 2577 says it authorizes the Illinois Supreme Court to train Judges, lawyers and court and law enforcement personnel. Is that incorrect then?"

Preston: "No, Represe... Yes, it is. That's correct in its original version. It has been amended for the reasons I



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just stated. So that this Bill only requires the training of Judges and Associate Judges. And the next Bill goes on to the prosecutors and other court personnel."

Countryman: "What expertise is the Supreme Court and, in the next Bill, the State's Attorneys' Appellate Service Commission, or whatever we call it now, have in this area? I mean, are there other agencies that have more expertise to produce this sort of training?"

Preston: "Representative, I don't think they have sufficient expertise today which is why we are appropriating a significant amount of money for them. There's a wealth of information that is out there, and the expertise is out there. What we... This Bill came out of a program of consultation with Loyola University with their child psychology department, with people who are involved in the architectural development and the psychology of architecture and how a setting, internal and external, can affect behavior, primarily from the courtroom situation standpoint and how the setting of a room affects children. We have seen examples of this in the... in the healing arts. Medical offices and dental offices have toys around the room. Have... The color scheme and the size of the furniture is to make children feel at ease. We don't have that, unfortunately, in courtroom situations where trials are going on. They're very staid and very stoic and very formal and that is not conducive to eliciting statements from children. What has to be done is to sensitize Judges to the problem and not only sensitize to them, but then... not only sensitize them, but then tell them what they can do about it. And they can do a great deal about it for free because there is no law that says, for example, the Judges have to come out and be Judges in long black robes. That's part of the American legal tradition. But that's

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not in the law. There's nothing prohibiting a Judge, for example, in a given situation where it's appropriate, where you might have a five or a six year old witness who is scared to death, from that Judge coming out in a turtleneck and blue jeans and requiring everyone to sit on the floor. Because being eye level with children is very important in putting those children at ease so that they can tell the story of the intimate details of a sexual assault."

Countryman: "Well, I appreciate all that you've said, but I don't think you really were directing your remarks to my question. How are we going to make sure that the expertise, say, that Loyola University has, is directed under these Bills to carry out what you want as your objective here?"

Preston: "Well, directly answering that, it is the intent of this legislation that the in the case of the Supreme Court that they will go to the experts that they think are knowledgeable to put together a curriculum for presentation to Judges at the judicial conferences held in Illinois. So, that they may go to these experts at Loyola University and say, 'What should we tell Judges? And better than that, will you come to our judicial conference and educate our Judges on what can be done to better elicit truthful statements from children without scaring them to death in court?'"

Countryman: "Wouldn't an agency like the Department of Children and Family Services be better equipped to do something like that?"

Preston: "No, Representative, I don't think so, but the Supreme Court might think so and, in that case, the Supreme Court can certainly go to the Department of Children and Family Services and ask them to do it or anyone that they direct. I don't think the Department would be the proper place.

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That's just one person's opinion, because I think the Department of Children and Family Services have so many responsibilities now with so little ability, through a lack of assets and personnel, to deal with their numerous responsibilities. I think that would be the last place I'd want to put yet one more responsibility. And because we're dealing with the training of Judges and the tailoring of the courtroom setting, there is no place but the Supreme Court, under our Constitution, that you can go."

Countryman: "Is the..."

Preston: "They can go anywhere they want. The Supreme Court could go to any agency they want for that information."

Countryman: "The underlying appropriation Bill is House Bill 2578?"

Preston: "Yes."

Countryman: "And that's 240,000 dollars."

Preston: "That's correct."

Countryman: "And that would be for both 2577 and 2579?"

Preston: "No. No, that's one. It has to be only for one. They have to be kept separate for the Supreme Court training and the training for the... the prosecutors and other court personnel."

Countryman: "So, under both Bills, is the cost 480,000 dollars then?"

Preston: "That's correct, which extremely, extremely small indeed when the end result is, in the case of criminal cases, gaining convictions against child abusers. If this will enable prosecutors and the Judiciary to get convictions where those convictions are proper against a wrongdoer because you have made it possible for a child who might otherwise be scared to death and not testify to testify, that is a infinitesimal expenditure of funds."

Countryman: "Do... Would we have to continue each year with that

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480,000 dollars, or is it a one time appropr..."

Preston: "No, I don't think we would, Representative. I think... I think that money, the idea behind that initial money is for the development of a curriculum and for putting on the program. The putting on the program is certainly the... in the case of Judges anyway, a far less cost than developing what it is you teach them. Once it's developed of the kind of material you're going to be teaching the Judges, I think, in following years, the appropriation should be reduced so that you just have to, at that point, put on the program."

Speaker Braun: "Gentlemen. Gentlemen. I'm going to start you from the timer again because this debate is beginning to become interminable."

Countryman: "Well, I..."

Speaker Braun: "And we have... we have an additional four other... we have four other Bills in this package, and I'd like you to keep your remarks in order."

Countryman: "Thank you, Madam Speaker. The answers have been kind of lengthy, but I think they've helped all of us learn something about the Bill. And I stand in support of the Gentleman's Bill."

Speaker Braun: "Thank you. Is there further discussion? Is there further discussion? The Gentleman from Adams, Representative Mays. I'm sorry. I'm to go to the other side of the aisle. The Gentleman from Madison, Representative Wolf."

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

Speaker Braun: "The Gentleman has moved the previous question. The question is, 'Shall the previous question be put?' All in favor say 'aye', opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question has been put. Representative Preston, to close. Do you want a

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vote on it? I mean, we can. Question is, 'Shall the previous question be put?' All in favor vote 'aye', all opposed vote 'no'. Voting is open. Does anyone want to explain their vote? On this Motion there are 71 voting 'aye', 39 voting 'no' and the Motion carries. Representative Preston, to close."

Preston: "Thank you, Madam Speaker. It has been amply discussed, and I think we should keep in mind what this is aimed at as is most of this legislative package on child protection which is aimed at trying to get convictions once you identify the wrongdoer. Making sure that, after having been identified, you can convict that person of the crime he or she has committed. That's what this does. You can't do it without the testimony of usually the only witness to the crime and I'd ask for your 'aye' vote."

Speaker Braun: "The Gentleman from Adams, Representative Mays."

Mays: "Point of order here. How many... What is the vote required to move the previous question?"

Speaker Braun: "Two-thirds."

Mays: "Two-thirds, two to one."

Speaker Braun: "Right."

Mays: "The vote that I saw up on the board was 72 to 39."

Speaker Braun: "We'll check the numbers with the Clerk, Representative Mays."

Mays: "So, the... So, the previous question then would not have been moved."

Speaker Braun: "Let me check with the Clerk, Representative Mays. Representative Mays, your point is well taken. There were 39 voting 'no' and only 72 voting 'yes'. Therefore, the Motion to put the previous question failed and did not pass. Representative Preston has closed. If there is anyone wishing to further explain their vote or ask questions with regard to House Bill 2577, please so

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indicate. The Chair recognizes the Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Madam Speaker. I wonder if I might ask a question of the Sponsor, just briefly?"

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

Ropp: "Representative, in the judicial conference, as you have mentioned, what do they discuss during that process?"

Preston: "Well, they discuss really whatever the Supreme Court brings before them, but typically they discuss changes in the law, changes in statutory laws, changes in case law and training in areas that the Supreme Court deems necessary for the Judges and Associate Judges."

Ropp: "Which include or could include how to deal with young people that are short, that have to be under the table, or dress of the Judge or equipment that is in a courtroom, would that all be things that they and do discuss now?"

Preston: "Well, not... no, it's not... those are things that they do discuss, but that's certainly are things that they could discuss and I hope they will. But, it is not just a discussion. They have ample staff today to discuss changes in laws, because Judges are all lawyers. What they don't have is staff who know... they don't have psychologists on board who know how to tailor a courtroom setting to put a young child at ease. That's what the appropria... that's what this Bill is for, is to have the Supreme Court put that kind of a program that you suggest together and then, once it's together, to offer it at the judicial conference."

Ropp: "Well, in the Appropriations Committee, we had people testify that were responsible for putting on the judicial conferences and they made it very clear that, in fact, these programs are ongoing, that they do exist now, and that this particular amount of money was not necessary. So

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I would cause the Members of this Body to vote very carefully on whether or not we need to continue to do something that is already being done now."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Macon, Representative Tate."

Tate: "Will the Gentleman yield?"

Speaker Braun: "He indicates he will."

Tate: "Lee, I'm a little confused on this."

Preston: "I know that, Mike."

Tate: "Currently... I had talked to a couple of Judges about this Bill, and currently, isn't there money set aside for our educational programming and... right now?"

Preston: "Well, there is money, you know, as Representative Ropp mentioned. There is every year a judicial conference which trains Judges in changes in the law, both statutory and case law, but there is no program in existence that teaches Judges how to make the court room setting less traumatic for juvenile witnesses. It doesn't exist and that's what this Bill does. It establishes that training program so that Judges can be trained on how to make the court room setting less frightening for juvenile witnesses."

Tate: "Well, I thought a Judge had the option... had funds available for him for... for different educational programs where he can enroll in those and pay for those programs."

Preston: "There is no program, Mike, that exists that I know of that... there is no course that's labeled, 'Course For Judges on How to Detraumatize Court Room Settings'. It doesn't exist. If it did exist, I would agree with you that a Judge can go and take the course. That's what I want to do by this. I want to make that exist. I want a program to exist so that Judges can, on their own volition or through direction of the Supreme Court, who hear trial cases, go and see how you can put a juvenile witness at

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ease to elicit truthful testimony from that juvenile witness."

Tate: "Well, then if the Supreme Court wanted to, could they just take one of these training programs or establish one of these training programs on their own initiative? Isn't that... Don't they have the prerogative?"

Preston: "The Supreme Court can do anything the Supreme Court wants to do. The Supreme Court has not done this. This Bill and the..."

Tate: "This Bill forces the Supreme Court to do it."

Preston: "It doesn't force the Supreme Court. It encourages, let's say, the Supreme Court to do it and the... a companion appropriation Bill makes it possible for the Supreme Court to do. You just don't establish a program without getting a curriculum drafted. What is it you teach? Who knows? Well, you have to go to experts. You have to go to psychologists, who can tell you what, in a court room setting, is frightening, what may be frightening, what is not frightening, how you might appropriately tailor the furniture distribution and the height of furniture so that a child is not intimidated by it. And you have to go to experts to find that out. That costs some money to put that program together. Once it's together, to tell it to Judges is no problem."

Tate: "So the... What you are doing then with the... one of the companion Bills then, you will appropriate \$240,000 to establish the curriculum or the training program that will be taught?"

Preston: "That's correct."

Tate: "Okay."

Preston: "Or so much as necessary. It may be less. I don't know."

Tate: "Okay, and so this is... I'm still... I still... you are



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saying that right now they can't do that within... they are not doing that within the..."

Preston: "They are not doing it and they don't have the wherewithall with which to do it. They don't have the funds appropriated to go and do it and they are not doing it."

Tate: "Okay, had you talked to some of the justices on the court about this?"

Preston: "No, I don't talk to justices, but I have talked to the Administrator of the Supreme Court, Judge Gulley, some time ago, the former Administrator and..."

Tate: "And he was for this?"

Preston: "You know, I can't say that he was for it. He certainly wasn't against it. I asked him what the appropriate means was of going forward with this. Should the appropriation be to DCFS or someone else? He said the appropriate place would be to the Supreme Court. So, that's how I did it."

Tate: "Okay."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Macon, Representative Dunn."

Dunn: "Is it still Wednesday?"

Speaker Braun: "We'll inquire of the Parliamentarian. Is there further discussion? The Chair recognizes the Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Madam Speaker. I won't ask any questions to the Bill because, frankly, I asked many questions in Appropriations, like what's \$240,000 going to buy for this project? What's \$240,000 going to buy for the next project? Why can't this be done in the judicial conference budget because that has gone from \$511,000 up to \$569,000, the bulk of which is contractual, which doesn't have any limitations whatsoever on the type of professional services or fees that they buy? For those reasons, I stand

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in opposition to these Bills. If it's something that should be done, by golly, we've already got the means and the mechanisms and the money to do it and we are just throwing down the drain almost a quarter of a million dollars not once, but twice."

Speaker Braun: "Is there further discussion? The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Madam Speaker. Lee, Representative, would you yield for a question or two?"

Speaker Braun: "He indicates he will."

Kubik: "I understand the previous discussion about the development of the curriculum. I guess my question is two-fold. One is, once you have developed the curriculum, will this be something that they will offer at judicial conferences from that point on or are they going to put it in booklet form for those justices who may not have attended that particular conference? I mean, is this a one-shot deal or how does this work?"

Preston: "I really can't answer that because through the separation of powers, that's really within the sound discretion of the Supreme Court. I can tell you what I would hope they would do. I would certainly hope they would put it in booklet form and that they would offer it annually at the judicial conference to Judges who hear trials at which juveniles testify, both criminal and civil trials. That's my hope, but I am not in a position, nor is this Legislature, in a position to tell the Supreme Court how they will train Judges. That's within their sound discretion, but that's my hope."

Dunn: "One other question, Representative. This is... I am not an attorney. I don't... I've never been a prosecutor..."

Preston: "Congratulations."

Dunn: "In the development of this legislation and what not, in

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terms of making the setting more comfortable for the victim, how does that affect the trial itself, in terms of the person who is being prosecuted? Will any of this legislation jeopardize that by... in other words, if you change the setting to make it more accommodating to the victim, does that in any way, damages the chance for prosecution?"

Preston: "No, not only is it not, but there is nothing at all prohibiting Judges from doing that today. There... As I said, there is nothing that prohibits Judges from requiring when a juvenile is to testify having smaller, lighter furniture so people are at eye level with the child because that has been shown, I am told, by psychologists, to make children less frightened, more at ease. They don't like looking up at the big people. They like looking eye level at people. To have everyone not sitting up high and have all the furniture big and heavy furniture, have it child size or at least closer to child size furniture, maybe with some toys strewn around the room, similar to what a child would experience when they go to a doctor's office or a dental office, might make that child feel more at ease. And if the child is not at ease, the child may refuse to go forward with the trial and his or her parents may refuse to let that child go forward. That's the whole purpose of the Bill. And it is really one of the most cost effective Bills. It costs about nothing."

Dunn: "Thank you, Representative."

Speaker Braun: "Is there further discussion? There being none, Representative Preston, to close."

Preston: "Thank you, Madam Speaker. I think this Bill has been discussed. I urge your 'aye' vote and I thank you for it."

Speaker Braun: "Gentleman has moved the passage of House Bill

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2577. All in favor vote 'aye', opposed vote 'no'. Voting is open. Final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 96 voting 'aye', 9 voting 'no', 1 voting 'present'. House Bill 2577, having received the Constitutional Majority, is hereby declared passed. House Bill 2577 took us almost 25 minutes. We will go on to House Bill 20... yes, with 96 votes. Alright. Moving right along, House Bill 2579. Representative Preston."

Clerk Leone: "House Bill 2579, a Bill for an Act..."

Speaker Braun: "I think you mean... Representative Preston."

Preston: "Madam Speaker, I don't want to take up any more of the House's time. This is... my throat hurts, so I'd ask that this be taken out of the record, as I would 2581 and 2583. We can wait till next time."

Speaker Braun: "House Bill 2587. Representative Greiman. Representative Greiman. Out of the record. House Bill 2600. Representative Terzich. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2600, a Bill for an Act to restrict smoking in public places. Third Reading of the Bill."

Speaker Braun: "Chair recognizes the Gentleman from Cook, Representative Terzich."

Terzich: "We are going to... We're going to let them take a little cigarette break for the time being. We'll get them another day, another way."

Speaker Braun: "Out of the record. House Bill 2601. Representative Panayotovitch. Out of the record. House Bill 2620, Representative Countryman. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2620, a Bill for an Act to amend the Uniform Commercial Code. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from DeKalb,

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Representative Countryman."

Countryman: "Thank you, Madam Speaker. House Bill 2620 amends the Uniform Commercial Code to create a priority for a thresherman. A thresherman is somebody who harvests a crop and that's out in the rural areas where he actually goes in and takes the beans or the corn or those sorts of thing out of the field. This is somebody other than the farmer who owns the land or is farming the land and what it does is in the current law, if the thresherman retains the crop, then he has a priority over anybody secured under the Uniform Commercial Code. Under this Bill, he would retain that priority for a period of nine months, after he has relinquished possession of the crop. And for those of you who aren't familiar with what generally happens, when a thresherman harvests a crop, usually loads it into wagons or trailers or trucks or what have you, and it's hauled - usually to some grain storage facility, many times off the property, many times a grain elevator and warehouse receipts are issued. What this Bill would do is to protect the value of the service rendered by that thresherman, for that crop and give him a protection in the event that the person who owned the crop, whether he be a contractual farmer or otherwise, should not pay his bill. In my area, I understand that this amounts to about \$22 an acre. It's not a great sum of money and I think that this Bill is a good Bill and it would help out the farming community. And I would ask you for your favorable support and I'd be happy to answer any questions."

Speaker Braun: "Is there any... The Gentleman has moved the passage of House Bill 2620. On that, is there any discussion? The Chair recognizes the Gentleman from Effingham, Representative Hartke."

Hartke: "Would the Sponsor yield?"

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Countryman: "Sure."

Speaker Braun: "He indicates he will."

Hartke: "John, I got a question. Are you saying then that the proceeds of the crop that the thresherman harvested and so forth are co-mingled with the owner of the farm in storage?"

Countryman: "You mean... Is your question, 'Would the farmer, himself, have mingled his crop with the previous crop with this one?'"

Hartke: "No, I'm saying the thresherman's percentage or share of that crop, you're saying that he has a value in that crop. That value for his labor and use of machinery is probably \$22, you said, correct?"

Countryman: "Well, that's what they tell me in my area it's worth."

Hartke: "Alright, he takes this... this value out in grain, correct?"

Countryman: "Oh, no. He could... He could take it out of the proceeds, if it were grain and it were \$2 a bushel, for instance."

Hartke: "Wouldn't that grain then be put in his name at the elevator?"

Countryman: "No."

Hartke: "Why not?"

Countryman: "Because he's delivering it on behalf of somebody else. He's merely a bailee of that. He's received the possession of something that belongs to somebody else. So, the warehouse received... if you... if I were to harvest your crop and take it to the elevator, I would tell them to issue the receipt in the name of Representative Hartke, alright?"

Hartke: "Okay."

Countryman: "But they would hold it and they might get notice

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under the law that you owe the bank and the bank may come in to claim it. What would happen, under this Bill, is the thresherman, if he goes in and perfects his lien to the elevator, he would get paid out of the sale and have a priority over the bank."

Hartke: "Okay, I don't have any problem with it. I just wanted to clarify it a little."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Marion, Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Braun: "He indicates he will."

Friedrich: "I had some people come to me, early in the Session. They were concerned about liens for fertilizer and seed and chemicals and so on, and they wanted this same deal. Now, you're saying that the guy that threshes is ahead of everybody. Here's a guy that had the fertilizer, whose had his money in it for six months and you want this guy that threshes it to be ahead of him. Is that what you're saying?"

Countryman: "Well, first, let me make some distinctions there. Yes, in essence, the thresherman would get ahead of the banker, but..."

Friedrich: "No, no, I'm thinking of the banker. I'm talking about the supplier of chemicals and fertilizer and seed and so on."

Countryman: "Well, under current law, those people do not have a lien. Under current law, the thresherman does. All this does is give him the lien extended to the relinquishing possession of the grain for nine months."

Friedrich: "So, the... actually, this guy I'm talking about moves back one more spot on the chain then?"

Countryman: "Well, they don't have a lien."

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Friedrich: "He's behind the bank and... behind the bank and behind the combine and everybody else."

Countryman: "Well, there is a difference, Representative, and that is, in the spring, when the crop is put in, most of the time somebody has a crop loan and they pay all of those suppliers for the fertilizer and the seed and those sorts of things and they... and usually what we are talking about here is the thresherman who comes in - it's not in very instance because most farmers harvest their own crop, therefore, there is no lien. But, if somebody is hired, if the next door neighbor is hired to come in because the man's combine broke down, then he's entitled to reasonable compensation for his services. And in that instance, he would have a protected lien for the value of those services up to nine months."

Friedrich: "Well, I guess the difference is us poor folks down home don't always pay for fertilizer until the crop comes in. You guys do up in DeKalb County."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Will, Representative Van Duyne."

Van Duyne: "Yes, thank you. Would the Sponsor yield for a question?"

Speaker Braun: "He indicates he will."

Van Duyne: "I... Representative Countryman, I'd like to pursue that very line of thought a little bit further, if I might. It is true that if you buy your seed corn and you buy your fertilizer from a local guy, they usually don't charge you interest on your money and they usually don't make you pay for it until you get your crop in. Now, where in... where is the logic in this bill, which sets the custom combiner ahead of everybody else? And while I'm asking you the question, after you answer that, you can answer this one,



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how long does it take all this to be expedited and what happens to the money? Usually, a guy will bring his corn crop or his bean crop into the elevator and when he demands his money, they will pay him off right then and there and then he goes and deposits the money, or he can have the money deposited directly in the bank for himself. Now, how is all this... all the machination of delivering all this money to everybody done and how long does it take?"

Countryman: "Well, if, in fact, a lien is filed, essentially they'd have to pay the lien off and when they pay the lien off, it wouldn't take any longer that I could see. They'd just pay the thresherman at the time that the crop was sold. The thresherman doesn't have any authority to tell them when to sell the crop. Many times the crop is delivered for storage and not sold for future date, waiting for the price to go up. If it's sold at the time of delivery, then there always the proceeds to deal with, so it really won't..."

Van Duyne: "Which they... Which they pay like ten or eight or fifteen cents a bushel to the elevator for. Now, that brings up another question. Who gets the first lien, the elevator for the eight or ten cents a bushel for storage or the thresherman?"

Countryman: "The elevator usually gets theirs because they got the check."

Van Duyne: "Oh, but not technically, not according... not according to this Bill. The thresherman would be there first."

Countryman: "I think that the storage people have a lien under the existing law and so that they are entitled to get it too, and in terms of a questions of priority, I would respond to you by saying that probably under this Bill, the thresherman would have the priority."

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Van Duyne: "Thank you."

Speaker Braun: "Is there further discussion? Chair recognizes the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Madam Speaker, I wonder if the Sponsor might yield for a question?"

Speaker Braun: "He indicates he will."

Vinson: "Now, is the policy behind the proposal that if the crop isn't brought in then nobody is going to realize anything from it?"

Countryman: "That's correct."

Vinson: "Typically, would a person with a perfected security interest, when he... in foreclosing on that interest, would he be able to harvest the grain?"

Countryman: "If he foreclosed soon enough, but he might lose the crop getting that job done."

Vinson: "What do you have to do in this state currently to foreclose on a perfected security interest?"

Countryman: "Under the Uniform Commercial Code, you've got to give a notice to the debtor. The debtor has to receive that notice and has so much time to cure or redeem and I believe it's somewhere between the area of ten to twenty days and then a sale... Uniform Commercial Code sale can be held. The secured party can be the bidder and usually is at that sale - many times can buy it."

Vinson: "Okay, now, is there special relief available so that the holder of the security interest, when he's foreclosing on it can apply for some kind of ability to go in and harvest the crop and be a stake-holder?"

Countryman: "No."

Vinson: "There's not?"

Countryman: "No."

Vinson: "Okay, given that, I think I probably like the idea."

Speaker Braun: "Is there further discussion? The Chair

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recognizes the Gentleman from McLean, Representative Ropp."

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

Speaker Braun: "He indicates he will."

Ropp: "Representative, I guess I'd almost be a loss for words. I have never seen a staff analysis that had so many pages in it as the one I have dealing with this Bill. It must be a terribly complicated issue. The thing that causes me some complication, I haven't heard of the word thresherman in probably 30 years, and I am wondering whether or not the term ought to be custom operator because that is what is the word and the phrase that is used now for someone who does this. That's my first question. The second question is someone who is, as you say, a thresherman and I would say a custom operator, who comes in and actually plows a field or comes in and separately plants the field or comes in and specifically cultivates the field would not fit in the category of being a thresherman, but would, in fact, still be the person who would be eligible for the lien, if I understand what you are attempting to do. Is that correct or not?"

Countryman: "If I understand your question, that person who does the plowing or the other service, other than harvesting the crop, would not fall under the purview of this Act."

Ropp: "Why not?"

Countryman: "Because the definition of a thresherman is any owner or operator of a threshing machine, hauler, sheller or hay baler who uses the machine on another's crop."

Ropp: "Well, I know it, but really, many people, in fact, come in and just plow."

Countryman: "That's true, but the theory under this Bill is that in the fall of the year when the crop needs to get out, which is always a busy season. I think you know that because you, at one time at least, were a farmer. You

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probably still are."

Ropp: "One time."

Countryman: "But anyway, the fall of the year, sometimes a man's combine breaks down and it's in the shop and he calls up a neighbor and says will you come over and do this for me and when the man comes over, he expects to be paid and they usually have an agreement as to how much an acre. And then the fellow doesn't pay the bill, this is how he gets paid. But if the... the theory is that we are protecting the fact that the harvest of the crop, the crop would have otherwise gone to waste, if the thresherman hadn't come in."

Ropp: "The same is true, though when you plant the crop or plow it. The emergency is also there when you may need to have somebody come in and plow the ground or even plant it. Why isn't that included? It looks like the same person might do this that would, in fact, do the harvesting, and it's just as important to get it in. Fact is, if you don't get it in, you don't even need the thresherman."

Countryman: "Well, I think it's a question of preserving something from going to waste and a question of starting something out. Under the particular facts today where we are dealing with set aside acres, many acres aren't planted, and, you know, and there is decision whether to plant it. We are talking about planted acres that would not otherwise be harvested except for protecting the thresherman. It's a similar analogous situation to if you own an automobile and you take the automobile, which is financed at the bank, to a repair shop and you say it has a blown piston, fix the blown piston and when the man fixes that, he has a lien on it because he has made a repair, he's conferred a benefit upon that automobile. And now, what you are saying is we ought to go back to the assembly point of the automobile. I think it's an entirely

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different situation."

Ropp: "No, I don't want to go back to the assembly of the tractor, but I think in the preparation and the putting in of the crop is equally as important as the harvest. Fact is, more important because if you don't put it in, you don't need to harvest."

Speaker Braun: "Is there further discussion? Chair recognizes the Gentleman from Cook, Representative Brookins."

Brookins: "Thank you, Madam Chairman. Would the Sponsor yield for a question?"

Speaker Braun: "He indicates he will."

Brookins: "Thank you, Madam Chairman. What benefit is this for the south side of Chicago?"

Countryman: "Well, Representative, how many farms do you have down there?"

Brookins: "I don't know. We had a few kids that we have been trying to give a second chance to in programs like probation challenge and this kind of thing, and we are just wondering, would this have any benefit to them kids?"

Countryman: "Well, maybe we could take those kids on the probation. We could make them threshermen and then we could protect their interest."

Brookins: "You think that we could really do that?"

Countryman: "Well, I..."

Brookins: "I mean, you know..."

Countryman: "You know, I supported your Bill, Representative, and I can tell you that many of the people in Chicago feel that this is a good piece of legislation because it helps out the farming community."

Brookins: "Okay, thank you."

Speaker Braun: "Chair recognizes the Gentleman from Effingham, Representative Hartke."

Hartke: "Yes, I think we have threshed this over enough. I call

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for the previous question."

Speaker Braun: "The Gentleman has moved for the previous question. All in favor that the question be put say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question is put. Representative Countryman, to close."

Countryman: "Thank you, Madam Speaker. I'll be as brief as I can. The existing law provides for this lien. There already exists a thresherman's lien. As long as he is in possession of the crop, he has the lien, he has the priority. All this does is to change it so that when he yields up the crop to some storage facility, the lien still continues in that priority space. We have had a lot of discussion about it. I know we have a busy day. I think it's a good Bill. It will help out the farmers. It will help out the agricultural community in this state and for that reason, I'd ask for your favorable vote."

Speaker Braun: "The Gentleman has moved the passage of House Bill 2620. All in favor vote 'aye', opposed vote 'no'. The Chair recognizes the Gentleman from Bureau, Representative Mautino, to explain his vote."

Mautino: "Thank you very much, Madam Speaker. If the Representative from DeKalb would nod his head, I did want to ask a question and maybe he can help with the intent. This is basically a hidden lien since a perfected security interest would be someone who had filed an interest on that... that property or that land or the production and chemicals before the crop was put in. Is that correct? Nod your head yes or no. It would be a hidden lien then and, in fact, even under a program by the Treasurer that would allow for a loan for the planting, this would take precedence over anything else that's filed. Is that correct? Thank you. I just realized that a 'no' vote is

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probably the right vote to put on the board."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Young, to explain his vote."

Young: "Thank you, Madam Speaker. To explain my vote, we try to support the farm community as much as possible, but I think it's a bad legal precedent to give somebody a security interest over someone who has a security interest that was first in time and I vote 'no'."

Speaker Braun: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are... On this question there are 60 voting 'aye', 32 voting 'no', 15 voting 'present'. Representative Mautino requests a verification. Poll of the Absentees. And Representative Countryman requests a Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Alexander. Barger. Virginia Frederick. Steczo. Washington. Weaver. And Zwick."

Speaker Braun: "Representative Frederick."

Frederick: "Madam Speaker, I'd like to vote 'aye', please."

Speaker Braun: "Representative Frederick, votes 'aye'. Representative... The Gentleman from Coles, Representative Weaver, votes 'aye'. Representative Washington, votes 'aye'. Representative Mautino, proceed with the verification... with the... Representative Mays."

Mays: "Verified, please."

Speaker Braun: "Leave to be verified. Representative Barger, votes 'aye'. Proceed with the verification, Mr. Clerk."

Clerk Leone: "Poll of the Affirmative. Barger. Berrios. Black. Bowman. Breslin. Brookins. Capparelli. Churchill. Countryman. Cowlshaw. Curran. Daniels. Davis."

Speaker Braun: "Representative Wyvetter Young requests leave to be verified. Proceed."

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Clerk Leone: "DeLeo. Deuchler. Ewing. Farley. Flinn.  
Correction, Flowers. Virginia Frederick. Giglio.  
Giorgi."

Speaker Braun: "Mr. Clerk, one second, please. For what reason  
does Mr. Giglio rise?"

Giglio: "Madam Speaker, how am I recorded?"

Speaker Braun: "The Gentleman is recorded as voting 'aye'."

Giglio: "Change me to 'no'."

Speaker Braun: "Representative Giglio, votes 'no'. Proceed, Mr.  
Clerk."

Clerk Leone: "Continuing with the Poll of the Affirmative.  
Giorgi. Goforth. Greiman. Hallock. Hannig. Hartke.  
Hasara. Hastert. Hensel. Homer. Huff. Johnson. Keane.  
Klemm. Krska. Kulas."

Speaker Braun: "Mr. Clerk, one second. Gentleman from Sangamon,  
Representative Curran."

Curran: "Madam Speaker, would you change my vote from 'yes' to  
'present'?"

Speaker Braun: "Representative Curran votes 'present'. Proceed,  
Mr. Clerk."

Clerk Leone: "Continuing with the Poll of the Affirmative.  
Kulas. Levin. Martinez. Matijevich. Mays. McAuliffe.  
McCracken. McGann. McNamara."

Speaker Braun: "One second, Mr. Clerk, please. Representative  
Giorgi asks leave to be verified. Leave. Proceed."

Clerk Leone: "Nash."

Speaker Braun: "Representative Nash, for what reason do you  
rise?"

Nash: "Madam Speaker, change my vote to 'present', please."

Speaker Braun: "Representative Nash changes from 'yes' to  
'present'. Proceed, Mr. Clerk."

Clerk Leone: "O'Connell. Olson. Parke. Bernard Pedersen.  
William Peterson. Regan. Ronan. Ryder. Saltsman."



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Stephens. Stern. Sutker. Vinson. Wait. Washington."

Speaker Braun: "One second, Mr. Clerk. Representative Matijevich."

Matijevich: "I'd like to be recorded, rather than 'aye', as voting 'present'."

Speaker Braun: "Representative Matijevich, votes 'present'. Representative Saltsman. Representative Saltsman changes from 'no'... from 'yes' to 'no'. Proceed, Mr. Clerk."

Clerk Leone: "Continuing with the Poll of the Affirmative. Stern. Sutker. Vinson. Wait. Washington. Weaver. White. Wojcik. And Myvetter Younge."

Speaker Braun: "Representative Williamson, for what reason do you rise. Representative Williamson changes from 'no' to 'aye'. Representative Steczo, votes 'present'. Representative Steczo, votes 'present'. Before the... the verification starts, former Representative Dick Hart has joined us. Representative Hart, welcome back. Representative Mautino."

Mautino: "Thank you, Madam Speaker. Representative Huff."

Speaker Braun: "Representative Huff. Is the Gentleman in the chambers? He is not. Remove him. Representative McGann, for what reason do you rise?"

McGann: "Would you kindly change my vote to 'no', please?"

Speaker Braun: "Representative McGann, votes 'no'. Representative Ewing, votes 'no'. Further changes? Representative Mautino, proceed."

Mautino: "Representative White."

Speaker Braun: "Representative White. Representative Jesse White. Gentleman in the chambers? He is not. Remove him."

Mautino: "Representative Ronan."

Speaker Braun: "Representative Ronan. Is the Gentleman in the chamber? He is not. Remove him. Representative Brookins

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asks leave to be verified. Representative Keane, for what reason do you seek... Representative Keane, votes 'no'. Proceed, Representative Mautino."

Mautino: "Panayotovich."

Speaker Braun: "Representative Panayotovich. Is he in the chamber? He is not. Remove him."

Mautino: "Representative Steczo."

Speaker Braun: "Representative Steczo has been verified as a 'present' vote."

Mautino: "I'm sorry. Farley."

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

Mautino: "Bowman."

Speaker Braun: "Representative Bowman. Is the Gentleman in the chambers? He is not. Remove him."

Mautino: "O'Connell."

Speaker Braun: "Representative O'Connell. Gentleman in the chambers? He is not. Remove him."

Mautino: "Sutker."

Speaker Braun: "Representative Sutker. The Gentleman is in... in his chair."

Mautino: "Berrios."

Speaker Braun: "Representative Berrios. In his chair. No, Representative Sutker was in his chair. Representative Berrios. Is the Gentleman in the chambers? He is not. Remove him. Representative Bowman has returned. Return Representative Bowman to the Roll Call. Further... No further questions. On this question... Representative Countryman."

Countryman: "Postponed Consideration, please."

Speaker Braun: "On this question, there are 51 voting 'aye', 36 voting 'no', 18 voting 'present'. The Gentleman has requested Postponed Consideration. Representative... House

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Bill 2622. Representative DeLeo. Representative DeLeo.  
Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2622, a Bill for an Act to amend the  
School Code. Third Reading of the Bill."

Speaker Braun: "Gentleman from Cook, Representative DeLeo."

DeLeo: "Thank you, Madam Speaker, Members of the House. I'll try  
and speed up the process as it dragged so long today. This  
Bill is very, very simple. House Bill 2622 addresses a...  
addresses a problem unique to the Village of Elmwood Park,  
which has a... currently a unit school district. Current  
statute allows only voters from elementary school districts  
to be eligible to vote for township school trustees. As a  
result, Elmwood Park voters became disenfranchised. What  
this Bill corrects it allowing them... making them a unit  
district allowing them to vote for school trustees in the  
Village of Elmwood Park only. I ask for a favorable Roll  
Call. Thank you."

Speaker Braun: "The Gentleman has moved the passage of House Bill  
2622, and on that, is there any discussion? The Chair  
recognizes the Lady from Cook, Representative Williamson."

Williamson: "Thank you, Madam Chair... Members of the House. I  
rise in support of this Bill. I am here to verify that  
Elmwood Park is the only village in the State of Illinois  
that is affected by this and Representative DeLeo is  
attempting to correct this and I am asking for a favorable  
vote."

Speaker Braun: "The Gentleman has moved for the passage of House  
Bill 2622. All in favor vote 'aye', opposed vote 'no'.  
This is final action. Have all voted who wish? Have all  
voted who wish? The Clerk will take the record. On this  
Bill, there are 109... 110 voting 'aye', none voting 'no',  
none voting 'present'. House Bill 2622, having received a  
Constitutional Majority, is hereby declared passed. House

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Bill 2630. Representative Greiman. Out of the record.  
House Bill 2631, Representative Matijevich. Mr. Clerk,  
read the Bill."

Clerk Leone: "House Bill 2631, a Bill for an Act in relationship  
to smoke detectors. Third Reading of the Bill."

Speaker Braun: "Gentleman from Lake."

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House,  
House Bill 2631 is a Bill with wide-spread support and many  
of you have been contacted in its behalf by the Illinois  
Fire Chiefs Association or the Fire Prevention Bureau of  
the Chicago Fire Department. The Bill would require  
installation and maintenance of smoke detectors in all new  
and substantially remodeled dwelling units and in all  
existing dwelling units by July 1, 1987. I would  
appreciate your support in behalf of House Bill 2631."

Speaker Braun: "The Gentleman has moved the passage of House Bill  
2631, and on that question, is there any discussion? The  
Chair recognizes the Gentleman from Champaign,  
Representative Johnson."

Johnson: "Well, before I address the Bill, I want to... I just  
want to clarify a couple of points about the Bill,  
Representative. As amended, would it only... would the  
Bill require only that new homes and remodeled homes built  
for someone else have these smoke detectors within a  
certain proximity of the bedroom, or would they apply to  
every citizen by a certain date?"

Matijevich: "No, by July 1, 1987, they would also apply to all  
existing dwelling units."

Johnson: "So every single family and other home..."

Matijevich: "That's... That's correct."

Johnson: "... that you live in yourself, owner-occupied, would  
have to have it?"

Matijevich: "Yes, yes, similar to what now applies, for example,

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in the City of Chicago, by home rule, have adopted this type of ordinance and there's some other home rule units of government in Illinois have adopted similar ordinances."

Johnson: "Is there any provision made... What is the cost of the average smoke detector, \$15, \$20?"

Matijevich: "About... about that if... I think they are less now, but around that. I think about \$11 or \$12."

Johnson: "Is there any... Is there any... Is there any provision in the Bill for or accompanying Bill for paying for the devices for people who can't afford them?"

Matijevich: "No, there isn't."

Johnson: "What about... What about... How would one go about enforcing this... this legislation? Do we either in the legislation or by extension in the common law, do we give authority to the police department or fire department to come into our homes and determine whether we comply with the law or not?"

Matijevich: "No, we don't and I know the difficulty of enforcement, much like there is difficulty in enforcing some of our building codes, but I, like you, like to protect the privacy of one's home and didn't want to put stringent inspection enforcement provisions into the Bill. However, this Bill, like many states that have it, like most laws that we pass, through voluntary compliance, we find that many, many people do... do follow the law. There will always be those who don't follow the law, and unfortunately, those who don't follow this law may find themselves taking their own lives because they don't follow the law."

Johnson: "Well, presumably, even if it isn't contained in the legislation, it's like anything else. If someone had probable cause to believe that you had a controlled substance or something else in your home and you turned

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that information in and got a warrant, presumably somebody could come, law enforcement officials into your home to enforce it. Well, then... then to the Bill, and I really say... the preparatory comment is I really do have the highest personal regard for John and his normal wisdom on issues and I really do and he knows that, but I'll tell you, I don't know how far we are going to go. I remember last year when we were talking about the seat belt Bill, somebody said then at least... and we are against it. How do you tell people what to do with their own lives, but at least we are limiting to the public ways. Somebody said at the time, the next thing we are going to be doing next year was we were going to be telling somebody something they have to do in their own home to protect themselves, and everybody kind of laughed and said no, that's not really going to happen. And here we are, less than a year later, making somebody a criminal - and we are in this case, it's a Class B misdemeanor - for failure to do what we, in our wisdom, herein the General Assembly, think they ought to do, with respect to their own safety and well-being. Already, to the News Gazette there have been letters to the editor, talking about the evils of eating red meat and there has been an ongoing debate between people on whether we ought to eat red meat or not. And some of the proponents of that... the concept that we eat too much red meat said to protect yourself, we ought to pass legislation down here limiting or prohibiting the right of people to eat red meat. I want to tell you that this Bill makes the person the victim... the victim... the criminal a Class B misdemeanor, six months in the penitentiary, the same thing as reckless driving, the same thing as entering property for a lewd purpose and a greater offense than assault, than criminal trespass, than mob action and a

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number of other things. I don't know where we are going to draw the line. I think it's... I have smoke detectors in my home. I think it's a great idea to have smoke detectors in your home. But my golly, how far are we going to go in this country, in this state, to establishing a big brother philosophy that says that the Legislature knows, better than any one of us, how to protect our own safety, our own homes. Let's draw the line here because I'll guarantee you next year, when we come back here in 1987, there's going to be Legislation that prohibits what we can eat for breakfast. I want to tell you that contrary to what Representative Matijevich says - and he's not misleading us - but the fact of the matter is, if your neighbor says to the fire chief, I hear that Representative Ewing doesn't have enough smoke detectors in his home, they are not close enough to his bedroom. I think you ought to check it out. You go down to the local magistrate and get a warrant, the next thing you are going to do is have the Gestapo in your home checking to determine whether you have complied this law, not to protect somebody else, but to protect yourself in an owner-occupied dwelling. You know, we have always grown up in this society with the thought that a person's home is his castle. We pass this Bill and a number of others like it, our liberties are absolutely gone. It's well-intended, but it's a bad, bad precedent and a bad idea and a bad Bill. I urge a 'no' vote."

Speaker Braun: "Representative Johnson, we had the timer on and I put additional minutes on because you really did go over time, but you had important remarks and I thought you would want to bring them to a close. It's alright. It's alright."

Johnson: "I just... Could I..."

Speaker Braun: "Yes, Sir."

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Johnson: "Just a point of... everybody is going to get a chuckle out of this. I have no idea and I'd like to leave... I have no idea how I am somehow listed, I'm told, as a Co-Sponsor of this Bill. I want to tell everybody that I never gave anybody permission to put my name on this bill, and I'm sure John didn't do that to me. Everybody knows that I'm opposed to this. I wonder how the process works and Representative Wojcik says the same thing. I don't know how we got listed as a Co-Sponsor in this Bill, but I want to ask leave to have my name taken off and I want to tell every 117 of my colleagues in here, before you put my name on a Bill, you ought to ask me about it first."

Matijevich: "Speaker."

Speaker Braun: "Alright. Before we... I'll come to you in a minute, Representative."

Matijevich: "No, no, I'd like to answer how people's... nobody's name is on this Bill because I... I remember I once made a mistake with Representative Stange and I apologized to him about that because some law enforcement people had told me they had talked to him and he'd been in support of a Bill to be a Co-Sponsor and he wasn't. So, I have been very careful after that. Nobody's name is on this Bill who did not ask to have their name on the Bill. Now, something you've got to remember, a lot of you have been contacted by your fire chiefs, and I'm sure that after that contact, you or your aide came and asked because I was signing... I was signing every day, it seemed like, somebody was coming here at my desk, said sign this. I want to be a Sponsor of that Bill. Everybody was coming up to me. It seemed to be that the whole House was for the Bill. So, believe me, if your name is on that Bill, you wanted it on there. Now, don't tell me you didn't. You evidently didn't look at the Bill, but you got a letter from somebody or your fire chief and



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you asked to be on that Bill. I didn't put anybody on this Bill who didn't want to be on it."

Speaker Braun: "Representative, thank... Will any person who would like to be removed as a Co-Sponsor file the appropriate form. Now, I am going to use the timer because there are at least eight people lined up to speak on this Bill. Just so long as you are cognizant of the fact that the timer will be in operation during the rest of this debate. For what reason does the Gentleman from DeWitt, Representative Vinson, rise?"

Vinson: "Point of order, Madam Speaker."

Speaker Braun: "Certainly."

Vinson: "Very clearly, the last speaker's remarks question the integrity of a Member of this House who is now seeking recognition. I'd like to have that Gentleman recognized so he can make his appropriate comments on that subject."

Speaker Braun: "Representative Vinson, I intend to give everyone an opportunity to speak to this Bill or to their point of personal privilege and I will come back now to Representative Johnson with a caveat to all of the lights that are flashing, that we will be on the timer for the continuation of the debate. Representative Johnson."

Johnson: "Well, this is... John, you are making an unnecessary confrontation between you and I. I never said you put me on the Bill. I know that in the course of this process around here, there's been a number of other situations through ten years here where things like that happened. I'm not saying you, obviously, would never do that to me personally and I'm... if you took it that way, I apologize to you. All I'm saying is I know I didn't ask to be on this Bill. It may well be that, you know, that somebody got a name mixed up or a staff person thought that somebody got a letter on it. All I'm saying is, so you understand,

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that I'm not speaking on a Bill and feeling a different way, that I didn't consciously ever ask anybody to put me on this Bill and I know you would never deliberately put me on a Bill that you didn't think I was for or had asked you to do. So, don't make a confrontation where it's not necessary. I would never attack your integrity. I think you are one of... as high in integrity as anybody in this whole process, in this whole chamber. I feel that before the debate. I feel it after the debate. I just want to clarify for purposes of the chamber here that I never asked anybody to be a Sponsor of the Bill and I'm going to sign a slip here asking to be removed as an additional Co-Sponsor. That's all."

Speaker Braun: "Moving right along with the debate, the Chair recognizes the Gentleman from St. Clair, Representative Flinn."

Flinn: "Madam Speaker, I move the previous question. We've heard enough of this."

Speaker Braun: "The Gentleman has moved the previous question. All in favor say 'aye', all opposed say 'nay'. All in favor... the Motion is lost. Proceeding with the debate, the Chair recognizes the Gentleman from Cook, Representative Preston."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. While I greatly respect Representative Johnson, I do disagree with him in some of the remarks that he made. I think that smoke detectors are extremely important not only for the residence of the house in which they are located. People in Chicago, know full well the great Chicago fire was caused through a spreading of fire. A fire isn't contained just to the residence where the fire originates. It's extremely important to have the residents of a house notified so they can call the fire department to

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extinguish a fire and even if they don't want the protection, their neighbors are entitled to that protection because the fire can spread... it can spread extremely quickly. This is something that will save lives, save children, save adults, save your neighbors and your community, and I think it's a very important piece of legislation. I support it."

Speaker Braun: "The Chair recognizes the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Madam Speaker, Ladies and Gentlemen of the House. I just want to make a simple statement in regard to this Bill. I think Representative Johnson understated the case against the Bill. I think it's far worse than he described it as being and I would urge you much more strongly than he did to vote 'no' on it."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Terzich."

Terzich: "Yes, Mr. Speaker (sic - Madam Speaker), Ladies and Gentlemen of the House, the City of Chicago presently has a ordinance which requires smoke alarms in homes and places of residency. It's very, very difficult to appreciate the fact that the number of fire deaths in the... not only in the City of Chicago, but throughout the State of Illinois, that if there was a smoke detector in the residence that the number of lives that could possibly be saved. It seems like every day that whenever there is a reporting of a fire death, nine out of ten times there were no smoke detectors in the residency. This piece of legislation certainly is designed to help save lives throughout the State of Illinois. It's not to put anybody in jail for noncompliance. Unfortunately, I think that some type of legislation is necessary where it will encourage people to include smoke detectors in their residency. It's very,

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very small price to pay for a person's life, to install smoke detectors and I would urge support of this House Bill 2631."

Speaker Braun: "The Chair recognizes the Gentleman from Macon, Representative Tate."

Tate: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. One of the concerns that I think we all have to be aware of is currently many smoke alarms operate off batteries. If you consider that, I mean, eventually, we are going to have to have inspectors that will go around and inspect to see whether the batteries are still charged up or not and the rationale being used by some of our colleagues indicating that Chicago is leading the way, bear in mind that even though Chicago might have smoke alarms, they still don't have night baseball. Thank you."

Speaker Braun: "The Chair recognizes the Gentleman from Peoria, Representative Saltsman."

Saltsman: "Thank you, Madam Speaker. The City of Peoria has had an ordinance similar to this for about the past eight years, and in our forums and so on, we have never seen any complaints. There are no complaints in our municipality about it. The only complaints are it's not out in the open. We are looking at slum landlords and we're looking at irresponsible parents. Now, many of you people have never went to a house at 2:00 in the morning and either had to take children 12 years old and less to either the City Mission or sent them to the morgue because their parents aren't home attending them. These are some of the issues that the average person doesn't see, that some of us have had the bad experience with. It's not the fact that the homeowner... what we are looking at slum landlords that don't care if there's smoke detector in there or not, irresponsible parents who are leaving these children at

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home sleeping by themselves at night. At least there is something to wake them up and the ordinance in Peoria, when it first started out, it had resistance such as it's having here today. But, you put this in effect for about one month and the people will get used to it. There are many ways of getting free smoke detectors in the State of Illinois. The Firefighters' Unions have give them away. All of our muscular dystrophy people have been given free detectors that we can find in the State of Illinois. The poor has many means of getting them. Ten years ago, I probably would opposed this law because smoke detectors ran about \$30, \$35 a piece. You can get a good smoke detector now for \$8. Eight dollars you can get a good smoke detector for. So, therefore, nobody runs in the person's house in Peoria, but the people who has their children burned up who didn't have that smoke detector, I don't think it hurts to fine them \$35, because after this happens, that neighborhood, the local store don't have enough fire... don't have enough smoke detectors in that hardware store or in that variety store to cope with that neighborhood for sales. All it takes is about one every six months and the sales go up. That's the only thing that has been forcing them in the home. It's been nothing more than the deaths and the irresponsible parents who left these children by themselves. And in some cases, the parents themselves have been the victims because the smoke detectors were inoperable or they didn't have one at all. So, this Bill, nobody is going to be charging in on anybody's houses. They don't do it in Peoria. They haven't did it there. It's been a very successful program, and I think if a community that size, if it can work there, I think it can work state-wide. Thank you."

Speaker Braun: "The Chair recognizes the Gentleman from DuPage,

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Representative Hoffman. Representative Hoffman."

Hoffman: "Thank you very much, Madam Speaker, and in deference to your request to be succinct and parsimonious, I would merely like to say that it would appear to me that this is a responsibility of municipalities and not a responsibility that the state should take on. And therefore, I stand in opposition to this legislation."

Speaker Braun: "Is there further discussion? The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Gentleman yield for a question?"

Speaker Braun: "He indicates he will."

Brunsvold: "Representative, the synopsis indicates residential, private dwellings. Is that all private dwellings?"

Matijevich: "That's right, by July of 198..."

Brunsvold: "Newly constructed or..."

Matijevich: "Newly constructed or substantially remodeled immediately under the Act after December 31, 1986, and upon occupancy, they must have, in those new construction, permanent wiring of smoke detector systems. Under present existing dwelling units by July 1, '87, they must have smoke detectors. So, all residences by July 1, '87."

Brunsvold: "July, '87, must have smoke detectors?"

Matijevich: "That's right."

Brunsvold: "Private and public?"

Matijevich: "Dwelling units."

Brunsvold: "Public is covered? Okay. Would that constitute, Representative, a mandate? Do you think this... how many smoke detectors are we talking about, do you think?"

Matijevich: "That I don't know. I don't know."

Brunsvold: "Unbelievable. Thank you."

Speaker Braun: "The Chair recognizes the Gentleman from St. Clair, Representative Stephens."

Stephens: "Thank you, Madam Speaker, fellow Members of the House."

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I'm a little bit in wonderment at what we are really doing here. The... I heard earlier in the debate that... well, let's just do it and in a month or so, the people will get used to it. You know, well, there are a lot of dictators that had that same philosophy. Let's just pass that statute or that regulation or that infringement on an individual's rights and they will get used to it sooner or later and I imagine that's probably true. Representative Johnson's remarks were... were well-spoken, I think, when he said that last year we stood on the floor and we argued against the seatbelt law and I remember my remarks dealt with, well, why don't we just have massive public transportation units where we just put these little padded buses on the road and protect everybody from themselves and we got around to talking about protecting your diet and protecting your right to... your rights in your home, protecting you from yourself. I am especially amazed at the portion of this Bill that tells... tells me that if my child, who might get into his... whose batteries might run out in one of his toys might raid my detector and find himself to be in violation of state statutes, that portion of the Bill just amazes me. I wonder... I wonder if it wouldn't make more sense to pass a law that says that we had to have fire extinguishers in our house? What are we supposed to do, wake up with these fire detectors, smoke detectors and watch the house burn down? I wonder what the next step is, really? I just think... and I... most of us who have... whether new or old construction, recognize the need for smoke detectors, but it's a decision that I want for myself. If you decide that you don't want it or if you are from southern Illinois and you got to hide from the issue, we... I think you ought to have that right... or whether you are from Chicago. I didn't see anybody else

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hiding from the issue. But I really think this is a infringement of the individual's rights to run their household and as someone told me earlier, maybe this is castle invasion. Thank you very much. I stand in opposition."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Shaw."

Shaw: "I just wanted to... Thank you, Madam Speaker. I wanted to ask the Sponsor... Will the Sponsor yield? Representative Matijevich, does this apply to multiple dwellings, as well as homes at any point?"

Matijevich: "Yes, it does and by the way, Representative Shaw, the City of Chicago is already under such an Act by its home rule powers. It... For one year, has adopted this type of law and I received a letter from the Fire Commissioner telling me of the dramatic decrease in lives lost by fire, which they feel is directly attributable to the law in the voluntary compliance of the law."

Shaw: "Yes, to the Bill. Sometime I think some of these people are in wonderland that get up and speak against good legislation like this. You know, we are not talking about just \$8, we're talking about human life, saving of human lives and some of us in here know what it means to have a smoke detector in the home because some of us have lost loved ones because they didn't have that smoke detector. And \$8 is a small price to pay to save someone that you love or children or just human life. I don't understand that. You know... and I wasn't going to get up and talk on this Bill, but I remember back December... back in December the 30th of last year that if a smoke... if this Bill had been in force that we are trying to pass here today, my father might still be alive, if there had been a smoke detector. But this law wasn't in effect. And I think the



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people of Illinois will support this type of legislation. I think it's a good piece of legislation. Chicago has had it for a long time. Some people just overlook human life. One of our own colleagues on the other side of the rotunda here lost his life. I don't understand why the people on the other side of the aisle particularly, can't see that, but they want to just prolong this debate. It's another one of those things that is not their idea and they don't feel like they want to vote for it. They are not interested in protecting the public and all of those votes over there, if you vote red, no matter what you tell the people back in your district, you are not... you don't have their interests at heart. And you should have it. The women and children and old people of this state. You should be concerned about that, and I don't see how anybody could get up and argue against a piece of legislation like this. This is progressive legislation and I urge an 'aye' vote on it."

Speaker Braun: "Lady from Cook, Representative Parcells."

Parcells: "Thank you, Madam Speaker. Besides the points that Representative Johnson, Stephens and Vinson brought out, the Bill, I think is badly flawed in that it says that in structures built after December 31st of 86, the detector would have to be tied into the AC power line. Now, if that hasn't been changed, this would give us a false sense of security because many, maybe most house fires start in electrical system. The thing shorts out and your smoke detector isn't going to work anyway, which is the reason they came out with the battery smoke detectors. And I think to insist that each house have that is... unless I'm reading this wrong, that is a very bad flaw."

Speaker Braun: "Further debate? The Gentleman from Cook, Representative McNamara."

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McNamara: "Thank you very much, Madam Speaker. On this Bill, it is not a question of personal freedom in this case. In the case of a fire, we have to consider one other thing. There are other lives at stake, the lives of our children, the lives of our neighbors, the lives of the firemen. I think we should support this Bill because it is not a personal life. It is the lives of other people that are involved."

Speaker Braun: "The Lady from Lake, Representative Stern."

Stern: "Madam Speaker and Members of the House, this is the most irrational debate I have listened to since we discussed firearms in day care centers. If it is necessary to put a monetary price on the reason why this is a good idea, we should discuss what it costs each time the fire trucks have to go out, each time we lose a fireman in a fire. I cannot imagine that you folks over there really believe the arguments you are espousing. Let's vote it up or down. I call for the question."

Speaker Braun: "Thank you. Representative Matijevich, to close."

Matijevich: "First of all, on the side issue, I want Representative Johnson to know that I in no way impuned his integrity at all nor intend to and I want to tell that everybody... I think all of us Members are relying now on the staff to do our work for us because every... every one of those forms I filled out, I think, it came to my desk from a staff member. A few did come personally to themselves. Ladies and Gentlemen of the House, I think... I think we are making a wrong decision if we are trying to pit this issue as a conservative versus liberal issue. You know, every Bill that we pass in some way infringes on somebody. Every Bill that we pass in some way does that. And, if we infringe on people in some regard in this Bill, we are infringing, I think, in that regard, but still saving lives and if there is any good purpose, I think, for

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legislation, it is in saving lives. The United States Fire Administration has reported, based on fire experience, that the chance of being killed in a fire in a home without smoke detectors is about two and one half times greater than the chance of being killed in a home with detectors. The large percentage of fire victims die at night, while asleep, in their homes. Everybody always says it won't happen to me. Everybody always says... they think... everybody thinks that they will be somehow awakened in a fire. Most often the cause of death is the inhalation of smoke from undetected fires that were burning for a long time before the fire department received an alarm. Nationwide, there has been a 20 percent drop in the number of civilian fire deaths in the residential occupancies in the last five years. Concurrent with this reduction in fire deaths was an increase in the number of households protected by smoke detectors and emphasis on public fire safety education programs too. Many are of the opinion that the decrease in home fire deaths is directly attributable... attributable to the greater use of home smoke detectors. And I might add, regarding Representative Parcell's... what she called a defect in the Bill, what the permanent wiring does is keep the battery charged. So that's... that's an attempt to place a permanent system so that batteries don't wear out. So, I think that is a good... it isn't a defect in the Bill at all. Now, I think, you know, somebody mentioned back here about Representative Bloom dying in a fire and if there is anything I can say right now, I could say, 'How soon they forget.' How soon they forget. Believe me, most of the laws that we pass of any type, of any type are not... even though we have enforcement provisions, most of them are voluntarily complied with and that's what we are really

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looking for. We are going to save lives by the voluntary compliance. Please don't pit this Bill as a conservative vote. You are misjudging the electorate. You are misjudging your constituents because surveys have been made that people want this type of law to protect people from fires and the fact of the matter is that it does work. The City of Chicago has showed it worked... it works and we are only one of twelve states. You know, your discussion seemed to indicate to me like I am proposing something brand new. We are one of twelve states that doesn't have some type of state law regarding home smoke detectors. It's a good Bill. I commend it to you. Don't vote against it for something other than what it really is. And I appreciate your support."

Speaker Braun: "The Gentleman has moved the passage of House Bill 2631. All in favor vote 'aye', opposed vote 'no'. The voting is open. The Chair recognizes the Gentleman from Knox, Representative Hawkinson, to explain his vote."

Hawkinson: "Thank you, Madam Chairman. I think the invocation of the tragedy that befell Senator Bloom is inappropriate. For one reason, Peoria has an ordinance. For the second reason, there was a smoke detector within ten feet of that bedroom, so I think that's an inappropriate invocation for this Bill. I think a far more proper Bill would be one that would have a campaign like we see promoting the use of fire detectors and perhaps providing a fund that would supply them to those who are not able to afford them, rather than making people criminals subject to six month incarceration for violation of the Bill and I vote 'no'."

Speaker Braun: "Have all voted who wish? I'm sorry. Your light wasn't on. I'm sorry. The Chair recognizes the Gentleman from Coles, Representative Weaver."

Weaver: "Thank you, Madam Speaker. As far as I know, there is no

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law against smoke detectors at this point and I would prefer to see something that dealt with the tenant/landlord relationship, rather than going to everyone's personal home. I think this General Assembly's attitude should be that better government is less government and when you pile this Bill on top of the 55 mile an hour speed limit and the seatbelt law, and if we continue to pass laws that tell people how to live, we shall soon succeed in making criminals out of just about everybody in the State of Illinois. I think for a strike for personal rights and human choice, we ought to vote against this Bill and try and fashion something that's a little bit more workable."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Keane."

Keane: "Thank you, Madam Speaker. Recently, I was in Washington and I heard a Republican U. S. Senator, Senator 'Durrenberg' state that one of the problems that we have in this country is is that we have repealed motorcycle helmet laws, we've repealed a lot of safety laws, and if someone gets hurt... if someone gets hurt riding their motorcycle without a helmet on and have... has sufficient or serious injuries, they usually end up in public hospitals. In our case, it's usually in a county hospital or in a state hospital. We have many, many responsibilities. One of the major responsibilities is for the safety of the people of the State of Illinois. What the Sponsor is attempting to do and what this Bill attempts to do is to provide safety for the people of Illinois. You may say that it's not right for us to mandate someone to pay \$25 so that he has a smoke detector in his home, but we are going to end up paying in the thousands and in the tens of thousands should the person be hurt, be permanently disabled or even partially disabled because of a fire. It's a very, very

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cheap price to pay. You can pay now. We can have the people pay now or we can have them pay later and that usually means the taxpayer ends up paying for that. If you go and look at the state hospitals and the public hospitals in the State of Illinois, at long-term residents of those hospitals, they are usually people that have come out from problems that this Bill and other Bills like it that are safety oriented addressed. So, to save the taxpayers a little bit of money, I think it's money well spent and I would urge you to vote 'aye'."

Speaker Braun: "Gentleman from Vermilion, one minute to explain your vote."

Black: "Thank you, Madam Speaker. The Gentleman's comments are well-taken, however I rise to bring forth some very serious questions and explain my vote. One is to the enforceability of such a law. Two, and if the Sponsor would explain to me afterwards, I would appreciate it. If there is a smoke detector on the market today, residential, that can be hard wired with a rechargeable battery, I am not aware of it. And if there is one and the cost is \$8, I would appreciate receiving some literature on that. Thank you."

Speaker Braun: "For what reasons does the Gentleman from Champaign rise?"

Johnson: "Yeah, I'm going to request a verification if this receives the appropriate number of votes."

Speaker Braun: "That's fine, Representative Johnson. Have all voted who wish? The Clerk will take the record. On this question, there are 57 voting 'aye', 48 voting 'no', 6 voting 'present'. This Bill, having failed to receive the Constitutional... Representative Matijevich."

Matijevich: "Well, I'll just take a shot at the absentees. I know I don't have enough, but I'll take a shot at the

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absentees."

Speaker Braun: "Representative Matijevich requests a Poll of the Absentees. Representative Johnson requests an... Poll of the Absentees first."

Clerk Leone: "Poll of the Absentees. Huff. Leverenz. Zwick."

Speaker Braun: "Representative Matijevich."

Matijevich: "Madam Speaker, usually I have, in my tenure, I have always gone up or down on a Bill, but this is an important issue and I wasn't aware of my... with my cataracts, my eyes are so bad, I wasn't aware that Jim Stange had a death in his family and I know he... he... I was waiting for someone on that side of the aisle to speak in behalf of the Bill, and he wasn't here and I'd appreciate it if you would put it on Postponed Consideration. I think it's a very important issue. I... I know everybody's voted their conscience on this Bill, but I think we can do better later."

Speaker Braun: "Gentleman has requested leave to have this Bill placed on the Order of Postponed Consideration. House Bill 2630. 2630, Representative Greiman. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2630, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Braun: "Gentleman from Cook, Representative Greiman."

Greiman: "Thank you, Speaker. This Bill is a Bill. It is a non-substantive Bill. It has no impact whatsoever on the pension system, but it is a Bill that we have determined would be appropriate to use to amend pension systems. It has been the intent of people on both sides of the aisle to limit pension legislation to a very minimum... most small minimum and in doing that, you will note, we kept all of the pension bills off the floor. We kept all the pension Bills in the Rules because we believe that it is time for

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us to exercise restraint with respect to pensions. Accordingly, we realized, however, that there are a number of requests from various systems to make changes of one sort or another. For that reason, we have kept alive a single pension Bill in this House and that is this Bill and we would move it to the Senate and deal with a narrow, a most narrow agenda of pensions. You'll recall last year we required communities to... you know, units of government to request changes and only then did we ever... did we vote for pension. It is our policy to keep a most limited agenda and I would ask you, therefore, to vote for this Bill."

Speaker Braun: "The Gentleman has moved the passage of House Bill 2630. On that, is there any discussion? The Chair recognizes the Gentleman from Livingston, Representative Ewing."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, the Sponsor of this Bill is correct in his discussion with this side of the aisle in regard to his plans for this Bill, and I would suggest that we pass this Bill out and when it comes back from the Senate, it will have the Amendments on it that will affect our pension system and then, at that time, you will have the opportunity to decide if you support the measure or not."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Preston."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Just very briefly, I have to comment on what Mr. Greiman has said, that we have decided with the other side of the aisle that we should show restraint. I don't remember being part of that particular decision and I don't think probably more than three people in the General



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Assembly were part of that decision. I think it's important just to look at a Leadership decision that they, the Leaders, Democratic and Republican Leaders, were better able than you, the elected Representatives of your constituents, to decide what is and what indeed is not restraint. They will decide that you will show restraint and I think it really can't go unremarked because it applies not only to this Bill, but to some of the major issues in this Body and I felt compelled to have to point it out. Thank you."

Speaker Braun: "Gentleman... Is there further discussion? The Chair recognizes the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Yes, thank you very much, Madam. I... I'm like the previous speaker. I just can't restrain myself and I would hope that he feels better after what he said."

Speaker Braun: "Is there further discussion? There being none, Representative Greiman, to close."

Greiman: "Yes, thank you, Speaker. I just don't want to comment particularly on any aspect of the Bill. It's not a complex Bill, but I would just advise the House that in the current synopsis, pension Bills begin on page 1826 and they go 'till 1840, so we have a lot of pension Bills and I would ask that you give this Bill a favorable vote."

Speaker Braun: "The Gentleman has moved the passage of House Bill 2630. All in favor vote 'aye', 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 69 voting 'yes', 35 voting 'no', 4 voting 'present'. Representative Shaw ask leave to be voted... asks to change his vote from 'no' to 'aye'. Representative Hartke votes 'aye'. Further changes? On this question there are 70 voting 'aye', 34 voting 'no', 4

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voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2635. Representative Rea."

Clerk Leone: "House Bill 2635, a Bill for an Act in relation to traffic violation citations. Third Reading of the Bill."

Speaker Braun: "The Chair recognizes, the Gentleman from Franklin, Representative Rea."

Rea: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 2635 is a Bill that will prohibit the use of code of systems by law enforcement agencies with regard to a minimum number of traffic tickets, which must be issued. It was... The Bill was amended and the Amendment prevents any police agency from establishing a ticket quota, but it does permit police management to counsel or discipline an officer who fails to perform his or her duties. This... The Amendment did not change the thrust of the Bill, but simply clarifies the intent, which had been agreed upon in the Committee, and which with help drafted by the Department of State Police. This is a problem that has grown in the State of Illinois and is one that we feel should be dealt with, and this is an attempt to get at it, and I would ask for a favorable vote."

Speaker Braun: "The Gentleman has moved the passage of House Bill 2635, on that, is there any discussion? The Chair recognizes, the Gentleman from Marion, Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Braun: "He indicates he will."

Friedrich: "Representative Rea, I have mixed emotions on this, and I am not sure how you determine what's a quota. Let's assume an officer went for six months and didn't make one arrest, could his commanding officer have said, 'Hey, buddy, your not working enough, you didn't make any

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arrests.' What is a quota? Is it ten arrests? One arrest? Fifty arrests? Two arrests a month? What is a quota? I don't know. I'm on your side, I don't believe... up to a point, I don't think that, if you said they have to make ten arrests, then some nitpicker goes out there and makes ten arrests all in one morning, just to make his quota, that's wrong. If he doesn't make any arrests, he's obviously not doing his job. How do you define this? I don't know."

Rea: "Well, I think, that there are times... that there are certain numbers of... that are issued by the Chief of Police, or by perhaps the mayor of the town, or some other administration of police enforcement agency. But, the way this is amended now, it does give flexibility, in making some determination, and if the person is going along for six months, or for two weeks, or three weeks, or whatever and not issuing the... not issuing tickets, then they can be counseled on it, they can be brought in. But, this would prohibit the situation where we have many towns throughout that have issued a certain quota, where if you don't issue that number of tickets, then you do not get the promotion, you do not get the new equipment, you... and also, one of the bad things that's occurring, and one of the things that the police on the streets and on the highways are telling me is, that due to a quota system, they end up issuing many bad tickets due to the fact that they have got to meet that number, and this would prevent that from happening. But, also, will provide the flexibility for counseling with that person if they are, you know, somewhat deficient. But there is a judgement factor there that has to be applied."

Friedrich: "Can the officer be discharged if he has a real low record of arrests? What can happen to me, if I'm a police

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officer and once I'm certified, and I say, 'Well, heck with this, I'm just going to ride around, I don't want to make people unhappy.' What do you do with that guy? I don't know."

Rea: "Okay. The same thing can apply to that as with any other job. If you don't have production in other types of jobs, why then the management, whoever is in charge, can call you in, can talk to you, can counsel with you, can say, 'Hey, you're not doing the job here.' You know, you're... you are dismissed..."

Friedrich: "Well, doesn't that make a quota? If I'm not doing the job, you're saying, 'Well, you're not making enough arrests.' I got to talk to you. I'm going to discipline you and so on."

Rea: "You're... A quota would be, if you specified that, you've got to issue 20 tickets a week, for instance. Then you would be in a quota system. Now, what may happen, that doesn't necessarily mean that person might not issue 20 tickets this week, but next week they may only issue five. Under a quota system, then they would be expected to issue, whether it's on a weekly or monthly basis, or whatever, that number of tickets, regardless. And we have been, in some situations, in fact, a couple... three years ago... a couple years ago, I guess, we had the system even with our own state police, where so many tickets had to be issued in different categories, and that... there has been some things worked out since that time. But they had to issue so many DUI's, they had to issue so many on speeding tickets between certain speed limits, they had... you know, you could call it quota or management by objectives, or number of contacts, or whatever you wanted to, but it all boiled down... whenever you specify a certain number, it all boils down to a quota system."

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Speaker Braun: "Representative Breslin, in the Chair."

Speaker Breslin: "The Chair recognizes the Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Mr.... Madam Speaker. Question of the Sponsor, please?"

Speaker Breslin: "He will yield."

Ropp: "To what degree do you think the State Government has to get involved in administrating procedures within a police agency, or any agency as far as that goes?"

Rea: "Well, we... we do it all the time, and whenever it... this has been brought to us by the people, because of it being a rather intensified problem in the state, and, I think, that's the time that then we become involved, but not up until that time."

Ropp: "Well, it looks to me like there are times that administratively we need to have some guidelines, and certainly an administrator in that position ought to be allowed to establish a certain set of guidelines within reason, and certainly if one is speeding, going more than whatever the state law is, it's a violation. And I don't think that we ought to necessarily tie anyone's hands, or say, 'You have to go out and get more.' If the law has been broken, I think that they ought to fulfill that intent and issue a ticket or a warning anyway to give some indication. But, by saying that you cannot at least set guidelines for administration of this particular agency, I think it is something that we, as the Legislature, should not do. And I would encourage the Members to oppose this Bill."

Speaker Breslin: "The Gentleman from Lake, Representative Peterson."

Peterson: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Breslin: "He will."

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Peterson: "Representative, earlier this afternoon, we had a Bill presented to us, sponsored by Representative Deuchler, which had to do with a township enforcement officer, I believe that Bill is on Postponed. Consideration, That legislation, if passed, and enacted into law, would give that enforcement officer the right to issue tickets. How would your legislation affect that enforcement officer, if at all?"

Rea: "The only way this would... well, it would affect it the same way as any other police agency or division of law enforcement."

Peterson: "In other words, there was question about how the official officer salary is going to be paid. In other words, the township board can handle it anyway they want. If they want to have a quota, they could give a quota. If not, they could just issue the tickets as they see fit."

Rea: "On that particular legislation, I couldn't respond. But, the only thing that I can say there is that, as far as the tickets, they would have the... they would be under the same jurisdiction as any other police agency and would not be able to establish a quota, would not be able to... they would be able to counsel with anybody that was issuing tickets under their jurisdiction though. If they were not, you know, performing."

Peterson: "To the Bill. I think Representative Rea has an excellent piece of legislation here, and I urge all my colleagues to support it. Thank you."

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

Flinn: "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

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the opinion of the Chair, the 'ayes' have it, and the main question is put. Representative Rea, to close."

Rea: "Thank you, Madam Speaker, Members of the House. The question, also, was asked as to, if the Amendment had taken away objections by the state police and some of the other opposition earlier, and the answer to that question is, yes. And we are not opposed to writing tickets. We're not opposed, in fact, to enforcing the law. That's... we believe in that very strongly. But all this has to do is, with the quota system, and I would... I think this is a... would be very helpful and would prevent some bad tickets from being written, and would ask for your favorable vote."

Speaker Breslin: "The question is, 'Shall House bill 2635 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? The Clerk will take the record. On this question, there are 85 voting 'aye', 21 voting 'no', and 1 voting 'present. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2642, Representative Giglio. Clerk, read the Bill."

Clerk Leone: "House Bill 2642, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Breslin: "Representative Giglio."

Giglio: "Madam Speaker and Members of the House, House Bill 2642 is a simple Bill. What it asks, that the people who have the vending machines want a hearing if their vending machine licenses are going to be increased. We had this Bill once before, but it was for all the cities within the State of Illinois, we left out the City of Chicago and it prohibits municipalities with a population of less than one million from increasing the machines without a hearing. And that's all we're asking for, is just a hearing."

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Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2642, and on that question, is there any discussion? Hearing none, the question is, 'Shall House Bill 26... Representative Cullerton, on the question.'"

Cullerton: "Yes, can I inquire the Chair? Are there any Amendments adopted to the Bill?"

Speaker Breslin: "Mr. Clerk, have there been any Amendments adopted to this Bill?"

Clerk Leone: "There are no Amendments adopted to the Bill."

Cullerton: "Fine. Thank you."

Speaker Breslin: "The question is, 'Shall House Bill 2642 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 104 voting 'aye', none voting 'no', and 1 voting 'present'. This Bill... Representative Brunsvold, votes 'aye'. There are 105 voting 'aye', none voting 'no', and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2648, Representative Saltsman. Clerk, read the Bill."

Clerk Leone: "House Bill 2648, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of the Bill."

Speaker Breslin: "Representative Saltsman."

Saltsman: "Thank you, Madam Speaker. This Bill authorizes the Judge to include, as a condition of probation, or condition of discharge, or requiring a defendant to donate money to a local anti-crime program. This is known throughout the State of Illinois, as our Crime Stoppers Program. They are currently operating on voluntary contributions from local citizens and businessman's contributions toward their agencies. We have 25 of them now in the State of Illinois and this will help fund them. I ask for its passage."



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Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2648, and on that question, is there any discussion? Hearing none, the question is, 'Shall House Bill 2648 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 Clerk will take the record. On this question, there are 111 voting 'aye', none voting 'no', and none voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2656, Representative Currie. Clerk, read the Bill. Out of the record. House Bill 2687, Representative Matijevich. Clerk, read the Bill."

Clerk Leone: "House Bill 2687, a Bill for an Act to amend the Carnival Amusement Ride Safety Act. Third Reading of the Bill."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, Ladies and Gentlemen of the Bill... of the House, this Bill really is Representative Virginia Frederick's Bill. She and Representative Steczo pioneered the enactment of laws relating to the carnival and amusement rides safety in Illinois. And all that House Bill 2687 does, it adds transporting snow skiers, including sky lifts and rope tows, under the provisions of the Carnival and Amusement Rides Safety Act. What has happened is we have found that some of the accidents at the ski hills are due to ski lifts and tows... rope tows that should be inspected for safety. It's a good Bill, appreciate your support."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2687, and on that question, is there any discussion? Hearing none, the question is, 'Shall House Bill 2687 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage.

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Have all voted who wish? The Clerk will take the record. On this question, there are 104 voting 'aye', 4 voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2694, Representative Homer. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2694, a Bill for an Act to amend Sections of the Abused and Neglected Child Reporting Act. Third Reading of the Bill."

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker, Ladies and Gentlemen. The Abused and Neglected Child Reporting Act prohibits the disclosure of investigations of child abuse and neglect cases and holds them confidential, except, in the case of certain specified exceptions, and the statute goes on to lay out what those exceptions would be. In other words, when the Department of Children and Family Services investigator can share information or disclose information concerning the status of an investigation or information about that investigation to some other party. And the exceptions say that, 'those disclosures may be made in the furtherance of the purposes of the administration of the Act to other DCFS personnel, to law enforcement agency investigating the offense, to the state police, to a physician, to a guardian.' And then it provides that, 'it could also be shared with a person having legal responsibility of the care, or treatment, or supervision of the child.' The Bill that is before us would enlarge that particular exception to make certain that it would also include officials of the child's school, when the Department staff, that is the DCFS staff, is on school premises when investigating a report made pursuant to the Act. And the reason that I seek to do this is because the

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Bill was actually... or the idea for the Bill was brought to me by some school officials, who complained that DCFS case workers or investigators would come into a school and want to talk with one of the students, but would refuse to share any information, whatsoever, with the principal or with the teacher, saying that, "the confidentiality laws prohibited that type of disclosure," even in cases where the DCFS person may feel that that type of communication would be very helpful. Because, after all, the teacher or principal is in loco parentis with that child, when it's on the school property, who may have some very pertinent information to the investigation. So, this Bill simply would empower, in the discretion of that investigator, the right to share information when it was deemed necessary to further the purpose of the Act or to investigate the incident of child neglect or abuse. So, I'd be happy, Madam Speaker, to answer any questions that the Members might have, and I would ask for support for the Bill."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2694, and on that question, the Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you, Madam Speaker. Would the Representative yield for a question?"

Speaker Breslin: "He will."

Ryder: "Thank you. Representative, you indicated that this was brought to you by a number of constituents, is that correct?"

Homer: "Well, in one of my counties, it was brought to me by the administration of one of my school districts and my Regional Superintendent of Schools."

Ryder: "Representative, did you poll the rest of the school officials in your district?"

Homer: "No."

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Ryder: "Do you know if this has universal support throughout your district?"

Homer: "No."

Ryder: "Okay. Are there any organizations in support of this issue that have assisted you in this valiant effort?"

Homer: "Well, I think, all good citizens of the state would, but I don't know if they're an organization..."

Ryder: "I would... I would never expect you to do otherwise."

Homer: "... The Health and Human Services Committee..."

Ryder: "Pardon me?"

Homer: "The Health and Human Services Committee supported it."

Ryder: "You're a very persuasive Sponsor. Does the Department of Children and Family Services have a position on this, that they've expressed to you?"

Homer: "I am trying to recall specifically. I think they... that I remember at one time them expressing some reservation about the Bill, but I can't remember if they actually filed an objection in Committee or not. I don't remember them testifying."

Ryder: "Would it come as a shock to you, if I indicated that they were in opposition to it? I've already shocked Representative Shaw, and I don't want to inflict too much damage on your side of the aisle."

Homer: "Yes, it would surprise me. I don't know if I would be shocked."

Ryder: "Fine, I appreciate that. My understanding is that you wish to open the entire file of any investigation concerning child abuse to the principal of a school, is that correct, the entire file?"

Homer: "No, I... What I'm asking through the Bill is that the DCFS investigator, within that person's discretion, disclose all or so much of the file or reports as is necessary, in order to carry on an informed conversation or

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communication with the teacher or the school official. I'm not asking, in the Bill, that the teacher be given complete access to the entire file, no."

Ryder: "Representative, on the first page of your Amendment, line 11, 'a person shall have access to the records described in Section', and then it goes on to include those people that have that access. I don't see any limitation in the Amendment, as I read it, that limits the amount of access that your school official may have."

Homer: "Representative Ryder, did you also read line 12, where it says, 'only in furtherance of the purposes?' Let me, also, say to you, Sir, that the language you quote is existing language, that is in the law now. It's the way the Bill was drafted whenever it was passed, and that set forth certain entities or individuals, by title or position, that would be allowed such information. Now, I'm unaware that there's been any abuse or any opening of complete records to any of these agencies. All my Bill does is simply attempt to specifically clarify those exemptions to include school officials, which I believe certainly to be as compelling an exception as some as the others listed, such as, a physician or state police. So, I'm not tampering with the original language of the statute."

Ryder: "Representative, as I read those lists, to which you just alluded, I can understand why a physician may have to have access, or even the state police, or even the folks that are in custody, but tell me what purposes serve by allowing the schools to investigate this... or to have access to the file? What purpose is served?"

Homer: "In some cases, there perhaps would not be, and in most cases, the DCFS person could specifically deny access to that information. There's nothing here to require any disclosure at all. But in other cases, the investigating

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person may want to know if there have been any behavioral changes in the child's conduct in school. Whose in a better position to know, for example, in the case, of an investigated suspected parental child abuse, whether or not that child's behavior has changed or been impaired, then the teacher, who spends a number of hours with that student each day. Now, that could become very relevant information in many cases, and I don't know why we would want to preclude or forbid the DCFS investigator from carrying on a conversation with the teacher or administrator, where at the discretion of that investigator, that would be in furtherance of the purposes of the investigation. There may be cases where that investigator does not feel that would be the case and would choose not to make those disclosures."

Ryder: "Representative, thank you. I will now speak to the Bill, since you have successfully filibustered the majority of my time, and I appreciate your complete and... complete answers to my rather simple questions. I would stand in opposition to this because, I think, there are very valid reasons to deny access to alleged acts of child abuse in this circumstance. The discretion is there for the investigator to make known what he or she feels is appropriate in the school setting, simply because, a person, in a school, feels they're not getting complete information. I'm not sure that they're the person that should be the judge of that. The person, is the one that's making the investigation. There may be very valid reasons why the school official is not given access to the investigation and to the contents of the file. We have talked extensively about the sensibilities of children who may have been abused, to allow access to the file, may exasperate those sensibilities, and as a consequence, I

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think, that we're opening up access to files, in situations where it shouldn't. And, I reluctantly, because of my respect for the Sponsor, I reluctantly stand in opposition to your Bill."

Speaker Breslin: "The Gentleman from... The Lady from Cook, Representative Wojcik."

Wojcik: "Yes, Madam Speaker and Members of the House, I, too, rise in opposition pertinent to this Bill. I think what we're getting into is... it's kind of like a turf battle between the DCFS and the school officials, and we're not looking at the child that we're talking about. I think there's an element of confidentiality that we have to look into, and I think that by having this Amendment passed, we are going to jeopardize the confidentiality of the child."

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

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I reluctantly rise to oppose my colleague's Bill, but I do so, because I, too, am concerned about the confidentiality and protecting the reputations of the people who are involved, while an allegation is under investigation. After all, at this point in the process, it is merely an allegation. I would suggest there are two reasons why we do not now permit this information to be shared with school officials. Number one, the point of sharing the information is to advance the investigation. Well, school officials have no power to conduct these investigations on their own. This power is specifically vested in the Department of Children and Family Services. If they feel it is necessary to advance the investigation, then they should come forward and propose such legislation, but they have not done so. Therefore, I submit that the... not having this law on the books that is being proposed by

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the Representative from Fulton County is not currently inhibiting to the investigatory process. Number two, I would point out that the list of exceptions already in the law include such persons as, police officials and physicians, and the like. If you take a look at that list, I think, you'll be struck by the fact, those exceptions are themselves covered by confidentiality statutes. In other words, if information is shared between DCFS and a physician, then the physician is precluded from providing that information to any third party. However, there is no confidentiality statute with respect to school officials and child sexual abuse allegations. There would be nothing to preclude those officials from spreading the information further, and they should not. So, unless, we have some kind of bar within the law, I think that it would be inappropriate to share this information with school officials. So, therefore, I rise in opposition to this legislation."

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

Vinson: "Yes, Madam Chairman (sic - Madam Speaker), I would agree with the previous speaker, because this is an agency that at one time was a very troubled agency, that has subsequently sought to work with Members of the Legislature, and the professionals involved in their field, in a most constructive fashion, to try to pass Bills, on a willy-nilly basis, that affect their direct operations, is a mistake at this point. They have become a constructive agency, and I think that the Sponsor ought to, in fact, work with the agency to try to deal with this problem. I would urge a 'no' vote."

Speaker Breslin: "Representative Homer, to close."

Homer: "Thank you, Madam Speaker. I think some of the speakers,



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although well intended, would make more out of this Bill, then should be made. We're not requiring DCFS individuals to do one thing different than they do today. What we're doing is giving to them an additional tool, that being, to allow them to communicate, to the extent they feel necessary, with school administrators or school officials, when that DCFS person is convinced that that would assist in furthering the investigation. There's nothing in this Bill that requires the files to be turned over to any such school official. There's nothing in this Bill that would require that a DCFS investigator in any case, whatsoever, be mandated to make a disclosure that that DCFS worker felt was not in the furtherance of the investigation. And all that we're doing is allowing that DCFS worker additional tool through communication, in a case where he feels that that would be appropriate, with a school official. So, I would, notwithstanding the aerial bombs that I hear bursting in mid-air, I would ask that the Members consider that we're making no major revision here. We're just simply expanding one of the exceptions that already exist."

Speaker Breslin: "The question is, 'Shall House Bill 2694 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 22 voting 'aye', 65 voting 'no', and 10 voting 'present'. And this Bill, fails to receive the Constitutional Majority, and is, therefore, declared lost. House Bill 2700, Representative Richmond. Clerk, call the Bill. Out of the record. House Bill 2708, Representative Friedrich. Clerk, call the Bill... read the Bill."

Clerk O'Brien: "House Bill 2708, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

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Speaker Breslin: "Representative Friedrich."

Friedrich: "Madam Speaker and Members of the House, this is a simple little Bill that might save your life sometime. Under the law presently, and I think I have to give you this kind of situation that this is intended to address. Your out on the open highway with fast moving traffic, and maybe quite a bit of traffic, on a two-lane road, and the guy in front of you decides he's going to turn left, he can't turn left because of oncoming traffic, so, he turns on his left turn lane light, you're behind him, and you come to a stop, and you look in your rearview mirror and here's guy bearing down on you, and he can't even tell you're stopped, if visibility is bad, so, he crashes into you. This merely says, it's permissive. You may turn on your left turn light to warn the guy that something is going on ahead. He won't try to pass you. He does know that there's something going on, and he won't try to pass you or the guy ahead of you. There have been many collisions that have happened, in this respect, and they can be deadly because on a fast moving road. I will tell you that the State Police are opposed to this, only on the grounds that it does away with uniformity because of the state's habit. I think Illinois ought to be a leader, not a follower. But this might save your life or the life of some of your friends. I'm sure you've been in this situation many times. You're sitting there like a sitting duck, and here's a guy bearing down on you at the back, with no notice at all that you're stopped even. Huh? Well, maybe you don't have time for that. You can't turn on those flashing lights, until you come to a stop, because they won't work with your brake on, as you know."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2708, and on that question, the Gentleman from

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Cook, Representative Cullerton, on the question."

Cullerton: "Yes, will the Sponsor yield?"

Speaker Breslin: "He will."

Cullerton: "The change... it would be permissive, is that what your saying?"

Friedrich: "It's permissive."

Cullerton: "In other words, right now, it's illegal."

Friedrich: "It's illegal for you to turn your light on, even though you see a guy bearing down at 60 miles an hour from the back."

Cullerton: "And the only problem... potential problem could be that, if you forget to turn your turn signal off, then you'll be driving along the road with your left turn signal on, even though you don't plan on turning left."

Friedrich: "Okay. Well, at least that does not create a hazard because... I mean it does not endanger your life and not the other guy, either. And he has to have some notice on a two-lane road that something is going on there, and he doesn't have any now. And it's permissive, you... if you don't feel like this... we need this protection, you don't have to do it."

Cullerton: "And you indicate the State Police were opposed to it only because it's not uniform with the..."

Friedrich: "They say, that other states have the prohibition, so they'd like to keep the prohibition here."

Cullerton: "Is there... Do you know whether or not it involves any money, any federal money? If we deviate..."

Friedrich: "Not at all."

Cullerton: "Well, now just hear me out, because I understand that there's... certain federal monies flow, if we are part of... as a uniform compact, which has certain uniform laws. There was no mention at all to you..."

Friedrich: "That was not mentioned to me, but they said their

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only objection was the uniformity, and they did not indicate that there was any probability of any loss affects."

Cullerton: "Okay. As I read the Bill then, when does the person have to turn the electric turn signal off?"

Friedrich: "When does he have to turn it off?"

Cullerton: "Right. It says, 'he may flash the electric turn signal device to reflect to operators of other vehicles approaching from the rear a turn signal being displayed by another vehicle ahead traveling in the same direction,' when does he have to turn it off? When the vehicle that's in front of him has turned left?"

Friedrich: "The same time you would now, I suppose, because I'm sure you've followed cars down the road for ten miles with their left turn signal on."

Cullerton: "That's the thing I was talking about before."

Friedrich: "I don't know that there's anything other than just plain horse sense."

Cullerton: "And they have to be wearing their seatbelt when they do this, right?"

Friedrich: "Yes, Sir, under Illinois law, sponsored by Representative Cullerton, I believe."

Cullerton: "Right. Okay. Thank you."

Speaker Breslin: "Representative Matijevich."

Matijevich: "I was just going to add a little humor by saying, Dwight Friedrich, that you gave a bad example, you mentioned turning left, you don't ever have to worry about that because you only know how to turn right."

Friedrich: "I'm pretty far at the right, but once in a while, I have to turn left."

Matijevich: "But I did look at the Bill... you remember all this hot debate we had about Fire Bill and smoke detectors, and I said that, you know, practically every Bill we have, we

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infringe on somebody, or we tell somebody that they should, or shouldn't do, or we permit them by law to do something. And now, what we're doing is we're making people believe they might... they might have some responsibility on what somebody else is doing. And what I'm afraid of is... if you permit somebody to do that, that person may misgauge what the other person is doing in front of them, and that rather than save accidents and save lives, you may create more of a danger. Now, that's my worry with this. You know, I was one of the few who, when we passed that law to allow drivers going the same direction to put their turn signals just to pass somebody, I thought that was bad law, because to me a turn signal ought to be a turn - turn only. But we changed the law, allow passing, and all we did, I think, is really create more problems. Because if you... I think, if you notice, like I do, very often on the highway, you know what people do? They turn their signal and away they go. They pass you as they hit that signal, and it hasn't saved lives. It's created, I think, more problems. And I really think that's what your Bill, even though you have the best intent in the world, that you're going to create more problems. And Dwight, I have the highest respect for you and what your doing, but I think you're on the wrong track on this one."

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 opinion of the Chair, the 'ayes' have it. Representative Friedrich, to close."

Friedrich: "I think the problem that Representative Matijevich

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has, he doesn't know the difference between shall and may, and this is a may. I would like to say in closing, the rear end you save may be your own."

Speaker Breslin: "The question is, 'Shall House Bill 2708 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? Sixty votes are required for passage. Have all voted who wish? The Clerk will take the record. On this question, there are 62 voting 'aye', 38 voting 'no', and 6 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page 22 on your Calendar, appears House Bill 2711, Representative Nash. Out of the record. House Bill 2714, Representative Brookins. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2714, a Bill for an Act to create the Probation Challenge Program. Third Reading of the Bill."

Speaker Breslin: "Representative Brookins."

Brookins: "Yes, Madam Speaker, may I have permission to take it back to Second Reading for the purpose of Amendment?"

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

Clerk O'Brien: "This Bill has been read a second time previously."

Speaker Breslin: "Any Amendments filed?"

Clerk O'Brien: "Floor Amendment #..."

Brookins: "One. One."

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

Speaker Breslin: "Representative Brookins."

Brookins: "Thank you. This is a technical Amendment that makes

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it for the city colleges of Chicago, District 508, and it corrects it from the Illinois community colleges."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 2714, and on that question, is there any discussion? The Gentleman from DeWitt, Representative Vinson."

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

Speaker Breslin: "He will."

Vinson: "Representative, I was diverted in my attention, and I did not hear the nature of your Amendment."

Brookins: "Yes. The Amendment is merely technical, it makes it to the city colleges of the City of Chicago, which is..."

Vinson: "It what?"

Brookins: "The city colleges of Chicago, District 508, and it changes it from the Illinois community colleges."

Vinson: "Madam Speaker, I wonder if the Amendment has been printed and distributed?"

Speaker Breslin: "Yes, it has, Mr. Vinson, it has been."

Vinson: "Thank you."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the question is, 'Shall Amendment #1 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: "Representative, a fiscal note has been filed on this Bill. So, the Bill has to remain on the Order of Second Reading, until the Fiscal Note Act is complied with. Representative Cullerton, for what reason do you rise? Representative Cullerton."

Cullerton: "Yes. I think it would be appropriate, knowing what

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the Bill does, to move that the Fiscal Note Act not apply in this particular Bill."

Speaker Breslin: "The Gentleman moves that the Fiscal Note Act not apply to House Bill 2714, and on that question, is there any discussion? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Madam Speaker, Ladies and Gentlemen of the House, this Bill creates a whole new program of probation, somewhat distinct from our existing probation programs. I think it clearly could have an impact on state finances and state appropriations, for that reason, I would rise in opposition to the Gentleman's Motion. In the event that the Gentleman's Motion appears to prevail, I would request a verification of the Affirmative Roll Call."

Speaker Breslin: "Representative Braun, on the question."

Braun: "Thank you very much, Madam Speaker, Members of the House, and to Representative Vinson, you may not have been on the floor earlier, Representative Vinson, when we passed a Republican sponsored Bill modeled on this one, that did the exact same thing for which the Sponsor had actually said there was going to be a cost. There is no appropriation associated with this Bill directly. This Bill does not have a fiscal impact. This Bill is the same as the... I don't know what Representative Ropp's probation challenge alternative was called specifically, but this House approved that program overwhelmingly. Representative Brookins, at the time, pointed out that he has for the last three years brought before this House this version of the same program. And I believe that in fairness to Representative Brookins, that he be accorded the same support, as was given Representative Ropp earlier in the same day."

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



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Flinn."

Flinn: "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 opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the main question is put. The question is, 'Does the fiscal note... Is the Fiscal Note Act inapplicable?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The question is, 'Is the Fiscal Note Act inapplicable?' The Gentleman from Winnebago, Representative Hallock, one minute to explain your vote."

Hallock: "Could you restate Representative Cullerton's Motion?"

Speaker Breslin: "The question is, 'Is the Fiscal Note Act inapplicable?' The Motion requires a majority of those voting on the issue in order to carry, and Representative Vinson has asked for a verification of the Roll Call. Punch your own switches. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 49 voting 'aye', 50 voting 'no', and 1 voting 'present'. Representative Brookins. Representative Brookins, asks for a Poll of the Absentees. Poll the absentees, Mr. Clerk."

Clerk O'Brien: "Bowman. Capparelli."

Speaker Breslin: "Bowman, votes 'aye'. Capparelli, votes 'aye'. Wolf, votes 'aye'. Wait, votes 'no'. Representative Braun, for what reason do you rise?"

Braun: "To ask for a verification of the negative."

Speaker Breslin: "Excuse me. Representative Cullerton, votes 'aye'. Are there any more... Proceed with your Poll of the Absentees, Mr. Clerk."

Clerk O'Brien: "Continuing with the Poll of the Absentees. Huff. Keane. Leverenz. Mautino. McGann. O'Connell. Panayotovitch. Satterthwaite. And Zwick."

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Speaker Breslin: "On this question, there are 53 voting 'aye', 51 voting 'no', and 1 voting 'present'. Representative Vinson, has requested a verification of the Affirmative Roll. Proceed with the Poll of the Affirmative, Mr. Clerk."

Clerk O'Brien: "Alexander. Berrios. Bowman. Braun. Breslin. Brookins. Brunsvold. Capparelli."

Speaker Breslin: "O'Connell, how do you vote? Representative O'Connell."

O'Connell: "Please vote me 'aye', Madam Speaker."

Speaker Breslin: "Representative O'Connell, votes 'aye'. Proceed, Mr. Clerk."

Clerk O'Brien: "Christensen. Cullerton. Curran. Currie. Daley. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Greiman. Hannig. Hartke. Hicks. Homer. Krska. Kulas. LeFlore. Levin. Martinez. Matijevich. McNamara. McPike. Nash. O'Connell. Phelps. Preston. Rea. Richmond. Ronan. Saltsman. Shaw. Steczko. Stern. Sutker. Terzich. Turner. Washington. White. Wolf. Anthony Young. Wyvetter Younge. And Mr. Speaker."

Speaker Breslin: "Representative Laurino, votes 'aye'. Mr. Vinson, do you have any questions of the Affirmative?"

Vinson: "Yes, I do."

Speaker Breslin: "Proceed. Representative Steczko, asks leave to be verified. Representative Vinson, is that acceptable? It is."

Vinson: "Yes. Mr. Hicks."

Speaker Breslin: "Representative Hicks, is in his chair."

Vinson: "Mr. Huff."

Speaker Breslin: "Representative Huff. Is the Gentleman in the chamber? He is not voting."

Vinson: "Mr. Kulas."

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Speaker Breslin: "Representative Kulas, is in his chair."

Vinson: "Mr. McNamara."

Speaker Breslin: "Representative McNamara, is in the chamber."

Vinson: "Mr. Preston."

Speaker Breslin: "Representative Preston. Is the Gentleman in the chamber? He is not, remove him. Representative McGann, wishes to vote 'aye', add him to the Roll Call."

Vinson: "Mr. Rea."

Speaker Breslin: "Representative Rea, is in the chamber."

Vinson: "Mr. Saltsman."

Speaker Breslin: "Representative Saltsman. Representative Saltsman. The Gentleman is not in the chamber, remove him from the Roll Call."

Vinson: "Did you remove him?"

Speaker Breslin: "We did."

Vinson: "What?"

Speaker Breslin: "Yes, we did."

Vinson: "Washington."

Speaker Breslin: "Representative Washington, is in his chair."

Vinson: "Christensen."

Speaker Breslin: "Representative Christensen, is in the chamber."

Vinson: "DeLeo."

Speaker Breslin: "Representative DeLeo, is in his chair."

Vinson: "Mr. Giorgi."

Speaker Breslin: "Representative Giorgi, is in the chamber."

Vinson: "Mr. Krska."

Speaker Breslin: "Representative Krska, is in his chair."

Vinson: "Mr. Dunn."

Speaker Breslin: "Representative John Dunn. Is the Gentleman in the chamber, John Dunn? He is in the chamber."

Vinson: "Representative Satterthwaite."

Speaker Breslin: "Representative Satterthwaite, is not voting."

Vinson: "Mr.... Mr. McGann."

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Speaker Breslin: "Representative McGann, voted personally."

Vinson: "Mr.... No further questions."

Speaker Breslin: "On this question there are 54 voting 'aye', 50 voting 'no', and 1 voting 'present'. And the House holds that the Fiscal Note Act is inapplicable. Representative... Excuse me. Mr. Clerk, are there any further Amendments on this Bill?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "The Bill goes to Third Reading. The Bill is on Third Reading, Representative Brookins. Representative Brookins, now asks leave for immediate consideration of House Bill 2714 as amended. There are objections. Representative Brookins, now moves for immediate consideration of House Bill 2714. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This vote should require 71 votes for adoption. Have all voted who wish? Have all voted who wish? 71 votes are required for immediate consideration of this Bill as amended. Representative Vinson, for what reason do you seek recognition?"

Vinson: "In the event that it... the Motion should appear to have the sufficient votes to pass, to request a verification of the Affirmative."

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

Braun: "To speak to the Motion. Madam Speaker, Ladies and Gentlemen of the House, we've had a very... fairly calm day here today, and we've worked together, and I want to suggest to every Member that's voting red, that it is the essence of unfairness to treat one Member of this chamber differently under the same situations, under the same circumstances, than another Member is treated. We moved and considered Representative Ropp's Bill, an identical

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Bill based on the probation challenge format that is set out in House Bill 2714. Now, that Representative Brookins seeks to do the exact same thing, this chamber... Members in this chamber who are voting red, have decided that it is inappropriate. I think that you ought to seriously consider the kind of unfairness that is being perpetuated here with regard to Representative Brookins, with regard to the people in the City of Chicago and the County of Cook, who will be benefited by this program, with regard to the people who will... who have an interest in this program, and more specifically, to this General Assembly. As colleagues, we are entitled, I think, to a certain degree of respect and regard. As colleagues, we try to give each other a certain amount of consideration and try to be fair to each other, even though we may have different opinions about different legislation. To subject this Member to a trial - to a test, that is not required of another Member in the same day, is the essence of unfairness and certainly smacks of motives that I would not want to talk about on this floor, with regard to Representative Vinson. I hope, Representative Vinson, that you will withdraw your opposition to this Amendment, that you would change your mind, that you would find it in your heart to accord Representative Brookins the same treatment as Representative Ropp was accorded earlier in this day. Yes, it means you and every other Member that is voting red on this Motion to continue in this vain."

Speaker Breslin: "Representative Ropp, one minute to explain your vote."

Ropp: "Well, thank you, Madam Speaker. I'm not sure that there ought to be an example as to whether or not this Legislator is issuing the same kind of Bill. I think the essence of this whole thing is the very root of the problem that we

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have in our society, and that is, that we have a number of people who become victims of our court situation and get into probation. My particular Bill dealt with a pilot program of all of the large numbers of people that deal with probation. The Cook County area is by far and away the most involved in this kind of a program. Certainly, this would attempt to deal with a very serious situation. Never have we really dealt with the root problem of people who get involved in criminal activity and what we can do to address it. Representative Brookins' Bill is attempting to address a very real problem in Illinois, and I would hope that we would be able to give him as fair treatment, as this chamber gave me. And there may be some of you want to reconsider how you voted on my Bill, but, Ladies and Gentlemen, this is one of the gutiest issues that we have in this state, and we, in the General Assembly, are the people that can do something about it. It's time that we do, do something."

Speaker Breslin: "Representative Hallock, to explain his vote."

Hallock: "Thank you, Madam Speaker, Members of the House. The previous speaker from the Majority, spoke about the unfairness of the issue. Well, if you look at the facts, we haven't yet debated the merits of this Bill, and when we come to it, it may, in fact, pass. But when you speak about unfairness, all we had asked for was a fiscal note on Second Reading. Well, clearly, if the Sponsor himself has an Appropriate Bill then for 250,000 bucks, there's a fiscal impact to this Bill. For the Majority Party to then say, inspite of that other Bill, that there is no fiscal impact is ludicrous. That's what's at stake here, not so much the merits of this question here, but overall the procedures of the House, and I think, you ought to rethink that."

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Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 69 voting 'aye', 38 voting 'no', and 2 voting 'present', and the Motion fails. Representative Braun, for what reason do you rise?"

Braun: "Going to request a Poll of the Absentees."

Speaker Breslin: "Poll of the Absentees. Poll the absentees, Mr. Clerk."

Clerk O'Brien: "Barger. Huff. Klemm."

Speaker Breslin: "Representative Klemm, votes 'no'."

Clerk O'Brien: "McAuliffe. And Zwick."

Speaker Breslin: "On this question, there are 69 voting 'aye', 39 voting 'no', and 2 voting 'present', and the Motion fails. The next Bill is House Bill 27... Oh, the Bill... Excuse me. The Bill moves to Third Reading and will be on the call of Third Reading tomorrow, Representative Brookins. House Bill 2717, Representative Shaw. Out of the record. House Bill 2720, Representative Stern. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2720, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Stern."

Stern: "Madam Speaker and Members of the House, this is a genuinely uncontroversial Bill. This would designate American Indian Week in this emergency Session. It would make the week in September, that contains American Indian Day, American Indian Week, at which time the children of our schools could examine the contribution of the... our indian forebearers. I ask your 'aye' vote."

Speaker Breslin: "The Lady moves for the passage of House Bill 2720, and on that question, the Gentleman from Champaign, Representative Johnson."

Johnson: "Is this optional or mandatory?"

Stern: "I guess it's optional, Representative Johnson. I don't

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think there's any requirement that the schools do anymore than make the comment that it is American Indian Week."

Johnson: "So, the Bill, in terms of directing the Governor and the schools, is purely optional, is that right?"

Stern: "That's correct, Sir."

Johnson: "Well, why can't they do that now?"

Stern: "They probably could, but we think that it is appropriate for them to spend more than one day examining the contributions of the Indian nations to this country."

Johnson: "Well, what I mean is that it's completely optional, why couldn't they do it either a day, or a week, or a month, or whatever they think is appropriate, now?"

Stern: "Well, Representative Johnson, I think they probably could."

Johnson: "Well, why do we need this Bill?"

Stern: "This was suggested by the sixth grade of the Elm Place School in Highland Park. It seemed to me a nice lesson in how democracy works. I suggested to them that I would put in the Bill, and I couldn't believe that there would be opposition from the Members of this House, which I'll be astonished if there is."

Johnson: "Well, I'm not opposing. I'm just wondering why we need to have a Bill to do something we could do anyway?"

Stern: "Well, I suspect that statement might be made of a number of the things we have discussed here this afternoon."

Johnson: "Well, I... Yes, it's alright with me. I was just concerned whether it was something we had to do or whatever. It sounds like a good idea."

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

Hastert: "Will the Sponsor yield?"

Speaker Breslin: "She will."

Hastert: "Thank you, Madam Chairman (sic - Madam Speaker).



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Representative, I just want to clarify and make absolutely sure there's no prescribed days off from school."

Stern: "No, Sir."

Hastert: "No legal holidays."

Stern: "We are not going to have 'Sitting Bull Day' and close the schools."

Hastert: "I was going to leave Sitting Bull out of it, but I just want to make sure."

Stern: "No, Sir, there are no holidays."

Hastert: "Fine. Thank you."

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

Levin: "Madam Speaker, Ladies and Gentlemen of the House, I represent the 'uptowny' area of Chicago, and am proud to represent a number of American Indians who are in my district, and I commend the sixth grade in your district for coming up with a very good idea."

Stern: "Thank you, Representative."

Speaker Breslin: "The Gentleman from... The question is, 'Shall House Bill 2720 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 93 voting 'aye', 15 voting 'no', and none voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2735, Representative Steczo. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2735, a Bill for an Act to amend the Illinois Income Tax Act. Third Reading of the Bill."

Speaker Breslin: "Representative Steczo."

Steczko: "Thank you, Madam Speaker. I hope I don't get scalped on this one. House Bill 2735 is a Bill that deals with the Income Tax Act and the combined apportionment formula collecting corporate income taxes. Madam Speaker,

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presently, in Illinois, when corporations pay income tax, they pay on three factors - these are regional corporations and national corporations - one is property; one is payroll; and one is sales. All are the same... treated the same in the formula. What House Bill 2735 says, is that if a company in Illinois has a payroll factor that exceeds 250 percent of the other two, they can exclude that payroll factor from the formula and just pay on the sales and on the property. There is also a catch, and the catch is, that if you decide... if a corporation decides to do that, they must elect to do that for ten years. So, that serves as a means by which a company would have to look seriously at choosing this option. We believe the impact... the revenue impact to be minimal. We do think, though, that it's a means by which the State of Illinois, by doing this, can enhance businesses to increase their payroll in the state. And I would move for the passage of House Bill 2735."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2735, and on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Breslin: "He will."

Cullerton: "This Bill sounds familiar. Didn't we vote on this Bill sometime in the last couple of years?"

Steczo: "Representative Cullerton, this Bill was introduced as House Bill 1473 two years ago."

Cullerton: "And what happened with that Bill?"

Steczo: "It was vetoed by the Governor."

Cullerton: "And what did the Governor say in his veto message?"

Steczo: "Representative Cullerton, the Governor, in his Veto Message, indicated that this formula was a formula that many states used, and he felt that, under the current

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formula, he felt it should not be changed, in the reflects of fairness."

Cullerton: "Did he say that there would be a loss in revenue to the state, if the Bill passed?"

Steczo: "I don't recall that specifically, Representative Cullerton, but if there would be, under the ten year election factor, it would be minimal."

Cullerton: "Well... But did the Governor think that that was the case or...?"

Steczo: "I can't recall if he was talking about this Bill or the other combined apportionment Bill, where he did say that there would be a revenue impact."

Cullerton: "Oh, okay. So, it's the other one that supposedly cost like 22 million dollars..."

Steczo: "Supposedly. Although, the jury is out on that."

Cullerton: "Right. Now, are there any businesses... which businesses would be against this Bill? A business that is not... does not have a lot of payroll or property here, but who has a lot of sales?"

Steczo: "Representative Cullerton, I think that that's the other Bill, House Bill 2819, you're referring to as well. This simply gives the option, and if companies choose not to use that option, then it would be beneficiary to those that do, but would not hurt those who do not."

Cullerton: "Fine. Thank you."

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

Harris: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Breslin: "He will."

Harris: "Representative, we talked about House Bill 2819, which this may be putting the cart before the horse, but assuming that Bill passes, wouldn't we in essence be saying to a company that, if their payroll factor exceeds 250 percent

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of the average that you've spent in this Bill, they can exclude that, so, that's completely excluded from the factor, and yet, they then double-rate the sales factor. Isn't that giving some benefit to the sales end of the... I'm confused as to how the two fit together. If there's a distinct advantage... if both of these should pass."

Steczo: "Representative Harris, I think we should look at each one individually. This one... This one deals with the certain number of companies in the State of Illinois that have a large excess of employees. There are not very many that fall into that category. Should the other Bill pass, that also was addressed to Illinois corporations that are based here in the State of Illinois, that have their employees and their property here, but that Bill protects against those that simply are located outside the state, who choose to sell their product and not really bother to locate their property or personnel in the State of Illinois."

Harris: "Thank you very much."

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

Bowman: "Question of the Sponsor."

Speaker Breslin: "Proceed."

Bowman: "Representative Steczo, could you name for me some corporations, by way of example, to indicate what types of business might benefit from this?"

Steczo: "Representative Bowman, my understanding is that there are just a few. One that comes to mind as Household... Household International. International Minerals, I believe, is another. Amoco, is another, and I think there may be a few more."

Bowman: "You say, Amoco?"

Steczo: "Yes."

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Bowman: "Amoco and Household Finance or something like..."

Steczo: "Household International and International Minerals."

Bowman: "But you indicated there were just a few companies, right?"

Steczo: "Could you repeat that, please?"

Bowman: "You... As I recall your answer, you indicated there were just a few companies that would be benefited by this, right?"

Steczo: "Correct. That could... should decide... depending on whether or not they chose to do so."

Bowman: "Okay. Well, I do have to worry a little bit about legislation that is geared towards just a few companies. It seems to me that it comes perilously close to special legislation, and so, I must admit that I'm troubled by that aspect of the Bill. Thank you."

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

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

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

Steczo: "Thank you, Madam Speaker. Quickly to close, the Bill... the Bill is designed to deal with those corporations that have large amounts of employees in the State of Illinois, and as a protection for the state, the company that chooses to use this new formula, should it pass and be signed by the Governor, will have to look especially careful because, if they make the election to use this formula next year, they will have no choice but to use that formula every year for the next ten, whether or not their circumstances change. That's a protection in the Bill for the state, and

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I think, it would help encourage us to... help the state encourage more business to locate their personnel here. And I would move for its adoption or its passage."

Speaker Breslin: "The question is, 'Shall House Bill 2735 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 102 voting 'aye', 3 voting 'no', and 5 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, earlier in the day, we agreed to go back to a Bill that was taken out of the record, it's House Bill 2236, Representative Currie. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2236, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Breslin: "Representative Currie."

Currie: "Thank you, Madam Speaker and Members of the House. We had this Bill earlier. There was a problem that Representative Vinson very kindly pointed out to me, in the way the Amendment was drafted. The Amendment has since been redrafted to clarify that, while we lift the statutory cap on payments through the Emergency and Special Assistance Program in the Department of Public Aid, it is the appropriations enacted by this General Assembly that will drive spending through those programs."

Speaker Breslin: "Representative Currie, is there an Amendment on this Bill that has been filed? No, we did not. Representative Currie, do you wish to take this Bill back to Second Reading for an Amendment?"

Currie: "It was on Second Reading when we last heard this Bill."

Speaker Breslin: "I see. Very good. Mr. Clerk indicates that he has the Amendment. Representative Currie has explained the

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Amendment. Is there any discussion? Hearing no discussion... Representative Mautino, on the Amendment."

Mautino: "Thank you, Madam Speaker. Will the Lady yield for a question?"

Speaker Breslin: "She will."

Mautino: "If I recall the earlier conversation, the Amendment addresses funding proposals, not for medical or AMI or mamed, that's included in the original proposal, but, in fact, affects funding in programs for what?"

Currie: "For emergency and special assistance in the Department of Public Aid, Representative."

Mautino: "And what does that mean?"

Currie: "This Amendment deletes the material that was in the original Bill, that deals with AMI, MANG and other medical benefits. All this Bill says is that, we will decide, through the appropriations process, every year how much we should spend on emergency and special assistance. The proposal here..."

Mautino: "Which is defined as what? What is the purpose...?"

Currie: "That's already defined in the Public Aid Code, and it is special grants for particular purposes. For example, if someone is burned out of his or her apartment, for example, to provide the cost of shelter, for homeless individuals. The point of the Amendment is to increase the flexibility of the Department of Public Aid and this Legislature, so that we might better access federal reimbursements for people eligible, under federal programs, who would, also, be eligible for emergency assistance in this state. This Bill has no fiscal impact. It just lifts the statutory cap."

Mautino: "Alright. What I'm... I guess I have an additional question. If, in fact, we establish this as an avenue of assistance, will we then be reducing the AMI, the MANG

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provisions, et cetera, which are so difficult for people, who are in need, to get now?"

Currie: "No, Representative, these programs already are part of the Illinois State Statutes - Emergency and Special Assistance. This Amendment takes out of the Bill its original content. It does not deal with medical assistance at all."

Mautino: "My question is, if we're going to channel new funds into new emergency services provisions, you got to take it from somewhere else, where are we taking it from?"

Currie: "This Bill does not provide for additional money in either of those programs. It merely says that, if for reasons of flexibility and federal reimbursement we want to spend more money in these lines, we can do so without having to change the substantive statutory cap. That's all it does."

Mautino: "Thank you very much. I'm as much confused now, as before I asked the question."

Currie: "Maybe I could answer it this way. We have changed the statutory cap several times over the last six years. This Bill says, we won't have a statutory cap, we will let the appropriations decision of this Legislature determine how much money we spend for these programs."

Speaker Breslin: "Representative Currie, the Clerk advises me, that you should withdraw Amendment #2, before proceeding with this. So, the Lady intends to withdraw Amendment #2. Withdraw it, Mr. Clerk. So, as to Amendment #3, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Madam Speaker and Ladies and Gentlemen of the Assembly, the Lady, earlier in the day described the Amendment, which was not before the House. When I pointed that out, she graciously consented to have her staff draft the Amendment. So, that what she described would be before



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the House. She has done that, and the Amendment is, as she describes."

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

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

Speaker Breslin: "She will."

Hastert: "Yeah. Madam Representative, the issue here... how are you changing the base Bill, the substantive Bill?"

Currie: "The substantive Bill is... the original provisions of House Bill 2236 are deleted by this Amendment."

Hastert: "So, you gut the Bill."

Currie: "The only issue that is now in the Bill, if this Amendment is adopted, is the statutory cap on emergency and special assistance in the Department of Public Aid."

Hastert: "So, you lift the cap. Now, the old Bill, as I understand, had about... impact of about eight million dollars."

Currie: "Those are the Department of Public Aid's figures, yes."

Hastert: "Well, I'm just saying that's, you know, what our analysis has, eight million doll... Do you change that?"

Currie: "Yes, because the original provisions of the Bill will no longer be acted if this Amendment is adopted."

Hastert: "So, you..."

Currie: "There will be, in fact, no fiscal impact if this Amendment is adopted."

Hastert: "So, basically what we do is go from some spending constraint to no spending constraint, is that correct?"

Currie: "Not... The spending constraint is the available state revenues and decisions by the Department and by the Legislature and by the Governor about how we ought to use resources within the Department of Public Aid."

Hastert: "Thank you. You answered my question."

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

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Flinn."

Flinn: "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 Currie, to close."

Currie: "Thank you, Madam Speaker, Members of the House. I think we've had a full discussion. I would appreciate your support for Amendment 3 to House Bill 2236."

Speaker Breslin: "The question is, 'Shall House Bill 2236 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Represen... Excuse me. This is as to the Amendment. All those in favor vote 'aye' on the Amendment... the adoption of... Okay. All those in favor of Amendment 3 being adopted say 'aye', all those opposed say 'nay'. In the opin... All those in favor vote 'aye', all those opposed vote 'nay'. Voting is open. Representative Piel, one minute to explain your vote."

Piel: "Thank you, Madam Speaker. Unfortunately, I didn't have a chance to ask a question. She says that, you know, it's not going to cost the state any more. Well, in the initial appropriation there was a three million dollar initial figure in there. She says that this line isn't going to cost any more, but she, in turn, just put in an additional line into the appropriation of an additional three million. So, instead of three million additionally appropriated, now we have six million dollars appropriated for this line. This is removing the cap, Ladies and Gentlemen. So, fine, go ahead. Vote for the Amendment and you end up having a situation that's going to cost us ten million dollars next year and 12 the year after that. You know, it's got to come from somewhere."

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Speaker Breslin: "The Clerk will take the record. On this question there are 56 voting 'aye', 44 voting 'no' and 1 voting 'present'. And the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative... excuse me. Representative Currie, there was a request for a fiscal note filed while the Bill was on Second Reading. Does the Gentleman still request that fiscal note? Does the Gentleman still request the fiscal note on the Amendment, the Bill as amended?"

Vinson: "I'm sorry. I did not hear the question of the Chair."

Speaker Breslin: "Do you still request a fiscal note on the Bill as amended."

Vinson: "Yes."

Speaker Breslin: "The Bill thus remains on the Order of Second Reading. Excuse me. Representative Vinson."

Vinson: "Madam Speaker, I think that with all deference to the distinguished Lady that I would withdraw the request for the fiscal note."

Speaker Breslin: "The Gentleman withdraws..."

Vinson: "Nor would I object to the Bill being heard on Third Reading tonight."

Speaker Breslin: "The Gentleman withdraws the fiscal note and the Bill thus moves... House Bill 2236 moves to the Order of Third Reading. Representative Currie declines to call the Bill at this time, however. Agreed Resolutions. Ladies and Gentlemen, we are not finished with our business, but we will be very shortly. Read the Agreed Resolution, Mr. Clerk."

Clerk O'Brien: "Senate Joint Resolution 152, offered by Representative Madigan and Greiman."

Speaker Breslin: "Representative Giorgi moves the adoption of the

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Agreed Resolutions. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Agreed Resolution is adopted. Ladies and Gentlemen, before we adjourn, we are planning to move Bills from Second to Third Reading that do not have Amendments. Thus, we do not anticipate any votes, and it should be done in a very short order. They're on Special Orders. Representative Leverenz, for what reason do you rise?"

Leverenz: "Inquiry of the Chair."

Speaker Breslin: "State your inquiry."

Leverenz: "Now?"

Speaker Breslin: "I knew that's what you were going to ask. Not now."

Leverenz: "Thank you."

Speaker Breslin: "Ladies and Gentlemen, pursuant to Special Call, on the Order of the Administration of Justice, appearing on page three, House Bill 3591. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3591, a Bill for an Act to amend an Act creating the Department of Children and Family Services. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments?"

Speaker Breslin: "Third Reading. House Bill 3349, on page 12 on your Calendar. Read the Bill, Mr. Clerk. 3349."

Clerk O'Brien: "House Bill 3349, a Bill for an Act to amend Sections of the Illinois Criminal Justice Information Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions filed?"

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Clerk O'Brien: "No Motions filed."

Speaker Breslin: "Any Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. On the Special Order labeled Infrastructure and Community Development appears House Bill 3261, on page 11 of your Calendar. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3261, a Bill for an Act to amend certain Acts in relation to mass transit. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Breslin: "Third Reading. House Bill 3512, appears on page 13 on your Calendar. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3512, a Bill for an Act to create and define the powers and duties of the Prairie Trail Authority. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Breslin: "Third Reading. House Bill 3550, appears on page 14 on your Calendar. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3550, a Bill for an Act in relation to the Illinois Summer School for the Arts. Second Reading of the Bill. Amendment #1..."

Speaker Breslin: "Excuse me, Mr. Clerk. It's House Bill 3550. 3550. Are there any Motions filed or Amendments?"

Clerk O'Brien: "Amendment #1 was adopted in Committee."

Speaker Breslin: "Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Breslin: "Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. On the Special Order of

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Business under State and Local Government appears House Bill 3498, on page 13 on your Calendar. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3498, a Bill for an Act to amend Sections of the Illinois Income Tax Act. Second Reading of the Bill. Amendments #... Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions or Floor Amendments?"

Clerk O'Brien: "No Motions filed."

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

Cullerton: "Yes, I believe there was a fiscal note request on that Bill. I wonder if the record shows whether or not it's filed."

Clerk O'Brien: "The fiscal note has been filed."

Cullerton: "Thank you."

Speaker Breslin: "House Bill 3498 moves to Third Reading. House Bill 3548, appears on page 14 on your Calendar. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3548, a Bill for an Act to require the study of solid waste management in Illinois. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Breslin: "Third Reading. House Bill 3584, appears on page 15 on your Calendar. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3584, a Bill for an Act to amend Sections of an Act to revise the law in relation to clerks of the court. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "None."

Speaker Breslin: "Third Reading. Representative Cullerton now

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moves that the House stand adjourned until 9:00... excuse me, 9:00 a.m tomorrow morning allowing five minutes for perfunctory time for the Clerk to do his business. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and this House stands adjourned until 9:00 tomorrow morning allowing perfunctory time for the Clerk."

Clerk O'Brien: "Committee Report. Representative Terzich, Chairman of the Committee on Executive, to which the following Resolutions were referred, action taken May 14, 1986, reported the same back with the following recommendation: 'be adopted' House Joint Resolutions 122, 164, 182, 185 and 187 and Senate Joint Resolution 23. 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 Bills of the following title and the passage of which I am instructed to ask concurrence of the House of Representatives, to wit: Senate Bills #1563, 1564, 2196, 2197, 2198, 2205, 2212, 2274, 2283, 2285, 2286, 2288, 2295, 2296 and 2302, passed by the Senate May 14, 1986. Kenneth Wright, Secretary.' Senate Bills First Reading. Senate Bill 2198, Davis, a Bill for an Act to amend the Civil Administrative Code. First Reading of the Bill. Senate Bill 2274, Mays, a Bill for an Act to amend the law concerning veterans' affairs. First Reading of the Bill. Senate Bill 1502, Churchill, a Bill for an Act to empowering units of local government and school districts to establish tax shelter benefit plans for their officers and employees. First Reading of the Bill. Senate Bill 1558, Hannig, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill. Senate Bill 1574, Didrickson, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 1580,

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Mautino, a Bill for an Act to amend the Illinois Horse Racing Act. First Reading of the Bill. Senate Bill 1662, Hastert and Breslin, a Bill for an Act to amend the Illinois Enterprise Zone Act. First Reading of the Bill. Senate Bill 1704, Keane, a Bill for an Act to amend an Act in relation to state finance. First Reading of the Bill. Senate Bill 1705, Didrickson, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 1706, Hastert, a Bill for an Act in relation to high impact businesses and various tax incentives related thereto. First Reading of the Bill. Senate Bill 1799, Flowers, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 1854, Tate, a Bill for an Act concerning the hunting of game and the handling of aquatic life in Illinois. First Reading of the Bill. House Bill (sic - Senate Bill) 1855, Flinn, a Bill for an Act concerning administrative duties relating to credit union insurance. First Reading of the Bill. Senate Bill 1856, Ronan, a Bill for an Act to amend the Pharmacy Practice Act. First Reading of the Bill. Senate Bill 1858, Flinn, a Bill for an Act to amend the Illinois Public Labor Relations Act. First Reading of the Bill. Senate Bill 1984, Hoffman, a Bill for an Act to amend an Act concerning state employees group insurance. First Reading of the Bill. Senate Bill 1988, Nash, a Bill for an Act to amend the Pharmacy Practice Act. First Reading of the Bill. Senate Bill 2035, Mulcahey, a Bill for an Act to amend the State Library Act. First Reading of the Bill. Senate Bill 2061, Mautino, a Bill for an Act to create the Atomic Radiation and Dixon Poisoning Victims Advisory Council. First Reading of the Bill. House Bill (sic - Senate Bill) 2087, Daley, a Bill for an Act to amend the Liquor Control Act. First Reading of the Bill. House Bill (sic - Senate Bill)



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2105, Ronan and Nash, a Bill for an Act to amend the Hospital Licensing Act. First Reading of the Bill. Senate Bill 2116, Piel, a Bill for an Act to amend the Illinois Banking Act. First Reading of the Bill. Senate Bill 2136, Keane, a Bill for an Act to amend an Act in relation to certain investments of public funds by public agencies. First Reading of the Bill. Senate Bill 2142, Hicks, a Bill for an Act to amend the School Code. First Reading of the Bill. No further business, the House now stands adjourned."

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