

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Speaker Giglio: "Ladies and Gentlemen, the hour of 9:00 o'clock having arrived, the House will come to order. The Chaplain for the day will be Reverend Ron Snyder, from St. John's Lutheran School in Red Bud. Reverend Snyder is a guest of Representative Goforth. The guests in the gallery will please rise for the invocation. Reverend Snyder."

Reverend Snyder: "You all would be gratified to hear the prayers that were written by my students. The 8th graders who are presently in the gallery. In lieu of that, this succinct prayer. Merciful and gracious Heavenly Father, we Your humble servants approach Your Heavenly throne in this morning hour. Imploring Your guidance throughout this day. Lift up Your countenance upon us, as we contemplate the affairs of this state. Forgive us the many ways in which we fail You and Your commandments. Direct our thoughts and decisions that all legislation we produce, may serve for the welfare of all our constituents and thus redound to Your glory. Preserve through us the sanctity and dignity of life. Ever make us truly thankful for all the blessings You have showered upon our state and our country. Keep us ever mindful of our responsibilities to preserve the good and the just for our posterity. Lead us in Your ways of truth and peace throughout our remaining days in Your service. In the name of our resurrected and ascended Lord Jesus, who has sent us His counselor and who is coming again soon. Amen."

Speaker Giorgi: "We'll be led in the Pledge of Allegiance by Representative Goforth."

Goforth - 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."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Speaker Giglio: "Roll Call for Attendance. Representative Piel, are there any excuses absences?"

Piel: "Yes, Mr. Speaker, will the record show that Representative Kirkland is excused today?"

Speaker Giglio: "The record will so indicate. Representative Matijevich."

Matijevich: "We're all here, Mr. Speaker."

Speaker Giglio: "Mr. Clerk, take the record. There are 116 present and a quorum is ready to do the House's business. Constitutional Amendments. What we're going to do is read the Constitutional Amendments in their entirety and hold these...on the Third Reading. Mr. Clerk, read the Constitutional Amendments."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #2, RESOLVED, by the First Congress of the United States of America, at its first Session begun and held March 4, 1789, sitting in New York, New York, in both Houses, by a Constitutional Majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit: RESOLVED, by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following [Article] be proposed to the Legislatures of the several States, ... which [Article], when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, [An Article] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution. Article the second ... No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

an election of Representatives shall have intervened."; and WHEREAS, Article V of the Constitution of the United States allows the ratification of the proposed Amendment to the United States Constitution by the General Assembly of the State of Illinois; and WHEREAS, Article V of the Constitution of the United States does not dictate a time limit on ratification of an amendment submitted by Congress, and the First Congress specifically did not provide any time constraint for ratification of the above-quoted Amendment; and WHEREAS, The Supreme Court of the United States in 1939 ruled in the landmark case of Coleman v. Miller that Congress is the final arbiter on the question of whether too much time has elapsed between Congress' submission of a particular amendment and the most recent state legislature's ratification of same if Congress did not specify a deadline on the proposal's consideration; and WHEREAS, Section 11 of Article IV of the Constitution of the State of Illinois provides that "(C)hanges in the salary of a member (of the Illinois General Assembly) shall not take effect during the term for which he has been elected."; and WHEREAS, The General Assembly of the State of Illinois finds that the proposed Amendment is still meaningful and necessary as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was submitted for its adoption; therefore, be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the foregoing proposed amendment to the Constitution of the United States is ratified by the General Assembly of the State of Illinois; and be it further RESOLVED, That the Secretary of State of Illinois

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

shall transmit certified copies of this resolution to the Archivist of the United States, to the Vice-President of the United States and to the Speaker of the United States House of Representatives with a request that it be printed in full in the Congressional Record. Third Reading of the Constitutional Amendment and held on Third Reading. House Joint Resolution Constitutional Amendment #4, RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution, a proposition to amend Section 8 of Article IX of the Constitution to read as follows: ARTICLE IX REVENUE SECTION 8. TAX SALES Real property shall not be sold for the nonpayment of taxes or special assessments without judicial proceedings. (b) ~~(1)~~ The right of redemption from all sales of real estate for the nonpayment of taxes or special assessments, except as provided in subsections (c) and (d) ~~paragraph (2) of this subsection (b)~~, shall exist in favor of owners and persons interested in such real estate for not less than 2 ~~two~~ years following such sales. (c) The right of redemption from the sale for nonpayment of taxes or special assessments of a parcel of real estate which: (1) is vacant non-farm real estate or (2) contains an improvement consisting of a structure or structures each of which contains 7 or more residential units or (3) is commercial or industrial property; shall exist in favor of owners and persons interested in such real estate for not less than one year following such sales. The right of redemption from the sale for nonpayment of taxes or special assessments of a parcel real estate which: 1. is vacant non-farm real estate or 2.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

contains an improvement consisting of a structure or structures each of which contains 7 or more residential units or 3. is commercial or industrial property; and upon which all or a part of the general taxes for each of 2 or more years are delinquent shall exist in favor of owners and persons interested in such real estate for not less than 6 months following such sales. Owners, occupants and parties interested shall be given reasonable notice of the sale and the date of expiration of the period of redemption as the General Assembly provides by law. Amendment adopted at general election November 4, 1980. SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State. Third Reading of the Constitutional Amendment and the Constitutional Amendment shall be held on Third Reading."

Speaker Giglio: "Ladies and Gentlemen, we're going to start on State and Local Government. I'd like to read some of the Members' Bills and perhaps if they're close by, they could come to the House chambers and we could start the business. Clerk would like to read the Adjournment Resolution, but it's a little early. Representative Piel, are you seeking recognition, Sir?"

Piel: "Can I make a suggestion of the Chair, Mr. Speaker? I noticed for the last week, week and a half, we started on State and Local Government and or Government Administration, one of those two areas. I think there's a lot of people here who have Bills that are on other Orders of business and they're all open right now. Why not see what people that are here in the House chamber right now, would like to have their Bills called that are on Third Reading, that are non-controversial and we can go from there?"

Speaker Giglio: "Your point's well taken, Representative Piel.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

I'll go down the list and read the names of the people that have Bills on Third Reading and we're ready to roll. Leverenz, Matijevich, McNamara, Capparelli, Lang, Ewing, Saltsman, Currie, Phelps, Kirkland, Novak, Homer, DeJaegher, Edley, McGann, Pullen, W. Peterson, Keane, Mautino and Wennlund, on that Order. Mr. Clerk, Representative Leverenz on House Bill 90. Mr. Clerk. Out of the record. Representative Matijevich. Out of the record. Representative McNamara. Out of the record. Representative Capparelli. Representative Lang. House Bill 634. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 634, a Bill for an Act concerning delinquent debt. Third Reading of the Bill."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think this is a non-controversial Bill. I have Members on both sides of the aisle that have helped me cosponsor it. This Bill requires that after the Comptroller of the State of Illinois has delinquent debt by each state agency reported to him, that he must report annually to the Governor and to the General Assembly all of the debt owed to all the state agencies in the State of Illinois. This comes as a result of many years of debt that is accumulated throughout state agencies and it seems to me the General Assembly has a right to know and should be interested to know the amount of debt owed to the State of Illinois and that's the purpose for the Bill and I move its passage."

Speaker Giglio: "Any discussion? The Gentleman from Cook, Representative Piel."

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

Speaker Giglio: "He indicates he will."

Piel: "Representative Lang, just a quick question...If a agency

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

does not adhere to this, let's say that they get their report in the 28th of February or the 15th of March, what type of recourse do we as the General Assembly have?"

Lang: "There's no recourse built into the Bill, Representative Piel. The comptroller has...currently the state agencies are supposed to report their debt to the comptroller each year and I don't think that section of the statute has teeth in it, if you will, either. It's just a directory...directive to these agencies that were entitled to the information. In fact it will be the comptroller that will report it to us. It's his obligation to gather the information under the current law."

Piel: "So basically it's advisory and if the agency decides they don't want to do it...they really don't have to, correct?"

Lang: "Well, the Comptroller has the responsibility under the law currently to get that information. So I presume the General Assembly would hold the Comptroller accountable if the information didn't get to us."

Piel: "Thank you very much."

Speaker Giglio: "Further discussion? Gentleman from Cook, Representative Lang to close."

Lang: "I'd ask for a favorable Roll Call."

Speaker Giglio: "The question is, 'Shall House Bill 634 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', none voting 'no', and none voting 'present', and House Bill 634 having received the required Constitutional Majority is hereby declared passed. Representative Leverenz. Representative Leverenz on House Bill 694. Is he ready? Mr. Clerk, read the Bill."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Clerk O'Brien: "House Bill 694, a Bill for an Act to amend an Act in relation to storm water management. Third Reading of the Bill."

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

Leverenz: "I thank you, Mr. Speaker, Ladies and Gentlemen of the House. This would relate to the storm water management in Northeastern Illinois and it authorizes the Department of Transportation to set and to direct certain counties to observe flow...rates of flow of storm water. I'd answer any questions you might have and ask for your affirmative vote to pass the Bill."

Speaker Giglio: "Any discussion? The question is...the Gentleman from DuPage, Representative McCracken."

McCracken: "Is your Parliamentarian here this morning?"

Speaker Giglio: "Yes he is."

McCracken: "Does this Bill require an extraordinary majority because it preempts home rule?"

Speaker Giglio: "We'll look that up, just hold one second."

McCracken: "Okay, I think it does, pursuant to Section 0 on the last page of the Bill and I'd just ask for a ruling on that before we vote. I'm afraid I have to oppose this Bill. I advised the Sponsor that if it appeared to lose we'd have to verify it and I think this isn't a good time of the day for a verification. But what this does, it makes the collar counties retain their flood water, makes us create artificial barriers at the county line to stop that water from entering Cook County. It effects Lake County in particular, it effects the Salt Creek area, which flows through DuPage County, and just ignores the law of physics. I mean water's not going to stop unless you build some barrier for it. So it might be a good idea in a perfect world, but it's not a good idea in this world, and I stand

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

in opposition."

Speaker Giglio: "Mr. Clerk, the Sponsor requests to take the Bill out of the record for a short time. House Bill 900, Representative Ewing. Representative Ewing in the chamber? Out of the record. Representative Saltsman, are you ready with 1059? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1059, a Bill for an Act to amend an Act in relation to Fire Preserve Districts. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Peoria, Representative Saltsman."

Saltsman: "Yes, thank you, Mr. Speaker. What this Bill does, it predominately takes care of the DuPage Park Preserve and the one in Champaign. It allows police powers for those agencies outside of their district, only if they see an emergency arise while they're on duty and if they are returning to their own district. If there is a problem at that time, they can stop and investigate it. It's very limited and it came out of committee unanimously."

Speaker Giglio: "Any discussion? Hearing none, the question is, 'Shall House Bill 1059 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes', none voting 'no' and none voting 'present', and House Bill 1059, having received the required Constitutional Majority is hereby declared passed. Representative Currie. Representative Phelps. Representative Phelps on House Bill 1097. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1097, a Bill for an Act to amend the Uniform Commercial Code. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Saline, Representative

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1097 affects the County Recorders Office in the way to assist them to increase the fees of a certificate from the Secretary of State regarding financing statements from five to ten dollars and the copies from fifty cents to one dollar per page. I'd appreciate your support."

Speaker Giglio: "Any discussion? The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Giglio: "He indicates he will."

Countryman: "Is this all it does, is raise the fees?"

Phelps: "Yes."

Countryman: "And it doubles them, is that right?"

Phelps: "It doubles it, yes."

Countryman: "Why should we double it, why shouldn't we go up one or two dollars?"

Phelps: "Representative Countryman...I'm carrying this for the Clerks and Recorders Association and they've...I've been in that office and know how much time the staff can be tied up in this activity. And it's been a while since they've been...these fees have been raised. So I think they want to kind set it for...this fee...leave it there for a few years and see what generates."

Countryman: "Well, now, the Secretary of State does a similar sort of thing. Are we raising the fees in his office?"

Phelps: "I believe so."

Countryman: "So, it raises from five to ten dollars, any filing fee, is that right?"

Phelps: "I'm sorry I didn't hear that last part."

Countryman: "From five to ten dollars to file any financing statement?"

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Phelps: "Yes."

Countryman: "And any release of a financing...any document under the UCC would now be ten dollars, is that right?"

Phelps: "That's right. That's my understanding, yes."

Countryman: "Does it matter how long it is? How wide it is?"

Phelps: "Right, because essentially the staff is going to be tied up with the same activity, and like you said there can be longer statements, but essentially going to that document to get it prepared and signed and certified and copies back to the people that are filing those copies and recording them, essentially ties up that staff person and so we'd have the same fees involved."

Countryman: "Thank you. Mr. Speaker, to the Bill. I guess I generally oppose these increases in fees, because it seems that we down here just feel everybody can pay and pay and pay. However, I've always felt that one of the things that we ought to do, is have a uniform fee, and the one thing I'll give credit to this Bill is it has a uniform fee, at least the way the Sponsor's explained it to me. That is we know in DeKalb County if we're going to record something in Schuyler County that it's going to cost us ten dollars to file a UCC statement down there, and we can mail the check and we don't spend hours of our own time trying to record it. For that I give him credit. It hasn't been raised in a while and I acknowledge that, and I just want them to know that if they come back next year thinking they can add another five dollars on it, there's some of us who'll be watching on it, but otherwise I believe I can support it."

Speaker Giglio: "Further discussion? Hearing none, the Gentleman from Saline, Representative Phelps to close."

Phelps: "I think Representative Countryman made the final point I'd like to make. We have strived hard to make these fees uniformity...uniform throughout the state and it has been a

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

while since they've asked for a raise and let's try to give them the help."

Speaker Giglio: "The question is, 'Shall House Bill 1097 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 107 voting 'yes', 6 voting 'no', 1 voting 'present' and House Bill 1097 having received the required Constitutional Majority is hereby declared passed. Representative Kirkland. Is Representative Kirkland in the chamber? Out of the record. Representative Novak. Representative Novak. Out of the record. Representative Homer. 1208. Out of the record. Representative DeJaegher. Are you ready, Sir? Mr. Clerk, House Bill 1282."

Clerk O'Brien: "House Bill 1282, a Bill for an Act to amend the Illinois Act of the Aging. Third Reading of the Bill."

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

DeJaegher: "Thank you, Mr. Chairman, Members of the General Assembly. 1282...I would like to refresh your memories, the one that I spoke on pertaining to board and care facilities. I'm going to come to you with an unusual request. I do not seek passage of this Bill. What I intend to do, hopefully, and you will support me in this endeavor, because I think there are compassionate people on ... the other side of the aisle as well as there is on this side of the aisle...And hopefully that I can get bipartisan support in this endeavor. What basically I would like to do is to get a maximum of 50 votes and then the rest of you vote 'present' if at all possible, and with that, hopefully that we can address ourself (sic ourselves) to the cause

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

and plight that has basically been addressed to by major networks, ABC, CBS and NBC to look into the problem more thoroughly. And hopefully from this, we can have task force meetings throughout the State of Illinois so that care providers can put input into this legislation and to resolve the differences that basically our seniors are being confronted with. I think I gave a pretty good explanation of what I was attempting to do today, so hopefully you will support me in this endeavor by giving me the necessary votes to put this on postponed consideration and then the rest of you vote 'present'. Thank you."

Speaker Giglio: "Further discussion? Hearing none...the Gentleman from Dupage, Representative McCracken."

McCracken: "Postponed consideration won't keep it alive beyond the deadline next week. It'll just be tabled or...I mean, why don't we just put it on Interim Study and hold hearings over the summer, if that's your point?"

DeJaegher: "I realize that I have the votes if possibly if I need it. But I'm...one of them individuals basically, when I give my word to a group of people...are individuals, I stick by that word. And I told these various health providers that I would give them an opportunity to put wording into the language in case there's a deficiency in that language. And I think that...Tom, I think that you really realize the intent of what I'm trying to accomplish with this endeavor. And I felt this was the appropriate way to go, by getting the necessary amount of votes, putting it on postponed consideration, and then having task force meetings. And then I can also extend the deadline. Tom, I don't want these people to be just not doing nothing, I want to put pressure on them so we can resolve this situation and again I still have an opportunity of extending the deadline on this legislation, do I not?"

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

McCracken: "I don't think we'll support you in that though. I don't think we'll support you in that Motion though, Bob. Alright, well, let's do the right thing and vote 'present' and we'll put this on postponed consideration."

DeJaegher: "Thank you, Tom."

Speaker Giglio: "The question is, 'Shall House Bill 1282 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Would the Gentleman...wish some help in defeating this Bill?"

Speaker Giglio: "The Gentleman from Lake, Representative Matijevich. Representative Matijevich."

Matijevich: "Well, basically my vote is that this is a very good endeavor, so I'm basically for this Bill."

Speaker Giglio: "Have all voted who wish? Mr. Clerk, take the record. On this question, there are 54 voting 'yes', 2 voting 'no', 59 voting 'present'. This Bill having failed to receive the Constitutional Majority...Representative DeJaegher."

DeJaegher: "Please put this on postponed consideration."

Speaker Giglio: "Mr. Clerk, put the Bill on postponed consideration. The Gentleman from Coles, Representative Weaver, for what purpose do you rise, Sir?"

Weaver: "Well, Mr. Speaker, I think Representative DeJaegher...if he wants some additional lessons on how to get a Bill defeated, he ought to talk to Representative Black. He seems to have a pretty good ability in that end."

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

Flinn: "Mr. Speaker, I'm noted as one of those that pushes on the reins and tries to move the thing along. We're spending

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

way too much time not passing Bills."

Speaker Giglio: "Representative Capparelli, 1304. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1304, a Bill for an Act to amend the Park District Code. Third Reading of the Bill."

Speaker Giglio: "Mr. Clerk, take the Bill out of the record. Mr...Representative Edley, 1434. Are you ready, Sir? Out of the record. Representative Capparelli on 1474. Are you ready on...out of the record. Representative Currie. Out of the record. Representative Churchill. Out of the record. Representative McGann, 1718. Are you ready, Sir? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1718, a Bill for an Act to amend the Liquor Control Act. Third Reading of the Bill."

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

McGann: "Thank you, Mr. Speaker, Members of the Assembly. This is a vehicle Bill that I want to pass out of the House and send it over to the Senate, in behalf of the Department of Alcohol and Substance Abuse. And hopefully something will be worked out there in an Amendment and come back to us for further consideration. So, at this time I would ask that we could pass this Bill out, House Bill 1718. It is not a booze tax, Representative Mautino, thank you. They're still working on the problem, but they want to keep the Bill alive and we're going down to the last week, so to speak. So I'd ask that we could have the support and pass it over to the Senate."

Speaker Giglio: "Further discussion? The Gentleman from Dupage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker. Will the Sponsor yield? Has DASA asked you to keep it alive?"

McGann: "The...actually DASA and the lobbyists have asked to keep it alive."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

McCracken: "And what is the subject matter of the Bill? What do you want to use it for?"

McGann: "Actually, to be honest with you Representative McCracken, it has not been known to us, it is from day one, it has been a vehicle Bill...all the way along, and they still haven't gotten it straightened away, but they want to keep it active."

McCracken: "Well, I know...but what is the subject matter of the discussions?"

McGann: "I believe that their plan is to work out some sort of a funding...further funding for the department. I think that's basically what it is, other than..."

McCracken: "Okay, thank you."

Speaker Giglio: "Gentleman from Cook, Representative McGann to close."

McGann: "I'd just ask favorable support."

Speaker Giglio: "The question is, 'Shall House Bill 1718 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 19...99 voting 'yes', 1 voting 'no', and 8 voting 'present'. House Bill 1718, having received the Constitutional Majority is hereby declared passed. Representative Pullen, are you ready on 1870? Out of the record. Representative Peterson, W. Peterson. Mr. Clerk, House Bill 2006. Read the Bill."

Clerk O'Brien: "House Bill 2006, a Bill for an Act to amend the Illinois Highway Code. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Lake, Representative Peterson."

Peterson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill consists of three Amendments. Amendment 1 changes the classification of federal aid primary and

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

federal aid secondary to federal aid network. This is to give county superintendents of highways more flexibility in spending road funds for local government. The second Amendment adds the county superintendent to the approval process for incorporating platted subdivisions into township road district systems. And Amendment 3 prohibits the construction of any earthen...or drainage facility adjacent to public highways without written permission from the local highway authority having jurisdiction. I ask for your support of House Bill 2006."

Speaker Giglio: "Any discussion? Hearing none, the question is, 'Shall House Bill 2006 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk...Representative Countryman votes 'yes'. On this...Mr. Clerk, take the record. On this question, there are 107 voting 'yes', none voting 'no', 1 voting 'present', and House Bill 2006, having received the required Constitutional Majority is hereby declared passed. Representative Keane. Representative Mautino, 2513. Representative Mautino. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2513..."

Speaker Giglio: "Mr. Clerk, take it out of the record. Representative Matijevec are you ready on...out of the record. Representative Currie. Out of the record. Representative Pullen, 2579. Is the Lady ready? Mr. Clerk, read the Bill,"

Clerk O'Brien: "House Bill 2579, a Bill for an Act to amend an Act creating the Department of Children and Family Services. Third Reading of the Bill."

Speaker Giglio: "The Lady from Cook, Representative Pullen."

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

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

House. House Bill 2579 as amended requires the Department of Children and Family Services to provide an HIV test on a child in the custody of the department, that is being placed in adoption, if the child's prospective adoptive parents request that test. These kids tend to be children who have gone through difficult times and therefore because of behavior either of their parents or even of the...their natural parents or even of themselves, tend to be at higher risk of being infected. In order for the adoptive parents to give them proper medical care if indeed they are infected, it's important that they know about this infection at the time of adoption, because this particular virus does not show symptoms for many years; and yet there are treatments available by which some of the more severe complications can be prevented. It's an important Bill for the proper medical treatment of children being placed in adoption by the Department of Children and Family Services and the department does support the Bill and I urge its passage. Thank you."

Speaker Giglio: "Discussion? Hearing...the Gentleman from Cook, Representative Levin."

Levin: "Would the Sponsor yield?"

Speaker Giglio: "She indicates she will."

Levin: "Representative, we had a Bill dealing with somewhat the same subject a couple of days ago, which was a response to a problem that came before the Joint Committee of Administrative Rules. How does this Bill differ from that Bill that we've already passed and sent off to the Senate?"

Pullen: "That Bill did not pertain specifically to children that are being placed by DCFS in adoptive care and did not give the perspective adoptive parents any involvement in the situation. This Bill...that's what this Bill does."

Levin: "That Bill, I believe, dealt with foster care."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Pullen: "This one is adoptive care, not foster care. It's a different issue."

Speaker Giglio: "Further discussion? The Lady from Cook to close."

Pullen: "I simply ask for favorable consideration, Mr. Speaker."

Speaker Giglio: "The question is, 'Shall House Bill 2579 pass?' All those in favor signify by voting 'aye', those opposed 'no'. The voting is open. Representative Countryman. Representative Countryman, you're shown up here as voting 'aye'. Is your light not working? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 91 voting 'yes', 2 voting 'no', and 21 voting 'present', and House Bill 2579 having received the required Constitutional Majority is hereby declared passed. Representative Wennlund. Out of the record. Alright, we're going to return to a few...the Bills on this Order. Representative...excuse me, Representative Mautino, House Bill 2513. Mr. Clerk, read the Bill."

Mautino: "Thank you very much, Mr. Speaker. Oh, excuse me."

Clerk Leone: "House Bill 2513, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank...thank you very much, Mr. Speaker. This makes a technical change in the code as it pertains to tow operators. There is...it's a grammatical change that will be addressed in the Senate with an Amendment that Representative Leverenz is very familiar with and I appreciate your 'aye' vote."

Speaker Giglio: "Any discussion? The Gentleman from Cook, Representative Levin."

Levin: "Would the Gentleman yield?"

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Speaker Giglio: "He indicates he will."

Levin: "Okay. Does the Bill now deal...or is there intention that the Bill deal with increasing fees for Lincoln Towing? Representative Leverenz had a Bill which would have allowed, in effect, an increase of fees for towing operations like Lincoln Towing...up to whatever...you can go up to several hundred dollars. Is there...is that in this Bill or is there an intention to amend the Bill in the Senate to do that?"

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

Leverenz: "Let me answer that by saying two things. Number one, I did not have a Bill that would increase fees in excess of a couple hundred dollars. That's absolutely ludicrous that you would even think about saying something like that. We had a Bill that would have taken fees up to the highest of the three...the average of three municipalities in the state; and the highest is the City of Chicago. This Bill simply makes some grammatical changes in the towing operators statutes and at this time we want to pass the Bill to the Senate, so that we can address grammatical changes."

Levin: "You didn't answer the question."

Leverenz: "I said it doesn't."

Levin: "Okay, is there an intention to..."

Leverenz: "I have no idea."

Levin: "...to resurrect that? I believe that that Bill was heard in committee and did not succeed in committee."

Leverenz: "That's correct. That is not the intent of the Bill."

Levin: "I would just ask the Sponsor of the Bill, it is not his intention to put on the kind of Amendment in the Senate that would resurrect the increase in the Lincoln Towing fees?"

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Mautino: "If that's the intent, I'd get off the Bill and table it or move it to somebody else. No that's not my intent. My intent was to have an Amendment ready. It's not ready. I understand from Representative Leverenz the Amendment addressing those tiered fees will be the Amendment. I'd like to send it over to the Senate and have them put it on, then we'll evaluate it."

Levin: "Well, you know, this Body ought to have a chance to deal with that issue. It's an important issue and certainly in my district, and on the northside of Chicago. It took us about 12 years to pass some reasonable legislation to regulate towing services in the city and I don't want something being snuck in through the back door."

Mautino: "Representative Levin, I'd be happy to put you on as one of the lead Sponsors to make sure that you get that situation addressed. I don't have a problem with it. Our downstate towing Bills are being handled by Representative Saltsman. I'm just trying to resolve a situation for my seatmate and we'll be happy to put you on the Bill to make sure that there's nothing that is not agreeable with you on that Amendment."

Levin: "Alright."

Speaker Giglio: "The Gentleman from Vermilion, Representative Black."

Black: "Well, thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Black: "Thank you, Representative, obviously as you've indicated, this was a shell Bill and I guess I have some concerns. Is this going to be used as a perhaps a...we'll see late in the Session, a lengthy Amendment on towing? Would this be used to abandon cars and towing rates?"

Speaker Giglio: "The Gentleman from Cook, Representative

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Leverenz."

Leverenz: "It could be."

Black: "It could be. And that is then if the rates were to increase in the County of Cook, for example, that automatically affects some other counties as I recall your discussion in committee, Dupage and Will as I recall."

Leverenz: "And that could be too."

Black: "And so, I appreciate your candor, in other words that may very well be your intent with this Bill."

Leverenz: "I did not say that's my intent."

Black: "I see."

Leverenz: "But the statute would allow that."

Black: "Okay, but..."

Leverenz: "That isn't the intent."

Black: "But there may very well be that kind of legislation then, you couldn't rule that out."

Leverenz: "No."

Black: "Okay, well thank you very much, Representative and Ladies and Gentlemen, to the Bill. It's kind of late in the process to put out a vehicle Bill at this point, no pun intended. That I think could come back and substantially increase fees for towing which would have an adverse effect, perhaps on some of the counties in which many of the Members of this chamber reside. At this point I guess, it would have to be my intent to vote 'no' on the Bill, simply because we simply do not know what it would be used for."

Speaker Giglio: "Further discussion? The Gentleman from Peoria, Representative Saltsman."

Saltsman: "Yes, will the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Saltsman: "Yeah...Dick, four quick questions. Does this Bill yet have anything to do with a vehicle being considered junk

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

after seven years of age?"

Mautino: "No, no Sir, the Amendment will not address that."

Saltsman: "Okay, does it have anything to do with eliminating the third license plate on third vehicle?"

Mautino: "No."

Saltsman: "Does it have anything to do on insurance coverage where our Downstate Towing Association has agreed to raise their coverage from 15,000 to 25,000 dollars for towing each automobile?"

Mautino: "I support that concept, it's in our downstate Bills. It's not in this one."

Saltsman: "This Bill won't have anything to do with the four downstate Bills that I got out of committee and are currently on the floor?"

Mautino "No, Representative, I'm in support of your downstate...our downstate Bills that are being handled by you on this subject. This other question on tiered rates is going to be an Amendment by Representative Leverenz and I've offered them the use of this Bill for that purpose. I'd like to see it out of here to see exactly what he's presenting."

Saltsman: "Well, I agree with you and I...with you handling this Bill, I got complete trust in it and...I hope it doesn't affect the four Bills that we have come to agreements with, with our Downstate Towing Association."

Mautino: "I guarantee it will not affect those Bills or that same subject matter or I'll table it."

Saltsman: "Thank you very much."

Speaker Giglio: "Further discussion? The Gentleman from Bureau, Representative Mautino to close."

Mautino: "I think everybody knows exactly what we're doing with this to get that Amendment before the House and the Senate. I ask your support and I guarantee if there's anything

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

adverse in it, I will table the Bill."

Speaker Giglio: "The question is, 'Shall House Bill 2513 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 76 voting 'yes', 35 voting 'no', 3 voting 'present', and House Bill 2513 having received the required Constitutional Majority is hereby declared passed. Is there anybody on this Order of Business, that before we move on, that want to hear their Bill? Representative Keane. Mr. Clerk, House Bill 2031."

Clerk Leone: "House Bill 2031, a Bill for an Act in relationship to fiscal control. Third Reading of the Bill."

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

Keane: "Thank you, Mr. Speaker. House Bill 2031 is an Audit Commission Bill. It modernizes the State Internal Audit Statute and establishes a Fiscal Control Law based on the Federal Fiscal Integrity Act. This is...Bill is a collaborative effort between the Audit Commission, the Governor's Office, the Department of Central Management Service and the States Internal Audit Managers Association. There was an Amendment to the Bill, which makes changes that were requested by both the court system and by the State Comptroller. I know of no opposition to the Bill. I'd be happy to answer any questions and ask for a favorable Roll Call."

Speaker Giglio: "Any discussion? Hearing none, the question is, 'Shall House Bill 2031 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all vote...Mr. Clerk, take the record. On this question, there are 112 voting 'yes', 1 voting 'no' and none voting 'present', and House Bill 2031 having received

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

the required Constitutional Majority is hereby declared passed. The Lady from Cook, Representative Wojcik, for what purpose do you rise?"

Wojcik: "Mr. Speaker, I voted the wrong switch and I wanted to vote 'yes' on this."

Speaker Giglio: "On House Bill 2031?"

Wojcik: "2031."

Speaker Giglio: "Mr. Clerk, let the record so reflect Representative Wojcik's wishes. On the next Order of Business on the third page of the Special Order, appears Civil Law, Third Reading. Civil Law, Third Reading. Representative Sutker. House Bill 195. Mr. Clerk, read the Bill."

Clerk Leone: "On page 26 of your Calendar, House Bill 195, a Bill for an Act to amend Local Governmental and Governmental Employees Tort Immunity Act. Third Reading of the Bill."

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

Sutker: "Mr. Speaker, and Ladies and Gentlemen of the House, this Bill addresses itself to the provisions in the Act providing for the local public identities and it's definition. It includes by this Bill, community college districts and community college boards. In my judgment, it was an oversight that when the Bill was originally written, the Act was originally passed, this was excluded. I know of no opposition to this Bill and I urge an 'aye' vote. I'm prepared to answer any questions that may be asked."

Speaker Giglio: "Any discussion? Hearing none, the question is, 'Shall House Bill 195 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112...13, 113 voting 'yes', none voting 'no' and none voting 'present', and House Bill 195 having

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

received the required Constitutional Majority is hereby declared passed. Representative Preston. Out of the record. Representative Levin. Out of the record. Representative Stern...611. Mr. Clerk, House Bill 611. Read the Bill."

Clerk Leone: "House Bill 611, a Bill for an Act concerning the determination of death. Third Reading of the Bill."

Speaker Giglio: "The Lady from Lake, Representative Stern."

Stern: "Mr. Speaker and Members of the House. This is a Bill who's title is the uniform Determination of Death Bill and which comes to us in a very timely fashion today. Recent occurrences in the news, make us very much aware of the need for this kind of legislation. More than 40 states in the United States have a uniform definition of death on their books. Let me simply read to you from the Bill, what that definition is. If I can find it. Don't go away, here it is. It is very brief. An individual who has sustained either of the following conditions, irreversible cessation of circulatory and respiratory functions or two, irreversible cessation of all functions of the entire brain, including the brain stem is dead. It is a very simple, universally accepted definition of death. It is the medically accepted definition of death. But because of the concerns, and understandably so, of medical people, hospitals, attorneys, until we have this definition codified into our statute, machines will not be turned off and people who are literally dead will continue to be kept breathing and circulating on machines. The supporters of this Bill and I want you to listen to the list, include the Illinois Catholic Conference, the Illinois Conference of Churches, the Illinois State Medical Society, the Illinois Department of Health, the American Medical Association and the American Bar Association, and this one I think is very

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

significant, the President's Commission for the study of ethical problems in medicine and bio-medical behavioral research. And among those members of the President's Commission, and Ladies and Gentlemen, this is not a President elected by we, 'burning eyed liberals', this was our conservative president, our pro-life president. This was a group appointed by him and of its members, the National Pro-Life Movement participated. They had the following to say, the views of leaders in the Right to Life Movement were also reviewed. As stated by Dennis Horrin, President of the American Citizens United for Life, this is a quote from him...now, I'm sorry, I remove the quotation marks. Legislation limiting the concept of brain death to the irreversible cessation of total function of the brain, including the brain stem, is beneficial and does not undermine any of the values we seek to support. Since the only witnesses against this Bill at the committee, were the Illinois Right to Life folks, I urge you to turn your attention to the fact that the National Right to Life Movement supports this kind of humane, sensible legislation, which will make organs available for donation to an infinite number of Illinois residents. I will take questions or urgently solicit your vote."

Speaker Giglio: "Any discussion? The Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker. I wish I could tell you that this Bill is only about what its proponents might call 'death with dignity, not lingering'. I wish it applied to the Linares case, because we are sorely lacking in a public policy statement as to what that case concerns. But I cannot say that. Because this does not concern the Linares case. This does not concern 'death with dignity'. You will not believe this Ladies and Gentlemen, but do you know

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

what the impetus for this Bill is? It is to be able to declare death at the earliest possible moment, so that the organs of the deceased can be used for transplanting. And that is what the...and that is the controversy that propels this Bill. There was testimony from a moral theologian in the committee in opposition to this Bill. The other priest who testified in favor of it, did not say that they...that it was supported by the National Catholic Conference. He said this language would be supported; and if you got a letter on this Bill, that same language was used in that letter. There is not a consensus in the right to life about this. As a matter of fact, I don't think the Right to Life people on a national level are in favor of this. But, do you know what this says? Do you know what this says? This says, that human life has value only if it has functional utility. Only if it can be used as organs for transplants into other human beings. That is the only purpose for life. Because, it says that unless you declare death at a point in time in which the organs can be used for transplanting, you are doing a disservice to your fellow man. That is precisely what this Bill says. Have we gotten to the point where life has value only if it has a utility? Have we gotten to the point where we are only spare parts for other people? Is there no dignity left in life? Are there no moral reference points left in this debate? Everytime we make a move, it's an incremental move, we move slowly, but we move decidedly, away from moral foundations, away from moral reference points. And you know the testimony in the committee was not only that that is the impetus of this Bill, the testimony of a nurse in the committee was that she will no longer participate in...these organ removals, because she feels that the presence of the person has not yet left, that she senses

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

life in that room when they're taking out those organs, and that is why people are against this Bill. Because we are not merely spare parts, your children are not merely spare parts, just as an aborted fetus is not merely a spare part; and is not some concern over the welfare of the family, over the welfare of the person. It is a concern for spare parts. That's what fuels the debate. And to that I will never agree."

Speaker Giglio: "Further discussion? The...will the chamber please refrain from their emotions? Representative Pullen."

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. There is certainly nothing that I can add substantively or in any eloquent way, to what the Gentleman has just explained to us about this Bill. Regardless of what the Sponsor's own intents are, which I am sure are noble, the intent of the movement that brings this Bill here is exactly what the Gentleman who just spoke, told us. And I do think that it is only fair to inform the Members of this Body that the Right to Life groups in Illinois vigorously oppose this Bill. Do not let anyone tell you otherwise. They do not want this Bill to pass. I hope you will vote 'no'. Thank you."

Speaker Giglio: "Further discussion? The Lady from Lake, Representative Stern to close."

Stern: "Ladies and Gentlemen, this is certainly a subject on which honorable people may differ, as is so many of the things we deal with here in this chamber. If I truly thought that this legislation was fueled only by a desire to make human beings spare parts, I would certainly not have supported it as ardently as I do. Although, I will tell you, I vigorously support an organ donor program and have carried such a card in my wallet for 20 years. I did

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

not mention the Linares case. A case that has touched the hearts of the world, not just America. Because, my understanding is that that child still had some brain activity, and this particular Bill, I believe if passed, would not have affected that child's life. I do think however, that there are individuals, loved ones of someones, in hospitals and intensive cares...departments throughout Illinois, who are to all intents and purposes dead. I think it is up to us...it is not up to the individual doctors, each in his or her own way, to make this decision. The families who are so involved with these people should not have to make this decision. This is a decision that we have got to bite the bullet upon. We have got to put into law a definition of death, which can be used by medical people and legal people throughout Illinois as it is used throughout 40 or better states throughout the nation. I have here...I did not mean to imply by the way, that there was consensus among the Right to Life, I don't think that there is on this. But the National Right to Life Movement has made a statement through their president of their support for this legislation, and I think that should have some meaning to those of you who are concerned. I have in my hand a letter dated April 13th in which Joseph Cardinal Bernadine of Chicago, indicated that he would take under advisement this legislation. Then at the bottom on April 26th, the Illinois Catholic Conference notified the Chair person of the Judiciary I Committee that the conference would support this legislation. This has been examined minutely and carefully by people who's concerns are enormous. Truly, truly Ladies and Gentlemen, this is a Right to Life issue. It is pro-life to permit families to continue with their existence, free of the kind of anguish that is now going on. It is truly pro-life to make it

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

possible to transplant organs and give life to an infinite number of Illinoisans. I ask your...vote 'aye' on House Bill 611."

Speaker Giglio: "Further discussion? Hearing none, the question is, 'Shall House Bill 611 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. The Gentleman from Cook, Representative Sutker one minute to explain your vote."

Sutker: "Yes, Mr. Speaker, thank you very much. I was disturbed to hear the reference to human beings used for spare parts for other human beings, or the implication that a human being may be considered junk. The fact is, Mr. Speaker and Ladies and Gentlemen of the House, I'm voting for this Bill for the very purpose that I value human life so much. When there is cessation of functioning, when the brain is dead, when the circulatory system no longer exists, it is for that person that I'm concerned. Not for some other person who may be benefited by some organ in that person. This legislation is not for a third party. It's for the victim of an illness or a disease and for his family. Think carefully about this vote. This is a significant vote. It should not be deemed a part of any abortion problems that any of us may have. Significantly, this relates to concern for life for the concern for human dignity. The illusion to spare parts is offensive and should be rejected by all of us, and I reject the term. I vote 'aye'."

Speaker Giglio: "Further discussion? The Gentleman from Cook, Representative Parke, one minute to explain your vote."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Though...in all due respect to the previous speaker, I may point out that only God can determine when life ceases and we do as human beings, make mistakes. And for us to judge what is cessation of life is very difficult

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

and I would hate to be the person who would make those kind of decisions. But I think legislatively, we should allow...the Lord to make those kind of decisions and not us legislatively. In addition, also, I would like to comment that it is an analogy that was used in terms of 'spare parts' and I can't think of a better analogy of explaining why this legislation is inappropriate."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 40 voting 'yes', 59 voting 'no', and 16 voting 'present', and this Bill having failed to receive the required Majority is hereby declared lost. The Chair would like to make a statement in that it erred in trying to control the emotions of the Members of the Illinois General Assembly. Although we control the majority on this side of the aisle...we don't want to control the emotions of anybody in this chamber. What the Chair wanted to elaborate on is that the House does not want to get into...and people in the gallery, gestures of making noise, clapping, noise of booing or making sounds that would disrupt the orderly business of the House. So those of you who in your compassion or passionate speeches, I would encourage you to get as emotional as you want to, to bring your point across. Not only for us, but for the members back in your district who you represent. Thank you. The Gentleman from Effingham, Representative Ewing."

Ewing: "Well, Mr. Speaker, Effingham is where the Speaker got converted. I'm from Livingston County. But I...you are the fairest, most honorable person and we like to have you in the Chair, but you just made another little faux pas when you said that your Chair was on that side of the aisle. I think if you look down the center aisle, the Speaker's Chair's is right in the middle. And we want you

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

to be fair to both sides. Thank you."

Speaker Giglio: "Representative Lang, House Bill 633. Mr. Clerk, read the Bill."

Clerk Leone: "On page 27 of the Calendar, House Bill 633, a Bill for an Act to amend an Act to revise the law in relationship to husband and wife. Third Reading of the Bill."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 633 as amended is a very simple Bill. It requires...it amends the Family Expense Act to require that the biological parents be responsible for the medical bills of their children. This will cover a gap in the statute. I've had situations in my own private practice where people that have had children who are not married hide behind the language in the statute that says that husbands and wives are responsible for their children's medical care. This will cover that gap period. I'd be happy to answer any questions."

Speaker Giglio: "Any discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Cullerton: "What if the child is adopted and living with the adopting parents. Are the biological parents responsible for their medical bills?"

Lang: "Well, in my view, the adoptive parents would certainly be the first line of responsibility. But it seems to me that when you bring a child into this world, you have a responsibility to that child's medical care."

Cullerton: "Well, as a backup, I agree with you, but the way the Bill is drafted, would you say that there could be some ambiguity as to who is responsible for the medical expenses

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

of children when there's an adoption?"

Lang: "I don't believe so, because it doesn't say that adoptive parents are not responsible, it merely says that biological parents are responsible."

Cullerton: "Alright, thank you."

Speaker Giglio: "Further discussion? The Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Would the Representative yield for some questions, please?"

Speaker Giglio: "He indicates he will."

Ryder: "Representative, I apologize, perhaps you said this and I didn't hear it, but tell me the reason for...this Bill. The language as presented."

Lang: "Sure, I had a case in my private practice, as a matter of fact several cases in my private law practice where..."

Ryder: "Oh."

Lang: "Yeah, I know it's lawyer bashing time...where parents of children were both brought into court to...in an attempt to make them them pay for their children's hospital bills, but the current statutes says that husbands and wives are responsible for the medical bills of their children. It says nothing about parents. And I've had situations where parents of children who are not married have tried to hide behind that language and judges have, on occasion, let them avoid their responsibilities for the children's medical care."

Ryder: "Did you address the situation of adoption and...also in a divorce situation?"

Lang: "Well, firstly in a divorce situation, merely having a divorce and even having an order of court stating that one party or the other are responsible for the child's medical expenses, that's only as it relates to the parties themselves. A third party creditor, a doctor or a

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

hospital, should still be entitled to go as to either parent of the child and that of course is the common law. As it relates to adoptions, Representative Cullerton asked me that question, and adoptive parents would continue to have whatever responsibilities are afforded under the law. This merely clears up the situation...where...biological parents try to hide behind the language that only husbands and wives are responsible for their childrens medical care."

Ryder: "Alright, so as I understand it, the Bill is not one that is...I mean this favors doctors and hospitals. This doesn't favor kids or parents, right? This is so doctors and hospitals can come in to collect their fees from whomever they can find to pay. It doesn't assess responsibility between parents or husband and wives. This is helping doctors and hospitals."

Lang: "The purpose of this is to clear up an ambiguity in the law so that creditors in the medical field can recover damages against the appropriate parties."

Ryder: "You want to help doctors and hospitals. Those are the creditors in the medical field, right?"

Lang: "In this particular case, those are the creditors."

Ryder: "Thanks."

Speaker Giglio: "Any further discussion? Gentleman from Cook, Representative Lang to close."

Lang: "I'd ask for your favorable support."

Speaker Giglio: "The question is, 'Shall House Bill 633 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Edley, vote Representative Edley, 'aye'. The board is still open. Have all voted? Mr. Clerk, take the record. On this question, there are 106 voting 'yes',

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

5 voting 'no', 2 voting 'present', and House Bill 633 having received the required Constitutional Majority is hereby declared passed. Representative John Dunn, 737. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 737, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Dunn: "House Bill 737 is a Bill to correct the situation involving collection of child support in certain instances where state's attorneys were pursuing people for child support. The people being brought into court would raise other issues, and then everything ground to a halt, and there was no way to proceed with the child support collections. So, this Bill simply states that once you get into court, with the state's attorney on child support matters, that that goes forward. If other issues are raised, there would be a continuance, but only as to those issues. So, I ask for your favorable vote, I know of no opposition."

Speaker Giglio: "Any discussion? The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Giglio: "He indicates he will."

Countryman: "Representative, my analysis indicates that there is a continuance possible for the person making the payments to obtain counsel, is that correct?"

Dunn: "That's, that's correct. That's what...the way this matter comes up. The state's attorney brings somebody...into court, and the person comes in and then there's a matter raised about another issue, and the judge says, 'well, we...might as well, we're in court, we might as well settle everything' and the state's attorney says, I have no statutory authority to decide, or...to argue

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

matters of custody and visitation, and other related matters. So, some judges say, what do we do now, we don't know what to do. This Bill will provide that the child support issue continues on, which is the one the state's attorney was involved with to begin with, and if other matters are raised there will be a continuance to enable both sides to obtain counsel on those issues."

Countryman: "Alright, the state's attorney doesn't generally represent the person seeking the child support on those other matters?"

Dunn: "That's correct."

Countryman: "The other thing is in the circuit where I practice, the judges many times will bring people in and they're behind in their payments, and they say, 'well, they're unemployed, or their looking for work,' and so, he might continue the case 6 to 8 weeks, and say, 'you come back and tell me at that period of time where you are in your employment.' He might ask him to enter some sort of payment that's a lesser amount in the mean time, those sorts of things. Would those sorts of continuing orders be permissible under this Bill?"

Dunn: "They...this...Bill would, would continue, would allow those continuances to be granted. This Bill does not affect that situation."

Countryman: "Thank you."

Speaker Giglio: "Further disscussion? The Gentleman from Lee, Representative Myron Olson."

Olson, M.: "Thank you, Mr. Speaker. Will the sponsor yield?"

Speaker Giglio: "He indicates he will."

Olson, M.: "Representative Dunn, I know how your position has generally been with regard to this matter. I just want to pursue the issue on the states attorneys intervention of these issues. That really happens relatively frequently,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

doesn't it?"

Dunn: "Yes, it does."

Olson, M.: "Alright, so, this is not designed to muddy up what we've accomplished in child support in the last 3 or 4 years."

Dunn: "No, the reason this Bill comes up is that, is that the situation did get muddy, and this is an effort to correct that situation. There were people coming into court raising other matters, and then the judge say, 'my hands are tied, I have to continue everything,' and the child support collection matter then, then become, then goes on hold. So, this would allow child support collections to continue on, and if other issues are raised, those will be dealt with separately."

Olson, M.: "Just one other question. In your experience in the last two years, has the current child support enforcement of collection procedures been working relatively well in your market?"

Dunn: "To the best..the best of my knowledge. It can stand a lot of improvement, but they are working relatively well, I guess."

Olson, M.: "Thank you, I'll support your Bill."

Speaker Giglio: "Further discussion? The Gentleman from Macon, Representative Dunn to close."

Dunn: "I ask for a favorable vote."

Speaker Giglio: "The question is, 'Shall House Bill 737 pass?' All those in favor, signify by voting 'aye', those opposed 'nay'. Voting is open. Representative Ropp. Are you seeking recognition, Sir? Have all voted who wish? Have all voted to wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 107 voting 'yes', 1 voting 'no', and 5 voting 'present', and House Bill 737, having received the required Constitution

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Majority is hereby declared passed. Representative Levin on 496. Are you ready, Sir? Ellis Levin. Are you ready, 496? Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 496, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of the Bill."

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

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 496 has been worked out with both the Department of Human Rights, and the Human Rights Commission. What it does is to make it possible for individuals who are terminally ill, who have filed complaints that are pending before either the Department of Human Rights or the Human Rights Commission, to have their cases expedited. This comes out of a situation where an individual with AIDS died right in the middle of the process. What the proposal would do, would be, allow a person to go into court, and get a finding that, that individual is not likely to survive the proceeding, and then go back to the Department or Commission, and the Department or Commission would then be in a position to expedite the proceeding involving that individual. We need this legislation, because particularly with respect to the Commission, there are certain statutorily mandated timetables, which the Commission currently has no authority to speed up, which this legislation would allow...If there are any questions, I'll be happy to answer them, otherwise I just ask for your favorable vote."

Speaker Giglio: "Any discussion? Hearing none, the question is, 'Shall House Bill 496 pass?' All those in favor, signify by voting 'aye', those opposed 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, an explanation of my vote. This Human

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Rights Commission is not a shield, it is a sword, and it is beat over the head of every employer in the State of Illinois; and this is just another means by which to beat it over the head of every employer in the State of Illinois. The Human Rights Commission should be abolished, it's absurd, it's a travesty, it's unjust, and it suspends people's lives while it sits around and makes these crazy decisions. It's an awful, awful Human Rights Commission, and for that reason I'm voting 'no'."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 70 voting 'yes', 40 voting 'no', 4 voting 'present', and House Bill 496 having received the Constitutional Majority is hereby declared passed. Representative Sutker, on 683. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 683, a Bill for an Act to amend the Local Governmental and Governmental Employees Tort Ammunity Act. Third Reading of the Bill."

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

Sutker: "Mr. Speaker and Ladies and Gentlemen of the House, current law allows local governments to raise taxes for four specific purposes in the tort reform field. Tort settlements, liability insurance, principal and interest on bonds used for settlements and judgments, and also for risk management purposes. The money raised from this section of the law goes into funds that are kept by the local governments and should be specifically for that purpose. Currently, they may use that money for any other purpose they may choose if they declare the money as surplus money. This Bill, and I want to commend Representative Parcels for her role in this legislation, will terminate that kind of practice. From this point on, money in those funds only maybe used for tort reform purposes, and tort needs. They

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

may not be used for any other governmental purposes. I think it's sound legislation, I believe it's what the Legislature originally intended to do, and I ask your affirmative support. I'm prepared to answer any questions you may have."

Speaker Giglio: "Any discussion? Hearing none, the question is. 'Shall House Bill 683 pass?' All those in favor signify by voting 'aye', those opposed 'nay', the voting is open. Have all voted who wish? Have all voted who wish? Have all voted to wish? Mr. Clerk, take the record. On this question there are 111 voting 'yes', none voting 'no', and none voting 'present', and House Bill 683, having received the required Constitutional Majority is hereby declared passed. Representative, Representative Phelps on House Bill 749. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 749, a Bill for an Act to amend an Act in relationship to driving privileges. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 749 requires the Clerk at the Circuit Court to report to the Secretary of State when a juvenile has been found guilty of having committed certain offenses relating to alcohol or controlled substances. It requires the Secretary of State then, to withhold or suspend a drivers permit or license of a minor, found guilty of these offenses until they are one year...after their sixteen or seventeen, whichever...period is longer. I'd appreciate your favorable support. I'd be happy to answer...questions."

Speaker Giglio: "Any discussion? The Gentleman from Lee, Representative Myron Olson."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Olson, M.: "Would the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Olson, M.: "David, we visited about this a number of weeks ago."

Phelps: "Yes."

Olson, M.: "Have you had any further communication from the juvenile judge group in the State of Illinois as to how they feel about some of these types of records and the nominal response to minors...admissibility of records to the Secretary of State?"

Phelps: "I believe the communication I had from Chief Judge of the 15th Judicial Circuit is concerned about the lack of clarity, the inherent power that would...legislature determine who should specify a restricted driver's privileges, the court or Secretary of State, and I have not corrected that; and that is something that possibly could be done in the Senate if we get it out of here. I don't have no objections whatsoever, I just didn't do it here in the House."

Olson, M.: "Okay, on that subject, the 15th Circuit is mine, and you probably have a communication from Judge Rapp."

Phelps: "Right...I do, yes..."

Olson, M.: "...who is the Chief Judge of the Conference, of Chief Judges of the State of Illinois."

Phelps: "Thomas Hornsby, I think."

Olson, M.: "Thomas Hornsby is also my presiding judge in my circuit. I'm not going to oppose the passage of this Bill, but Representative, I'd certainly suggest when you move it from here to the Senate, that you take those things under consideration, because there is a significant concern in the court system, and among those people who administer those at the circuit levels, that there is some ambiguity relative to who does the dispositional reporting, and how it affects juveniles. Would you agree to that

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

consideration?"

Phelps: "I sure will, and I agree with your standard."

Olson, M.: "Thank you very much."

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

Dunn: "Are there any Amendments on this Bill?"

Phelps: "Not that I'm aware of."

Dunn: "As I read...further question. As I read the legislation, this will provide that any juvenile who is convicted of possession of an alcoholic beverage will lose his or her drivers license, is that correct?"

Phelps: "Yes, for one year or...until he is seventeen, whichever is longer."

Dunn: "And where does it say that the possession of alcohol has anything to do a motor vehicle? What if the person's on foot, or on a bicycle...in a garage somewhere, or home...where does this legislation relate possession to a motor vehicle, and even if it does, where does it say where, whether the person is a driver or a passenger? Are you intending to take away the license of every teenager who is caught with a can of beer no matter where they are caught?"

Phelps: "Representative Dunn, you're right, that does not relate to necessary automobile activity. I believe this will serve as...deterrent of whether the person is walking. I certainly would not want someone who is convicted of...alcoholic offense under the code to then be able to drive drive...sixteen, unless he has been...had attention and been corrected of that misbehavior."

Dunn: "Well, thank you, Ladies and Gentlemen of the House, to the Bill, I hope everyone understands what this legislation is about. This Bill, if I understand it correctly, and if...and the Sponsor apparently agrees with my interpretation of the legislation, says that every teenager

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

who's caught with a can of beer no matter where they're caught, if they have a drivers license, they'll lose it. Now that doesn't happen to you and it doesn't happen to me, and I certainly think we should teach our youngsters and...do what we have to do to curb drug and alcohol abuse...but especially with regard to alcohol. If anyone has teenage children, there are very few teenagers who at one time or another haven't had a sip of beer when their parents would of preferred they haven't. And to say that, that if you're caught, no matter where you're caught whether you're in or out of a car, whether you're the passenger, or whether you're the driver, you will lose your drivers license, is a very, very harsh and unfair penalty to youngsters who...who do things sometimes which they shouldn't. The entire purpose and philosophy of our Juvenile Code in the State of Illinois is to say to teenagers, 'there are a lot of things you shouldn't do. If you do some of those things and get caught, we, as society, want to take a look at what you've done, and see...if we can't reason with you, coach you, counsel you, and get you into a posture where you won't do this again, and if we can do that, we want to give you a second chance without a blemish on your record'. That's the entire philosophy of the Juvenile Court Act, to give a kid a second chance. This Bill moves 180 degrees opposite that philosophy, and says that...there is no mercy, no matter what happens, and whenever this happens, if it's one sip of one can of beer, your drivers license goes out the window. And I don't have to tell anyone in this General Assembly how difficult it is to get a drivers license back from the current Secretary of State. I think...I have a lot of respect for the Sponsor, but on behalf of every child who is under the age of 18 in the State of Illinois, or ever going to be under the age of

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

18 in the State of Illinois, this Bill applies. I think we should defeat this legislation, and send a message to them that we, we think...highly of them, and we want to understand, that they're human beings, they may make mistakes, and we have set a policy in motion, probably twenty years ago, the Juvenile Court Act was passed, to say to youngsters that we are interested in giving them a second chance. This is not only a second chance, it is harsher treatment of youngsters, than we treat ourselves. I think this is not a good Bill, in its present posture, maybe it can be amended, but it ought to be defeated right now, and I urge a 'no' vote."

Speaker Giglio: "Further discussion? The Gentleman from McLean, Representative Ropp."

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

Speaker Giglio: "He indicates he will."

Ropp: "In our analysis Representative, it states that if...a juvenile is caught, that he or she would lose his license for a year...or until he's seventeen. So, if he's sixteen and a half and he loses it, he would only be without his license for six months, is that correct?"

Phelps: "No, it's whichever is longer."

Ropp: "Oh, whichever is longer? Okay, so it would be a minimum of a year, anyway. Okay, that...when you have your license suspended, the Secretary of State then would automatically return it to you within that one year..."

Phelps: "Right...That's my understanding, yes."

Ropp: "Versus a revocation, which you have to go through a hearing, and then ultimately call your Legislator and then try to get that license back. So, a revocation is much more difficult, but this particular Bill is only a suspension, and then would automatically be given back to a year."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Phelps: "Right, there's no hea...there's no hearing process. That's correct...that's correct."

Ropp: "Okay, I'm in support of the Bill, Ladies and Gentlemen, I think we have a, an opportunity here to express a statewide message that we need to..."

Speaker Giglio: "Excuse me, Representative Ropp. May I have the attention of the Members? The noise level is getting awful, awful loud in the chamber. I think those of you who have not been listening, this is a very important piece of legislation, with regard to the future lives of our teenagers. I would hope you would give the Gentleman and Ladies your attention. Representative Ropp, continue."

Ropp: "Thank you, Mr. Speaker. I think nearly everyone in this chamber when he or she was at the age of 15 or even younger, look to that day that he or she could attain that drivers license. As one of the real epitomes of living was to be able to drive your own car without mom and dad being present, and that was a tremendous responsibility that was placed on one, but it was certainly one, if not the highlight of your youth to acquire that drivers license. The other thing that we've talked about in the State of Illinois is the fact that we are very much concerned about the drug problem thatt we have in our state, and if on the one hand we're strongly committed to deal with drugs, Ladies and Gentlemen of this Body, the quickest we can attempt to make that impression on our youth is when they have their drivers license, and I know it may be harsh, but I think it really places the message from the state that we are committed to dealing with drugs, and preventing this very cruel and harsh reality that we face when young people get involved with drugs at an early age. And even though you say it's only a can of beer, it's only the beginning, it's only the start to affecting that habitual forming

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

habit that ultimately can affect the minds and the body of young people, our future generation. I think it may be tough, but Ladies and Gentlemen, something like this has to be tough in order to express the concern that we have as a state in regards to how bad or how strong we feel about drugs and the abuse of it. It is a hard Bill, but it's one that should be passed, so that we can get the attention of young people stating that this is what we mean. We think an awful lot of you. We want to preserve your body, we want to preserve your future, don't get involved in drugs, just say no, and this is the way we're going to attempt to address that, and I urge your support."

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

Rice: "Will the...Representative answer a question?"

Speaker Giglio: "Yes, he will."

Rice: "Representative Phelps."

Phelps: "Yes?"

Rice: "Would this violation of suspension go on a youngsters drivers license? His driver's record?"

Phelps: "Under this provision...Under this provision, he would be allowed the same...freedom that anyone else has, that has a violation of driving, it could be by the judge held a...to be under supervision."

Rice: "He would be under supervision?"

Phelps: "It's possible."

Rice: "If he's walking down the street, and not by his vehicle, and the police are...or they decide, or ends up with him losing his license, because that's the only part...piece of identification. Is that the same situation?"

Phelps: "Okay...No, that would be different because, I was alluding to driving, as supervision of, which is a lot of quesitons usually that comes forth. But, in answer to your question, and in all due respect to someone I highly

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

respect...to Representative Dunn's comments is, is that a judge does have the flexibility, and it does not require adjudication, and so the judge can rule that if the person has had a history of violations and...then he has the flexibility to decide what severity...should be applied."

Rice: "To the Bill. We recognize that...with our Secretary of State we have a number of problems of retrieving drivers license. In the City of Chicago, youngsters that go to college 17, 18 years old, that have a drivers license in their possession, and end up losing them, when they get an opportunity to drive for CTA or RTA, these records have a tendency to creep up, and these folks are turned down. We've been working on a case right here, currently, is the same type of situation. I think, I think we need to take a hard look at this, and decide if a youngster is driving, and he loses his drivers license in that act, then he needs to be death with. But, if his drivers license are a part of his identification, and someone goes into court and the judge decides to take his license, I think that's wrong, and I certainly would vote 'no' on this piece of legislation."

Speaker Giglio: "Further discussion? The Lady from Cook, Representative Pullen."

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. If you really care about young people, you'll want to do whatever is responsible to get their attention, to get their attention to the dangers of drugs. This Bill, which would suspend their driving privileges certainly would do that, and it ought to be supported by every Member of this House. Thank you."

Speaker Giglio: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker. Ladies and Gentlemen

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

of the House, a couple of days ago, there was a proposal that removed the driving privileges of a young person if they were sighted for squealing their tires, or to having a moving violation. We have established, I think, some responsible provisions in our existing law as it pertains to alcohol beverages, and driving. The problem we have here and with other proposals, is that we're the using drivers license as a hammer, not only to young people, but in many, cases adults. This situation, let me give you a scenario. Let us assume there's a family picnic, and there is some alcohol beverages being served at this picnic in a state park. An individual who is with his or her family who may be having a drink at that function could possibly lose their driving privileges, not because they were driving a vehicle, but because they were in a circumstance that addressed their age, and their activity at that time. I think it's unfair to use this type of hammer. I respect the author and the Sponsor of this legislation, but I would hope we would not pass it. I would suggest a 'present' vote till some corrective measures are provided so that we don't shoot a fly with a cannon, and in this case I think that's what we're doing. I recommend a 'present' vote."

Speaker Giglio: "The Gentleman from DuPage, Representative Barger."

Barger: "Thank you, Mr. Speaker. This Bill is extremely similar to House Bill 74, that I introduced. It is slightly different in some functions, but I assume mine will never be heard, so I'm going to support this one. The Bill, the idea for the Bill was brought to me by the Junior High School students at the Glen Crest junior high school, in my district. They felt that one of the greatest deterrence possible for involvement in drugs was to have your drivers license taken away. They consider the drivers license to

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

be their badge of adulthood, and the Bill that I had done that was similar to this said that anyone under the age of eighteen was caught with any drug paraphernalia, or involved in any drug related incident would have their license taken away. The purpose was not to keep them from driving, the purpose was to keep them from experimenting with drugs, and this is a good idea, and considering my Bill won't be heard probably, I will support Mr. Phelps in his."

Speaker Giglio: "The Gentleman from Cook, Representative Williams. Representative Keane in the Chair. Representative Williams."

Williamson: "Thank you, Mr. Speaker, Ladies and Gentlemen. Will the Gentleman yield?"

Speaker Giglio: "He indicates he will."

Williamson: "Have you...heard of the case of People versus Lender, in which it was said, that it was unconstitutional statute mandating loss of driving privileges for adults convicted of certain offenses that were not connected or related to their operations of a motor vehicle."

Phelps: "Yes, I have heard of that."

Williams: "And, how do you feel that this particular law will stand in light of the People versus Lender case?"

Phelps: "It may not hold very, very well with the same review that was...I think looked at that particular case. I might direct you in answering a question, Mr. Williams, to the Oregon...the State of Oregon Supreme Court upheld this denial law...in which I pattern legislation from. Were really basically on two points, because they rule that, that the law meets two intended goals. One, it deterrence the drug and alcohol possession, and two, the use of promotion of highway safety. For those two reasons, the State...Supreme Court of Oregon upheld this law, in that

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

state."

Williams: "But to the same extent, if in fact we were allowed for unrelated offenses, I believe that what we would be getting into is an extensionn of making a...driving a pure privilege of the, what we would call the, just the pure people, meaning that anyone who has any sort of offense against them could be used for any reason. You could go further, and say a person who's convicted of any sort of crime, a person that's convicted of truancy, a person that is convicted of a...I won't even...you know, just say a person...you can say a person who fails in school could eventually lose their license. I think that if you keep going further your knowledge is wrong, but on a second question here, why is it that, what happens to the record that is automatically transferred from the courts to the Secretary of State's Office? After this...at some point do they expose these records, or does the Secretary of States keep these records, do we make a permanent record against the youth or exactly how does this operate?"

Phelps: "Representative Williams...in the earlier part of your question, in the Lender case, I understand, that that was related to adult drug activity. The number one cause of death among teenagers is driving under the influence. Now, if we're serious about addressing that problem, this will do it, I believe. In the State of Oregon, the first year after it was imposed, juvenile drug arrest and alcoholic abuse arrest, decreased by 22 percent, directly attributed to this law, and I believe it can have that effect here."

Williams: "To the Bill. I rise in opposition to House Bill 749. I believe it's wrong to have people being denied certain privileges and/or rights based upon the fact that they do something that's unrelated. I believe that this may lend some protectual stops of young individuals, who may have

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

been seen walking down the street with a can of beer or a beer and actually maybe even been carrying the beer for his parents. His father might of sent him out to the car to pick up beer, he walks in, takes it to the house, the policeman sees him take it to the house, he goes back out to the car, he stops the car, he searches the car, the kid ends up in jail for the next five years because of the fact he was stopped on a protectual stop, that he shouldn't of been stopped for in the first place. Secondly, I believe that we create permanent records, of individuals because now, an individual who had in fact done nothing more than...had a sip of beer, may of had a slap on the hand, and the court does now have his record stated with the Secretary of State. And it stands as a mark against the child, who has made a very youthful mistake, and I think the real question here is...Are we trying to use usurp parental control for state control? What we're really saying is that the parents are not able to in any way have responsibility over their child. We cannot trust the parents, to have responsibility over the child, so what we, as a state should do, should impose our own judgment, our own jurisdiction, over the individual and usurp the parents usurp because...if your child drinks, and if you, cause it's your child, and we...all...I mean... as everyone knows I'm father of a new child, and I know that that would hurt, to have my child go out and get drunk, and kill himself, or to have someone else, but at the same time, it's my responsibility to stop that child from drinking, and if they do drink it's my responsibility to stop them from driving. We should not make this a condition of the state, and there are many individuals who must work, and must drive. I don't think that this particular law, as well as it is intended and as much as I respect the Sponsor, is in

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

the right direction, and I urge its defeat."

Speaker Keane: "Representative Countryman."

Countryman: "Thank you, Mr. Speaker. We have debated this at length, and I think people are losing their train of thought, but I think the real issue here is whether or not we want to enforce and leave into effect the Juvenile Court Act of this state, and we believe in rehabilitation of youngsters who might go astray. You've heard all the debate about somebody can have a can of beer in their hand and have a mark on their record the rest of their life, as a result of this Bill. It's poorly drafted, it's unconstitutional, it changes the public policy dealing with juveniles in this state, this would be bad law, we should vote 'no'. Thank you."

Speaker Keane: "Representative Davis."

Davis: "Thank you, Mr. Speaker. My concern with this Bill would be, a student who has an older brother, an older sister, who comes home from college who's over eighteen years old, and they have a good time in the Forest Preserve. The younger brother or sister is not eighteen, but seventeen, sixteen, fifteen, and happens to be involved with drinking a can of beer with this older group. The man who has the beer, who's home from college, he not only drinks it in the Forest Preserve, but he drives home drinking a can of beer. He doesn't lose his drivers license, but his younger brother or sister loses hers. I think it's unfair, unconstitutional, and I don't think we're going to stop a drug habit, or addiction or alcohol habits, or alcohol addiction through punishment. I think it's through education that young people recognizes what the ravishes of these items are, and I don't think giving them an opportunity to drive without a drivers license, because you snatched those licenses, some of them will merely become

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

criminals again, because their going to drive, and I think our role is to be fair, to be just, and not to be a judge and a jury. I think education would be more effective in what you want to do, and therefore, I would certainly urge with all respect due to all of those respected Legislators, I would urge a 'no' vote on this issue."

Speaker Keane: "Representative Goforth."

Goforth: "Move the previous question."

Speaker Keane: "The Gentleman has moved the previous question. All in favor vote 'aye', all opposed 'no', the 'ayes' have it, and the previous question has been moved. Representative Phelps to close."

Phelps: "Thank you, Mr. Speaker. First let me say each and every one of you, that spoke on this issue, I deeply respect, and I know that...where you're coming from. I don't take...approach to this subject lightly, in trying to discipline young people on a super privileged that I know they look forward to. But if, we'll all be honest in this Body, if you will ask a teenager when can you register to vote, many of them cannot come up with the answer. If you will ask them when are you going to get your drivers license, and they'll tell you the time and day of when they will go to that office, Secretary of State's Office, and try to get that drivers license. It's a big event in their life, and I think this Body has demonstrated time upon time that we will focus on interest points to try to come up with a deterrent for any activity in which we don't endorse. Drunken driving is one we must jump on, and we must do it quickly, and we must be effective in providing the law, the laws are on the books, and those of you that allude to the young person walking with a beer up the street, there are laws that deal with that adult, that gave that minor the alcohol to begin with, that's who we ought

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

to focus on in that particular situation, not the young person who's taking the beer from their parents then from the car, to the house or whatever. You and I know that we can deal with those adults, that gave those minors the possession of that alcohol, and we should deal with them firmly. If we're serious about attacking drug abuse, alcohol abuse, we need firm legal action, this is one way in which the state of New Jersey, Missouri, California, Georgia and Oregon is dealt with it. We ought to join them. Thank you for your favorable support."

Speaker Keane: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Mr...Representative Homer, explain your vote...one minute."

Homer: "Thank you, Mr. Speaker. I support the Gentleman's Bill. I think it is a good idea, it sends a message to our teenagers, that driving is a privilege, and that if they violate these alcohol and drug laws that they're subject to losing those driving privileges. Now, as a practical matter, this won't affect very many cases, because it only applies where there's been a juvenile court adjudication. Ladies and Gentlemen, any one who practices in juvenile court knows that there are very few cases...in juvenile court where it reaches an adjudication. Ninety percent of these cases are station adjustments, where the kids are turned over to their parents, given a stiff warning. Yet the message here is a good one, it says to kids, 'if you want the privileges of society, if you want to drive, then you better not get involved with drugs and alcohol'. Parents need this kind of help, they can teach their kids all you want them to at home, but when these kids get out with other kids, sometimes those messages are lost. I think it's a good idea, I commend the Sponsor, I hope he

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

lets me join as a Cosponsor of his Bill."

Speaker Keane: "Representative Hasara to explain your vote. You have one minute."

Hasara: "Thank you, Mr. Speaker. I ask for 'yes' votes on this Bill. The only way we will solve the problem of drinking and driving, is to change attitudes about drinking and driving. Adults still see nothing wrong with having a few drinks and driving home, or picking up a six pack, taking it home, having open liquor in the car. We laugh at the law, we need to change the attitudes of our young people very early before we will ever be able to solve this problem. This Bill is a good start at doing this so, I ask for your 'yes' vote."

Speaker Keane: "Representative Morrow, you have one minute."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We should see more red votes up here. The people are trying to say we need to send a message to our kids. The message needs to be sent to the parents of these kids, it's the parents that need to get involved with their kids. If the parents allow their children to get involved with drugs, and drinking. If the language, if there was language in this Bill that would take away their driving, their...ability to drive, I would say let's put some more green votes on this Bill. We have got to put the brunt on the parents, we're letting them off the hook. I want to see more red votes, because our kids are under the control of their parents, and someone said earlier that the parents need help. The parents don't need help, the parents..."

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

Morrow: "...need to help themselves. We're letting them off the hook, I want to see more red votes on this, thank you."

Speaker Keane: "Representative Hallock, you have one minute. Representative Hallock...Representative Ryder, you have one

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

minute."

Ryder: "Thank you, Mr. Speaker. Just a few weeks ago, on a Saturday, Representative Mays and I met in this chamber in which a number of 4-H members from Central Illinois debated some of the very Bills that we are discussing this Session. This was one of those Bills. Those people, those young people 4-H members from Central Illinois, overwhelming approved this Bill. They suggested that they understand that driving is a privilege, but they also had another interesting idea. They said we need another reason to just say no to our peers when they offer drugs, and when they offer alcohol. This is that reason. We can say we think more of our driving privileges when we get them, than we do of saying yes to something. I think the wisdom of their choice should be guiding us in the decision that we make today."

Speaker Keane: "Representative Flowers, one minute to explain your vote."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House. We're talking about the children here, but first of all I think we, as adults, need to first of all set an example. We need to first, stop importing drugs into this country, number one. We need to first stop drinking or driving under the influence of alcohol, number two, and maybe then our kids will learn as a result of our own behavior. What we're doing here is creating criminals out of our children. As the previous speaker so stated, that if you take away these kids drivers license, your going to lock them up for another reason, because they will be driving without the privilege of driving without having the permit to drive. What is the purpose, do we have enough room in our criminal justice system to do this to these children? I think there should be another way that we should handle this situation,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

and I would ask for a verification if this passed. Thank you."

Speaker Keane: "Representative Leitch, Leitch, one minute to explain your vote."

Leitch: "Thank you, Mr. Speaker. I rise to oppose this Bill, because I'm afraid the only message we send with it's passage is a message of hypocrisy. If this is such a great idea why shouldn't it apply to everyone? I think in instance after instance after instance we come down on young people and expect them to adhere to one standard without letting it apply to us as adults. I think if we are serious we should first set an example, and then secondarily, if this is a good idea, amend it to apply to everyone. Otherwise, this Bill should not pass, it sends entirely the wrong message of hypocrisy and unfairness."

Speaker Keane: "Representative Satterthwaite, you have one minute to explain you vote."

Satterthwaite: "Mr. Speaker, and Members of the House, I rise in support of the legislation. In my opinion, there are very few things we do here to increase penalties, that really act as a deterrence to an activity. In this case, I believe it really can be a deterrent in helping young people get started in the right way. Those of you who feel that parents can do it all, have probably have not had many teenagers to raise, and do not realize what a rebellious state that is for many young people. The only way parents can be effective in this route, is to have the backing of the law to help them to enforce good habits early in the child's life."

Speaker Keane: "Representative Shaw, you have one minute to explain your vote. Representative Shaw. Take him out of the record. The question...Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. There are

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

66 voting 'aye', 22 voting 'no', 27 voting 'present', and a verification has been requested. Representative Flowers. Poll the Affirmative...Poll the absentees."

Clerk O'Brien: "Poll of those not voting, Representative Dunn. No further."

Speaker Keane: "...Poll of the Affirmative. Representative Flowers, does Representative Shaw have leave to be verified? He has leave. Mr. Clerk, read the affirmative vote."

Clerk O'Brien: "Ackerman, Balanoff, Barger, Barnes, Black, Bugielski, Capparelli, Cowlshaw, Curran, Daniels, DeJaegher, DeLeo, Deuchler, Doederlein, Edley, Farley, Frederick, Giglio, Hallock, Hannig, Harris, Hartke, Hasara, Hensel, Hoffman, Homer, Hultgren, Keane, Klemm, Krska, Kubik, Kulas, Laurino, Levin, Matijevich, Mays, McCracken, McPike, Munizzi, Novak, Bob Olson, Parcels, B. Pederson, and W. Peterson, Phelps, Piel, Pullen, Regan, Ronan, Ropp, Ryder, Saltsman, Santiago, Satterthwaite, Shaw, Stange, Stephens, Terzich, Wait, Weaver, Weller, Wennlund, White, Williamson, Zickus, and Mr. Speaker."

Speaker Keane: "Representative Levin...for what purpose do rise?"

Levin: "Yes, may I have leave to be verified?"

Speaker Keane: "Leave to be verified...Leave has been granted. Representative Stange, leave to be verified. Yes, leave to be verified. Any questions of the affirmative? Turn on..."

Flowers: "Representative DeLeo here?"

Speaker Keane: "Representative Daniels?"

Flowers: "DeLeo...DeLeo."

Speaker Keane: "Hold on one...Representative Daniels."

Daniels: "This Bill is so flawed that, I hate to let it out here in the present condition, I encourage the Sponsor to put this on postponed, we've got another week left. Work on

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

this, and come back and talk to people. Change my vote to 'present'."

Speaker Keane: "Representative Phelps."

Phelps: "Mr. Speaker, in due respect to Representative Daniels, I have given my committment to Representative Olson, that some matters that he brought to my attention do need some clarity, and I would think that would be worked out in the Senate, and we could even work together in who might be that Sponsor, because I have not assigned that to anyone. But, to get this far in the debate, take up this Body's time with this, I feel like I need to, to see it through, in all due respect."

Speaker Keane: "Change Representative Daniels vote to 'present'. Representative McCracken to 'present', Representative Cowlshaw to 'present', Representative Kubik to 'present', Representative Regan to 'present', Representative Kubik to 'present'.... Representative Parcells to 'present'. Any further questions, of the affirmative?"

Flowers: "Representative DeLeo."

Speaker Keane: "Is Representative DeLeo in the chambers? He's not, remove him from the Roll Call. Remove him from the..."

Flowers: "Representative Bruce Farley."

Speaker Keane: "Is Representative Bruce Farley in the chambers? Remove him from the Roll Call."

Flowers: "Representative Al Ronan."

Speaker Keane: "Representative Ronan is in the aisle."

Flowers: "Representative Krska."

Speaker Keane: "Representative Krska. Is Representative Krska in the chambers? Remove him from the Roll Call."

Flowers: "Representative DeJaegher."

Speaker Keane: "Representative...Representative Phelps. For what purpose do you rise?"

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Phelps: "To save the time of this Body, all due respect, although I cannot believe that this issue now's become a partisan vote for the minority side, I know I've..."

Speaker Keane: "Don't speak to the issue, do you have..."

Phelps: "I request that this will be put on postponed consideration."

Speaker Keane: "You want to remove it from the...Alright, take this Bill out of the record."

Phelps: "Yes."

Flowers: "Thank you."

Speaker Keane: "He requested postponed consideration. The Bill will be placed on the Order of Postponed Consideration. Representative Novak, House Bill 795. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 795, a Bill for an Act to amend an Act in relation to employees who suffered disabling injuries in the line of duty. Third Reading of the Bill."

Speaker Keane: "Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill...House Bill 795 would extend continued compensation for mental health employees injured during their line of duty, during the normal working hours. We have 13,000 employees that work for the Department of Mental Health and Developmental Disabilities. We have a number of facilities, all over the state that treat, that treat individuals with unique and certainly different afflictions; mental and developmentally disabled afflictions. The employees that work for the Department of Mental Health, that are in the wards that care for the patients on a daily basis, on around the clock basis, are very compassionate people. It requires a very unique degree of compassion and patience, and the willingness to help these people. We all, all of us Legislators here have

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

many facilities in our districts. Shapiro Developmental Center is in Kankakee, it's one of the largest mental health facilities in the State of Illinois. Chicago Reed, is another large facility, we have many facilities downstate. This is a bi-partisan issue. We believe that under certain circumstances, sometimes unfortunate situations develop at these facilities, where mental health employees direct patient care people specifically, become injured, because of some unfortunate situation where a resident may react and cause injury to an employee. I don't want to imply that this is dangerous type work, but the incidences have been very stark, there have been many of them occurring. The Department of Mental Health and Developmental Disabilities realizes that, and what we simply want to do under this legislation, is add mental health employees to those officers that are currently eligible for full time compensation. The officers currently eligible are police officers, firemen, correctional officers. This Bill would add the Department of Mental Health employees, and I ask for your support. Thank you."

Speaker Keane: "On that question, Representative McCracken."

McCracken: "Inquiry of the Chair. Does this restrict home power, or home rule requiring 71 votes for passage? Page 3 of the Bill."

Speaker Keane: "Ruling is, it pre-empts home rule, but only requires 60 votes."

McCracken: "To the Bill. I'm not sure on what basis one can justify treating these employees the same as those who risk their health and lives in performance of their official duties. The Gentleman acknowledges that they do not share the same degree of risk, that correctional officers face, police officers face, fireman face, and I...other than

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

wanting to give more compensation to some branch of state government, which I assume is natural enough to desire. I just can't see any responsible reason for treating these people the same as those who risk their lives on a daily basis. It's going to be expensive, I don't have the fiscal note in front of me, one was filed. I surmise that it could be potentially most expensive. I believe it's not wise to do it at this time, even with the tax increase, passed by the other side of the aisle. Therefore, I recommend a 'no' vote."

Speaker Keane: "Representative Terzich."

Terzich: "Yeah, Representative Novak. What does this Bill provide, I, you know...you made mention about...basically officers, policemen, firemen, so on. What does the Bill provide for them to, do what?"

Speaker Keane: "Representative Novak."

Novak: "Representative Terzich, the Bill provides continued compensation for police officers, firemen, and correctional officers, that are injured in the line of duty. My legislation would include Department of Mental Health and Developmental Disability workers those individuals..."

Terzich: "...Continued compensation."

Novak: "Pardon me?"

Terzich: "What is continued compensation?"

Novak: "100 percent salary. 100 percent salary. Until they are able to go back to work."

Terzich: "For how long?"

Novak: "Until they're able to go back to work..."

Terzich: "Well, why don't we do that for all state employees, then, I mean, what difference does it make? Why don't we just do it for all state employees?"

Novak: "Well, I believe a few years ago, correctional officers were included in this legislation. The legislation was

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

amended to allow them, because of, what is unfortunately occurred in a lot of our penal institutions in Illinois, and I can tell you as a former employee of the Department of Mental Health...back in the mid 70's; I handled workers compensation claims for the administration and...I can, I can tell you that a number of people were put in unfortunate situations, and they were, they became injured and hurt by residents overreacting to certain situations, or just acting out some type of psychotic situations. It's a reality of life we have to deal with, and I think that those individual employees that are compassionate and committed to helping our people in the State of Illinois...for and for the Department of Mental Health, should deserve...some type of, some type of compensation for this, and that's why I've asked the legislation to include mental health employees."

Terzich: "Well, on this you're just basically stating by mere association in these departments that they should be eligible?"

Novak: "No, it's by documentation of what type of situations have been occurring....That's the reason."

Terzich: "Well...then you, you would say then a nurses aide, or someone who's handling that would be treated differently than the secretary or someone in the office?"

Novak: "Right, it would definitely be different."

Terzich: "Well, does it say that in the Bill?"

Novak: "No, it doesn't, but it says, 'injured in the line of duty', and it would be documented by the department whether they, whether they're in a situation that...where they become attacked and they were physically attacked, and subsequently had to be off work."

Terzich: "Well, what would they get now if they...if that was the case?"

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Novak: "Alright, the compensation would last one year and that's it."

Terzich: "Well what would they get right now, if that was the case, if a nurse, or nurses aide...what would they get now if they we..."

Novak: "Anyone injured...Workers Compensation, 66 2/3 percent of their salary. They would have an option."

Terzich: "Again, this is another expansion, you know. I think recently we had the, I guess the parole board wanted to be peace officers, and now I guess nurses aides and everyone else will want to be a law enforcement officer, at the next step."

Speaker Keane: "Representative...is there any further discussion? There being none, Representative Novak to close."

Novak: "Thank you, Mr. Speaker. Well, to the Bill. I think this is a good Bill, and I ask for your support."

Speaker Keane: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative Shaw, votes 'aye'. On this Bill there are 83 'ayes', 31 'nos', 1 voting 'present', and this Bill having received the required Constitutional Majority is hereby declared passed. House Bill 870, Representative Cullerton. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 870, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill."

Speaker Keane: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This Bill came at the suggestion of former Representative, and now...Judge Greiman, he indicated based on his experiences as a judge that it would make sense to allow for the judges to have the option of reading certain

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

instructions to the jury prior to the end of all of the evidence being in. So, what the Bill does is to say that both criminal and civil cases, when the case is called for trial, the party should render their proposed instructions to the...it would be read to the jury, and deliver copies to other council. The court would then hold a conference to settle the instructions, and tell the council of the courts proposed instructions, before they do the bordereau, that is picking the jury. Now after the evidence, or the arguments to the jury, have taken place the court then can modify the instructions by making some additions if it's appropriate, and then the law then would allow the court to instruct the jury any time during the course of the trial, as justice dictates, and this way it'll assist the jury in understanding certain basic concepts, before they get to the, as they listen to the evidence throughout the trial. I'd be happy to answer any questions, I would appreciate an 'aye' vote."

Speaker Keane: "Representative Countryman."

Countryman: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Keane: "He indicates he will."

Countryman: "Representative Cullerton, I doubt that few in this room, maybe other than you and I and Representative Johnson, and some of the other lawyers have prepared jury instructions, and gone through what's...what we now know is the traditional process, which is quite different that is we don't generally tender the instructions until the conclusion of the evidence. But, there are a number of questions which come to my mind having done that many times in my life, and one is that the evidence changes many times, from what you're anticipated it to be in a trial that what it ends up being and for that reason, you end up changing dramatically the instructions that you tender the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

court, and there's a high degree of strategy on the part of both lawyers in terms of what decisions they make on tendering instructions. Won't this really overturn all of that, as we know it today?"

Cullerton: "No, I think as a practical matter, as you know, certain instructions are just routine instructions you know, the ones that the judge starts off, in reading, the basic ones, explaining what reasonable doubt is, that sort of thing, but I think that's what Judge Greiman really has in mind here. We have the ability to read, and at a appropriate time during the trial, the...run of the mill, if you will, instructions. I think the instructions that are as controversial, those would clearly be held until the end of all of the evidence, and maybe even after arguments. That's when the debate on those more controversial Amendments would take place, and that's when the court would rule, and that's when the court would read those. But I believe that the motivation for the Bills to allow for the judge to read some of the more basic concepts of the law to the jury, earlier than after the arguments are had."

Countryman: "Doesn't the Supreme Court have really jurisdiction to control the trials and by their Supreme Court rules, a direct...what things are done at what point and time in the trial, and doesn't every trial judge really have a great deal of discretion, as to how he conducts his court room, so that the Supreme Court could really adopt the rule allowing this in their discretion if they felt it was appropriate, rather than us passing this Bill?"

Cullerton: "Well, the problem is that there is law, there is a statute on this right now, and it says right now, that the court shall hold a conference with council to settle the instructions, and shall inform council of the court to pose

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

actions prior to the arguments of the jury. If as a result of the arguments to the jury the court determines additional instructions are desirable, the court may after a conference with council approve additional instructions. Then it says, 'the court shall instruct the jury after the arguments are completed'. That's what the law is right now, and so the judge indicated that because of the statute they're precluded from having the option of reading certain instructions prior to the end of the evidence, and that's why they're asking for this Bill."

Countryman: "Well, this would give them just very broad discretion then to what jury instructions that they want to read? As you say there's a certain series in Illinois pattern jury instructions, that are pretty general either in a criminal case, or a civil case. It gives some pretty basic ideas of what preponderance of the evidence is, reasonable doubt, standard, those sorts of things. This would give them then that, that broad jurisdiction?"

Cullerton: "Yes, it would, but I would point out also, that there would be a conference with all of the attorneys, prior to the bordereau, and so I think it would be appropriate at that time for the judge, and the lawyers to discuss which instructions the judge intends to read prior to the end of the evidence."

Countryman: "But, would it prohibit an attorney from giving a subsequent instruction that may have come out as a result of things he saw in the trial...or a change of his strategy."

Cullerton: "No, it would not prohibit that at all, in fact that would...that that is the intent of this legislation is clearly to contemplate that, that would happen in many cases. In those instructions, would have to be approved by the judges as they are now, after the end of the evidence,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

and the arguments."

Countryman: "Would, would you read the instruction twice if you read, for instance IPI 101, which is a very standard instruction. Would you read it when justice dictates during the course of the trial, and then at the conclusion of the arguments as we do now?"

Cullerton: "It doesn't, the Bill does not preclude that from happening, I imagine that would be up to the discretion of the judge, and I would...I envision that, that might be a good idea."

Countryman: "Is there any reason why a judge could not, under this Bill, continue to operate the same way that we traditionally have known it now, and that is to say I don't want a conference on jury instructions, until the evidence is concluded, and I'm not going to give any instructions until that time."

Cullerton: "I don't know about that, I think that, I think we are saying that the proposed instructions should be submitted at the call of trial, the call of the case for trial. So, I think we are in that regard saying they shouldn't start off. It probably ends up saving time, a lot of times you have to...there's a delay in the arguments over instructions after the end of the trial. Maybe it makes more sense to have the attorneys prepare their instructions before the trial, and in the first place. At least the general instructions, and I think that...is this regard that might be an improvement."

Countryman: "I guess what bothers me is that, in a trial of cases, it's a very strategical thing, and we sometimes keep our, our secrets to ourselves as to how we may approach something during a course of the trial, and some evidence that we might be able to use that we think is going to be advantageous, and by tendering the other side, I proposed

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

instructions if they're complete, we may disclose or give some incling as to what we may intend to do in a strategy during the trial, and that may take away from the traditional advocacy, as you and I may have known it."

Cullerton: "And my answer to that is, all you would do in those cases, would be to tender the most basic instructions, the ones that are read in every trial, and let the judge, through this Bill, have the option of reading those during the course of the trial."

Countryman: "And do you think the language in this Bill permits that?"

Cullerton: "Yes, contemplates that, yes."

Countryman: "So, as the Sponsor of this Bill, that's your intention?"

Cullerton: "Yes, that's correct."

Countryman: "Thank you."

Speaker Keane: "Representative McCracken."

McCracken: "Thank you, I rise in support of this. This is the practice already that many other states and the federal courts, and...as may or may not of been clear from the debate, it doesn't require the judge to give any instructions during the trial, it gives him the discretion to give instructions as justice dictates. Having the instructions ready prior to a trial, helps frame the issue for the court as well as for the litigants. Now there are instructions which cannot be given except after the evidence has supported that issue, and that is not the type of thing that...that would be changed under this Bill. This Bill would allow the court to do it, as it thought necessary in it's discretion. It certainly would not entertain an instruction, for example, on a lesser included offense until after the defendant has, or until the court has heard evidence to support the giving of that

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

instruction...This is, I think, a substantial improvement over current practice, but on the other hand does not represent a radical departure, in the way jury trials will be conducted. Just think of it yourself, it, in a case you've tried. How many times have you felt the jury needed another law at the time the evidence was coming in. There can be many reasons for reading instructions during the trial, and for those of us who are suspicious of Judge Greiman's intentions, let me assure you they are honorable. This actual Bill, or Amendment which makes the Bill, was suggested by a judge in my jurisdiction, and coincidentally Judge Greiman feels this is a good idea, as well, so that's how it's before you today. There's nothing wrong with this."

Speaker Keane: "Representative Hasara."

Hasara: "Thank you, Mr. Speaker. I rise in support of the Bill, and I'd like to speak from a lay person's perspective. I have served on a jury, and I can tell you that it is very confusing to begin a trial, you start hearing this evidence, and you have no frame of reference about...you know...what your supposed to be listening to, and how you're supposed to assimilate this information, that's coming to you. In addition having served as Clerk of the Circuit Court, I was responsible for thousands of jurors over those years, and I would speak to them, and they were equally confused about what they were supposed to be listening for, and what they were supposed to do with the information. And sometimes because of that conflict during the trial you're so intent on trying to figure out what it is you're supposed to be doing and what you're going to do, when you get closed up in that jury room, that you concentrate more on that then you do on actually what you're supposed to be doing, so it sounds like a very good

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

idea, and I certainly ask for your support."

Speaker Keane: "Representative Cullerton to close."

Cullerton: "I think it's been fully debated, I would appreciate an 'aye' vote."

Speaker Keane: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 113 voting 'aye', none voting 'no', 1 voting 'present', and House Bill 870, having received the required Constitutional Majority is hereby declared passed. The next Bill is House Bill 899, Representative John Dunn. Representative Dunn. House Bill 1198, Representative Wojcik. House Bill 1393, Representative Cullerton. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1393, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Keane: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill was introduced last year and I believe it fell two or three votes short of passage. I think it's an important Bill and I've reintroduced it, and I would ask you to consider voting for the Bill. The Bill requires children under 18, when they're riding...motorcycle, whether driving it or a passenger, to wear a helmet. There are 44 states that have helmet laws in the United States. There's only six that have no limitation at all and we're one of them; and in presenting the Bill in committee I would indicate to you that there are two motorcycle organizations. One is called ABATE and they are opposed to the Bill. The other one is the American Motorcycle Association and they are neutral on the Bill. Now the reason why ABATE tells me they're opposed to

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

the Bill is because they are afraid that if this Bill passes, then we will take the next step and pass a mandatory motorcycle helmet law for adults. Now, I would admit that I would...think that would be a good idea to pass a mandatory motorcycle law for adults, but unfortunately when that Bill was called there was only about 42 votes for it. So I think that there is a difference between motorcycle helmet laws for everybody and motorcycle helmet laws for minors. That difference is pointed out by the opponents of the Bill...The group ABATE has always said 'let those who ride decide'. Taking that suggestion, we are now limiting this Bill to those who are minors, those who the state, in other instances, has limited their rights because of their age. I don't think there's any question that wearing helmets are safe. In Illinois, we have a motorcycle training courses that teach you that you should wear helmets. I also would agree with those motorcycle enthusiasts who say that we should spend more money on motorcycle training and I would support that. I would even support a road fund diversion for that, but unfortunately, that has never received enough votes. I think it's time for us to consider having a motorcycle helmet law for minors. We pass a lot of Bills around here and a lot of times they have to deal with money, they have to deal with certain obligations that we impose on people. but rarely do we pass a Bill that literally saves lives. This is such a Bill. I would be happy to answer any questions and I would appreciate an 'aye' vote."

Speaker Keane: "Representative Weaver. Representative Weaver."

Weaver: "Thank you, Mr. Speaker. I rise in opposition to this Bill. We've discussed this for the past two years. It's come up time and time again, and the data that we have from the U.S. Department of Transportation still has some doubt

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

in terms of the benefits of wearing motorcycle helmets, whether it's for adults, or whether it's for children under the age of 18. They have found that 90 percent of off the shelf helmets failed to meet the minimum standards set by the Motorcycle Safety Foundation, and according to this foundation those helmets can only withstand an impact of three and a half miles an hour. So any vehicle, motorcycle, two wheeler, three wheeler, four wheeler, that travels faster than three and a half miles an hour, is suspect as to whether or not the helmets provide any advantage at all. As a matter of fact, the Motorcycle Safety Foundation has discovered that even an unintentional dropping of the helmet may weaken its integrity to the point that it could become a liability rather than a benefit in an accident. What helmets do do; they restrict the vision from anywhere from 140 to 120 degrees in terms of peripheral vision, it restricts the ability of the rider to hear traffic in the direction of which traffic is coming from, it causes heat fatigue, because in the summer time the temperature inside a helmet can reach as high as 130 degrees fahrenheit, and it causes physical fatigue, particularly in a child's head when you're wearing a two and a half to three and a half pound helmet for any length of time. It restricts the movement of the head and just causes general discomfort. The severity of a head injury or a neck injury, in particular, can be increased by a helmet, simply because of the movement of the neck with this extra weight on it in an accident. What the American Motorcycle Association and ABATE and a number of the organizations that the Sponsor has mentioned, what they would like to see happen is an improvement in the training of motorcycle riders. Studies by the U.S. Air Force, which has roughly a hundred thousand motorcycle users, have found

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

that the best deterrent to injuries on a motorcycle are training...proper training of those who ride the motorcycles, much more so than the use of the helmet. I think the question of the ability of the helmet to provide safety for the rider is still large enough that we're not sure whether it's a benefit or a detriment, and I think we need to postpone passage of this Bill until we really have some good concrete evidence as to the benefits of the helmet. I ask for a 'no' vote or at least a 'present' vote on this Bill."

Speaker Keane: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Keane: "He indicates he will."

Black: "Thank you. Representative, our records indicate that your Floor Amendment #2 was adopted, is that correct?"

Cullerton: "That's correct."

Black: "Can you...Floor Amendment #2 does not deal with motorcycle helmets...in any case, can you...could you review for us again what Amendment #2 does?"

Cullerton: "Yes, when I asked the Reference Bureau to draft a Bill requiring minors to wear helmets, for some reason they also added another Bill, dealing with local authorities acting at the request of private entities to enforce a provision of the code on private streets or roads. Saying, 'they shall not be liable for injuries or damage caused, except for willful or wanton misconduct'. So, it was a mistake by the Reference Bureau. I just wanted this Bill to be a motorcycle helmet law for minors and so the Amendment...the intent of the Amendment was to take out that other section that was inadvertently added by the Reference Bureau."

Black: "...We...we've looked at the lines that have been deleted,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

but...let me ask you, so that we're certain, is what you've done with Amendment 2 making local authorities...would it make local authorities then, liable for damages that would occur on private streets and roads if they have acted at the request of that private entity?"

Cullerton: "The...the...Amendment #2...deleted page 2. Page 2 is where that whole section that you just referred to is found. Amendment #2 took out this section that I didn't want to have in the Bill. So the Bill now, unless I'm mistaken, the Bill now, only deals with the issue of motorcycle helmets for minors. Do you see on Amendment #2 on line 10, it says 'by deleting page 2', and page 2 of the Bill is where you find this language about the local authority and liability and all that. That's not supposed to be in the Bill and it's not in anymore as a result of the Amendment."

Black: "Yes...right...alright, thank you very much, Representative."

Cullerton: "Thank you."

Speaker Keane: "Representative Stephens. Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. Just briefly to address the Bill. Representative Cullerton obviously is concerned with the health and welfare of motorcycle riders and others, and this is an example of the sort of legislation that he introduces for that purpose, to help protect people, and I believe he's sincere in his efforts to help protect the lives and the welfare. But, I think probably Representative, it would be better if you address some of the major leading causes of death and injury in...in America and in Illinois. And when you started to address those issues, like our diet, which is one of our major health hazards in America today, if I can use that phrase,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

you'd realize what it is you're doing. You're really infringing upon the freedom of people to take responsibility for themselves and the protection of their bodies and their health and their safety, and for that reason I have to rise in opposition to this Bill and similar Bills to it, which really tell the people of Illinois and the people of America that we think we're smarter than they are. They're not. We're not smarter than they are. They have the capability to protect themselves...and it...Representative...in your effort to protect these motorcycle riders, some of us on this side of the aisle and on this side of the issue, wonder why it doesn't apply to pedicycles and scooters and if you went that step then you'd probably realize that you'd have to go to the next step and my little daughter and her tricycle would have to wear a two and a half pound helmet if she played in the yard out in front of our house in Troy. So, I rise in opposition to the Bill. I understand your sincerity, but I just think that you're...your thinking is not correct on this issue."

Speaker Keane: "Representative Cullerton to close."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Let me address some of the issues that were raised by opponents. First of all, the question that was raised by Representative Weaver as to the standards of the helmets. The law says that the Department of Transportation shall determine the standards for this equipment, and so they can set standards and they can set high standards if they wish, so as to avoid the problem of having inferior helmets being worn by our children. Secondly, I'm a little surprised, quite frankly, that...that we have to still debate whether or not helmets actually save lives and prevent serious injuries. Now, the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

fact of the matter is, in these training courses that we have in Illinois, we tell riders to wear helmets. Now why would we do that if it restricted their vision or restricted their hearing? That is not true. Let's make it clear. The helmets do not restrict vision. As a matter of fact, with regard to hearing, what they do is they cut down, if anything, they cut down on the noise of the motorcycle, making it easier for them to hear about on going...about...hear about other...dangers that they...might be presented to them. Now with regard to the issue of training, although it's a great idea to improve the training of motorcyclists, and I'm all in favor of that, keep in mind that the studies show that motorcyclists themselves are only at fault about a third of the time in an accident that involves a motorcyclist. Most of the time and not surprisingly, your common sense would tell you this...it's drivers of automobiles that don't see the motorcycle...motorcyclist and then they hit them. So, I don't know how many training programs are going to help situations like that. What will help, however, is having a helmet on. Now to address the issue of...raised by the last speaker, we don't think that our state should do this. 44 states have passed legislation that either requires everyone to wear a helmet or people under a certain age to wear a helmet. With regard to the analogy that we're trying to...if we want to really care about health, we should, we should tell people what they're going to eat. I don't think it's a very good analogy. These are public roads. When these people are injured, almost two thirds of them go on public welfare rolls, when they're seriously injured, and we end up paying for that. With regard to the issue of freedom, I'm addressing the issue of freedom. I'm not introducing a Bill that says everyone has to wear a

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

helmet. I'm saying that children under the age of 18 have to wear a helmet. We have other examples of limitations on people's activities in the state because of their age. So for that reason I think I've answered...the critics. I think that what we have here is a Bill, that if we pass the Bill will save hundreds of lives and perhaps also prevent some very serious injuries...for the children of our state. Appreciate an 'aye' vote."

Speaker Keane: "The question is, 'Shall this Bill pass?' All in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Representative Weaver, you spoke in debate."

Weaver: "Mr. Speaker, should this receive the requisite number of votes, I would request a verification of the affirmative."

Speaker Keane: "Fine...Have all...Representative Mulcahey explain your vote."

Mulcahey: "Thank you, Mr. Speaker. A few years back, I didn't have the guts to vote for the...infant seat for the children to be buckled up in the automobiles. I wish I'd had that vote back now. A couple years ago, I buckled to the outside pressures and buckled into the outside pressures and voted 'no' on the Seatbelt Bill. I wish I would have voted for that now. So, I think I can make up for it, maybe a little bit now, by voting 'aye' on this one."

Speaker Keane: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 57 voting 'aye'...Representative Cullerton."

Cullerton: "I ask for a Poll of the Absentees, please."

Speaker Keane: "Mr. Clerk, poll the absentees."

Clerk O'Brien: "Poll of those not voting. Dunn, Krska and Satterthwaite. No further."

Speaker Keane: "Representative Cullerton..."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Cullerton: "Ask leave for postponed consideration."

Speaker Keane: "The Gentleman asks leave for postponed consideration. Is there leave? Leave and the Bill goes to postponed consideration."

Speaker Keane: "We'll go back to pick up two Bills on this Order, 1198, Representative Wojcik. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1198, a Bill for an Act to amend an Act relating to contractors. Third Reading of the Bill."

Speaker Keane: "Representative Wojcik."

Wojcik: "Yes, Mr. Speaker and Members of the House. What House Bill 1198 does is it raises the interest rate on mechanics liens from five percent to ten percent...and that's all it does. I ask for its favorable passage."

Speaker Keane: "Is there any discussion on the issue? There being none the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 111 voting 'aye', none voting 'no', and none voting 'present' and House Bill 1198 having received the required Constitutional Majority is hereby declared passed. House Bill 247, Representative Preston."

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

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

Clerk O'Brien: "House Bill 247, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill."

Speaker Keane: "Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 247, amends the Code of Civil Procedure to exempt from the claim of creditors any funds that an individual may have in a retirement or pension plan. These

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

are creditors in a bankruptcy proceeding. So that exempt from creditors claims when an individual goes bankrupt late in life in a typical situation...the creditors cannot by virtue of this Bill, claim any of the funds that are in a retirement plan. This serves a dual purpose actually. It not only makes those retirement plans sacrosanct to some extent, but from a taxpayers point of view it means that that individual who through business failings had to pursue bankruptcy, that individual will not become thereafter a tax eater by being on the public dole and having to go on welfare and public assistance and other programs. The states of New York, California, Texas, Florida, Kansas, Hawaii and Washington have passed similar legislation that's pending in Alabama and Arizona. The Illinois State Bar Association is strongly in support of this legislation. I'd be glad to answer any of your questions and I urge an 'aye' vote."

Speaker Keane: "Representative Klemm."

Klemm: "Yes, thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker Keane: "He indicates he will."

Klemm: "Representative Preston, how many retirement funds could I set up before I declare bankruptcy?"

Preston: "Representative, under current law, which is federal legislation, you can have an IRA and that would be one IRA, where you're entitled to put in 2,000 dollars per year. If you own a corporation as I believe you do, you could have a corporate profit sharing and/or pension plan and basically to my knowledge that is it, unless you happen to be...in addition to that, have a third occupation that covers you. But basically, you are covered only to a certain statutory maximum that is permitted in the federal statutes..."

Klemm: "So you as a professional...you are saying you can't have

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

a profit sharing, retirement plan yourself and shelter, if you will, or put in what...15 percent or up to 30,000 dollars a year in a profit sharing plan that would be exempt from this?"

Preston: "Yes, you can because I have a corporation..."

Klemm: "So you could accumulate...you could accumulate and you probably already have, hundreds of thousands of dollars and yet then...and then probably go to the small business community and say, 'I'm going to be declaring bankruptcy letting you carry all of this obligation, while I'll sit there and shelter this money and I have, and not have a fair redistribution of those dollars that the person is keeping for themselves.' Now do you think that's fair of our small merchants and business people in Illinois?"

Preston: "Representative, let me...in simple, answer yes and let me explain why. Because the typical situation, the overwhelming number of situations is where the small business person is the individual, who because of changes in the business climate and being unable in some cases to compete with better financed corporations that in hard times can keep themselves afloat, it's the small businessman who is the person who goes bankrupt, not the small businessman who is the victim...of the bankrupt individual, but the small businessman who himself or herself finds that they...simply when there's a down turn in the economy, they can't survive during that period of time and they end up going bankrupt. And when they...and when that small businessman or businesswoman goes bankrupt this will give them some small protection in their retirement plans that they have built up over many, many, many years. That's the typical situation. It's always possible to depict a hypothetical that gives the worst case scenario, but in the typical 90 plus percent of the cases,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

you have a small individual who has to go bankrupt and this will allow them as they have done in other states and pending in still more states, to protect what they have accumulated over many years and put aside for retirement. And as you amply put out...pointed out, this amounts to in each year, a maximum of 15 percent of a person's income and I want to emphasize maximum, because most people are on these plans cannot afford to have 15 percent put away. You indicated how many hundreds of thousands of dollars I have in my plan, I can't afford to put the maximum away in the...profit sharing plan I have. I can't shelter 15 percent, because I have a growing family and I can't afford it. And at the end of my career, if I or if you or somebody else outside of this room, should make an investment through their business, it goes bad...they lose all of their assets, they lose everything to creditors as the law says that they should, but this says that what they have put away for retirement in old age, is protected. And the federal law permits this, other states are doing it and I hope Illinois will be one of them."

Speaker Keane: "Representative Wolf. Representative Wolf."

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

Speaker Keane: "He indicates he will."

Wolf: "Representative Preston, perhaps you've answered this question and I didn't catch it, but does Amendment #1 satisfy the request of the State Employees Retirement System?"

Preston: "I apologize, I could not hear your question."

Wolf: "I said, does Amendment #1 satisfy the request of the State Employees Retirement System?"

Preston: "It does and they are in favor of this Bill."

Wolf: "Alright, thank you."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Speaker Keane: "Representative Hultgren."

Hultgren: "Will the Sponsor yield?"

Speaker Keane: "He indicates he will."

Hultgren: "Representative, we have a discussion going on here as to exactly what you can and can't put into an IRA. There's a \$2,000.00 limitation annually. That's the amount that can be deducted if you put in \$2,000.00, but is there any limitation as to actually how much you put in that IRA annually?"

Preston: "Representative, first of all, through changes in the federal law, contributions to individual retirement accounts are no longer deductible. They haven't been for a couple of years. The one they've put in is no deduction, but this does not change how much you can put in at all. Still...you can still today put in \$2,000.00 and no more than that into anIRA."

Hultgren: "Are you sure that there's limitation as to how much you can put in?"

Preston: "I'm sorry, would you repeat that?"

Hultgren: "Are you certain that there's a limitation as to how much you can put in?"

Preston: "I am virtually...I will be glad to be corrected, but I'm virtually positive that the most that you can put in with the exception of a roll over from some other qualified retirement plan where you can...if you're rolling it over, you can go from one plan and take all the money that is in one plan and put all that money in a lump sum into another IRA. That is permitted. But aside from that, it is my understanding that you can only put \$2,000.00 into an IRA yesterday, last year and today. The difference was two years ago you would get a deduction for it, today you do not get a current tax deduction for it."

Hultgren: "Well, I'm not an expert on this area, but I think

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

you're wrong on both counts. I think you can still get a deduction today, if you're qualified and number two, I think you can put in more than \$2,000.00, but \$2,000.00 is in fact the limitation on the amount of the deduction. If I'm correct...then conceivably someone who was anticipating filing bankruptcy could place all of their assets in their IRA and shelter all of those assets from the bankruptcy creditor."

Preston: "Mr. Speaker, in response...let me correct, I was corrected on part of what I said, I am told that the lowest certain income threshold level and I don't know what that level is, but if you're below it, you can still currently get a deduction for contribution to an IRA is what I'm told. If you're above that threshold there is no current deduction. But there is a cap on how much you can put in an IRA and it is absolutely not so that you can go and shelter all your income. That's simply is not the case. The Illinois State Bar Association would not be in favor of that and neither would Representative Preston."

Speaker Keane: "Representative Piel."

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

Speaker Keane: "He indicates he will."

Piel: "Representative Preston, you mentioned a ten percent of your total income. Now, were you talking about that could be claimed under this, or were you talking about money that would be...that a person was putting into a retirement?"

Preston: "First of all, I think the number was 15 percent in each year in most plans."

Piel: "Okay, so were not talking about basically no limit. In other words a person could, let's say that they've been putting into retirement accounts...my question right now is, is there a max in this Bill to what a person could have in retirement accounts?"

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Preston: "No, not in this Bill. There is a maximum under federal law as to what your annual contribution to a retirement account may be."

Piel: "No, I'm talking about...you know when a person goes bankrupt, let's say that they..."

Preston: "There is no limit in this Bill as to how much the person may have as long as they've complied with the Federal Annual Law of the maximum contribution."

Piel: "Okay, so in other words...whatever was in that retirement account would still technically be sheltered by the Bill?"

Preston: "That is correct."

Piel: "So a person...alright, a person could have an IRA, they could have a deferred comp. The way I read it is they could have a deferred comp plan besides a retirement trust and we're talking about more than 15 percent. Like in our...let's take a Legislator for instance, you're talking about 10 percent automatically goes into your retirement, your deferred comp can go as I recall 20, 25 percent. I think it's 25 percent, if I'm not mistaken, of your annual salary."

Preston: "I agree with most of what you said, I'm not sure about a deferred compensation. It may be qualified, I'm just not positive."

Piel: "I believe the deferred comp..."

Preston: "It may come under this, I'm not sure."

Piel: "...I believe the deferred comp equals out to, I'm almost positive, it's either 20 or 25 percent. Now a person can...has arranged stipulation about a time before a person goes bankrupt that this has to go in there. The reason I'm asking the question, I'll explain. In our deferred comp plan I might be mistaken, but I think I'm correct, when I say that you could put it in in one lump sum, it's a maximum figure per year. But let's say I take \$7,000.00

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

dollars and have it put in on a two or three month basis, in anticipation of going bankrupt...Do you have areas in the Bill that would stop this type of abuse?"

Preston: "No, I don't. The worse case scenario that you're giving here simply applies to almost no percent of the cases. The majority, vast, vast 90 plus percent majority of cases are where an individual is in business and for one reason or another the business goes under and they go through bankruptcy and because they personally guaranteed the corporate debts of this small business, they go through personal bankruptcy at the same time. This just says...and right now under the bankruptcy code, the Federal Bankruptcy Code, there are many assets that are exempt from the claim of creditors, including a homestead and on and on. There are a number of things that are exempt. This adds to that exemption. The individual retirement plans that an individual has...because in the typical case scenario, the individual goes bankrupt, is in advanced years and close to retirement and that being the case you don't want someone who has worked for a lifetime to have after they have all their other assets taken away by virtue of the bankruptcy proceedings...They want to protect in addition to what the code now permits. The code will also permit if the states adopt, that qualified retirement plans also be exempt."

Piel: "I understand when you're saying a business. If a person goes just through a personal bankruptcy I could see a person coming into a situation, let's say, over 50 years old, where they've been working at a job for quite a few years having a deferred comp retirement, etcetera...and having hundreds of thousands of dollars accumulated in this and going bankrupt. I think it would be wise if you had a max in a retirement account of X number of dollars. Because, you know, I'm not talking about a business

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

bankruptcy, I'm talking about strictly a personal bankruptcy."

Preston: "The personal bankruptcy situation which occurs is caused by illness...that's the other side of the business bankruptcy, when people are sick and undergo medical and doctor, hospital and doctor expenses, that's the single largest cause of bankruptcy and to have the physicians and the hospitals now after a person has been virtually wiped out because of illness, now be able to go and attach retirement accounts, is part of what the protection that we hope to provide by virtue of House Bill 247."

Piel: "Thank you."

Speaker Keane: "Representative Goforth."

Goforth: "Move the previous question."

Speaker Keane: "The Gentleman has moved the previous question. All those in favor say 'aye', all those opposed 'no'. The 'ayes' have it and the question has been moved. Representative Preston to close."

Preston: "I think this has been amply debated, Mr. Speaker. We want to protect people who are nearing retirement and because of either business reverses or health conditions we want to protect just the retirement accounts. It doesn't protect their other assets. There's a limit in how much can be in a retirement account by virtue of what the annual contribution can be and it's limited to basically 15 percent every year, if you give the maximum. And for those reasons, I'd urge and encourage your 'aye' vote."

Speaker Keane: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 103 voting 'aye', 7 voting 'no', 3 voting 'present' and

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

House Bill 247 having received the required Constitutional Majority is hereby declared passed. Representative...we'll skip a few and go to House Bill 1660, Representative Churchill. Out of the record. House Bill 1673, Representative Countryman. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1673, a Bill for an Act to amend the Illinois Administrative Procedure Act. Third Reading of the Bill."

Speaker Keane: "Representative Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is a JCAR Bill and what it does is it requires the agency which...an agency is not required to make in 'a referenced' rule regulation standard a guideline available for copying if in doing so, the agency would infringe upon another's entitled copyright. That's all the Bill does, it's pretty simple and it solves a problem many agencies have had with regard to rules before JCAR and I move its adoption."

Speaker Keane: "Any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 113 voting 'aye', none voting 'no', none voting 'present'. Vote Representative Williams 'aye'. There are 114 voting 'aye', none voting 'no', none voting 'present' and House Bill 1673 having received the required Constitutional Majority is hereby declared passed. Alright, House Bill 1489, Representative Terzich. Out of the record. House Bill 1496, Representative Homer. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1496, a Bill for an Act to amend the Local Governmental and Governmental Employees Tort Immunity

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Act. Third Reading of the Bill."

Speaker Keane: "Representative Homer."

Homer: "Thank you, Mr. Speaker. The legislation provides that standing order physicians who provide medical oversight to public health clinics shall be considered employees of a local public entity for the purposes of the protections of the Tort Immunity Act. This involves situations where public health departments operate clinics that employ nurses, but have no employee that is a physician. Our laws require those nurses to have standing orders from physicians in order to administer vaccinations and other routine medical procedures. The physicians are normally offering this service pro bono. They are physicians in the community that have been imposed upon by these health departments for the purpose of signing these standing orders. This Bill would simply make it clear that they would get the same immunities afforded to other employees of health departments for these purposes. I don't think the Bill has any opposition. I would answer questions and urge support."

Speaker Keane: "Is there any discussion on the Bill. There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 110 voting 'aye'...111 voting 'aye', none voting 'no', none voting 'present' and House Bill 1496 having received the required Constitutional Majority is hereby declared passed. House Bill 1518, Representative Lou Jones. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1518, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Speaker Keane: "Representative Jones."

Jones: "Thank you, Mr. Speaker and Members of the House. House Bill 1518 amends the Marriage and Dissolution of Marriage Act. It provides that persons ordered to make child support payments to the clerk of the court or who have received such payments shall notify the clerk of any changes in address the circumstances within ten days. House Bill 1518 provides that notice of this change is provided within ten days. Moreover the Bill states that all notices sent to the obligors last known address shall be deemed sufficient to proceed with enforcement of the support order. I ask for a favorable vote."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall House Bill 1518 pass?' Those in favor vote 'aye', those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 112 voting 'aye', none voting 'no', 1 voting 'present' and House Bill 1518 having received the required Constitutional Majority is hereby declared passed. We will now go to Criminal Law, Third Reading. Criminal Law, Third Reading. First Bill on that Order of Business is House Bill 36. Out of the record. House Bill 1518 Representative...I'm sorry, House Bill 158, Representative DeJaegher. We are now on House Bills, Criminal Law, Third Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 158, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of the Bill."

Speaker Keane: "Representative DeJaegher."

DeJaegher: "Thank you, Mr. Speaker, Members of the General Assembly. House Bill 158 primarily deals with counties of 80,000 population or less. You may recall quite sometime ago, that the Director of Corrections basically stated that

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

there is a crying need for additional prisons, and it goes without saying, I think, that we have to accept this fact that we are incarcerating more and more people into our prison system. But, before we can make all the money available that would be necessary to correct these prisons...many, many prisoners are incarcerated in county jails with populations of less than 80,000 dollars...80,000 people. This is creating a serious financial problem for these smaller counties. Some counties of course do not have the problem that these smaller counties have, and all it is, is basically asking the state to provide some assistance in compensation for the housing of the prisoners that they basically house in these smaller type facilities, and that's basically the extent of the Bill. That Bill has been scaled down considerably than what it was when it was originally introduced and I think there are certain amounts in there that basically do not make a debt unpalatable for the state to assume some of this responsibility."

Speaker Keane: "Representative Hallock."

Hallock: "Yes, first of all, I'd like to ask the Sponsor if he wants to have postponed consideration on this Bill too?"

DeJaegher: "Now this is one of them Bills, Hallock, that I'd like to get passed for the smaller counties in the State of Illinois."

Hallock: "Well, then if I might a further question, Mr. Speaker. First of all...you know...there are many people in the State of Illinois and actually many Members of the General Assembly who represent counties which are much larger than the population demarcations in your Bill. Why do you exclude those counties?"

DeJaegher: "Well, Hallock, I think that you're knowledgeable of the fact that a few years ago, we did give the counties a right to impose an additional quarter cent sales tax. And

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

by in large, most of these people have been benefited, counties have benefited tremendously by this particular endeavor. When you take smaller counties, you really don't have that type of influx and basically people have a desire to go to larger type counties and expend their money. So really the amount of money that they've...received in sales tax is very minimal. And also, you might be quite knowledgeable of the fact that when revenue sharing was lost to...some of these smaller communities, this was a big impact also. Before, they could weather some of this storm, now they cannot weather this storm."

Hallock: "Could you tell me what the fiscal note impact to this Bill was?"

DeJaegher: "...Just a minute. Three million, seven hundred thousand dollars or thereabouts. Wait a minute...no...I'm sorry, because I did make a revision, that cost is two million, three hundred seventy thousand dollars."

Hallock: "Well, if I might, Mr. Speaker, to the Bill itself. I think the Bill is fairly apparent in what it does. It clearly sets a couple more counties...in a situation whereby they are going to be competing against themselves for this kind of a program...the state can't afford at this point in time for any counties. But to say that those counties under 80,000 are able to receive this kind of funds and discriminate against the others obviously isn't fair. But beyond that, the two point three or three million dollars that this is going to cost, the state can't afford either. For those reasons I would urge a 'no' vote."

Speaker Keane: "Representative Black."

Black: "...Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Keane: "He indicates he will."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Black: "Thank you. Representative, I, as you know spent some time in County Government and I certainly have some empathy for where you're headed with this Bill. However, let me make certain I understand this. What you've done, if I'm correct now, correct me if I'm wrong. Only counties with populations less than 80,000 in population would be reimbursed, is that correct?"

DeJaegher: "True."

Black: "Okay...I appreciate your candor. Mr. Speaker and Members of the House, to the Bill. What the Gentleman has done is...I think as far as he goes, is very admirable. There's no question that the Gentleman's right, it is a cost to those counties. But what he has had to do, he's taken 19 counties whose populations are in excess of 80,000 people out of this Bill. So the people in those counties will not only have to pay taxes to help operate the Department of Corrections, but will also then be paying in effect taxes to subsidize their neighboring counties for the incarceration of people who stay in those county jails. Now, Ladies and Gentlemen, let me just read you these counties, because some of you aren't going to get anything out of this Bill, except a double whammy. Champaign County, Cook County, DuPage County, Kane, Kankakee, Lake, LaSalle, McHenry, McLean, Macon, Madison, Peoria, Rock Island, St. Clair, Sangamon, Tazewell and very near and dear to my heart Vermilion, Will and Winnebago. Those counties don't receive anything from this Bill. No reimbursement whatsoever for keeping prisoners. And it's for that reason and that reason only, Representative, I cannot support your Bill...and would urge a 'no' vote."

Speaker Keane: "Any further discussion? There being none, Representative DeJaegher...Representative Phelps."

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

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

House. I too rise in support of this piece of legislation and in due respect to the previous speaker, those counties in which are affected are...do not have this reimbursement, should be standing...should have stood several years ago, then, when the Department of Corrections changed the misdemeanor offense to be treated in the population of the census in which your jail handles and has caused a lot of expense and problems. But you seem to accept that expense and yet not willing to help those smaller counties that do not have the tax base...to handle that additional expense. So I feel like this reimbursement is not only just, but it's due to counties who are struggling and the 40.00 dollars per day for each day served over 30 days is a reasonable way to address it. Thank you."

Speaker Keane: "Representative Novak."

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Gentleman yield please?"

DeJaegher: "Yes."

Novak: "Representative DeJaegher, is this legislation Sponsor endorsed by the Illinois Sheriff's Association? Do they support this legislation...by the County Sheriff's Association?"

DeJaegher: "They haven't taken a position on this Bill, but smaller counties of that particular size are concerned about this particular legislation. But as far as the Illinois Sheriffs Association on a blanket endorsement, no. But I think they realize what the problems are."

Novak: "Okay."

Speaker Keane: "Representative DeJaegher to close."

DeJaegher: "Thank you again. I...it was made reference that there would be counties that benefit and some counties that would not benefit. I represent Rock Island County and Rock Island County would not benefit by it. But I'm concerned

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

not only about what happens in the State of Illinois to some of the smaller counties and I don't feel that they could excel...no longer...accept this burden, because there's no time table...set by the State of Illinois that we will be able to remove these people in any given time or any given year. So it's important that these people have some type of release for the incarnation (sic-incarceration) of some of the prisoners that the state imposes upon them and hopefully you will give me a green vote."

Speaker Keane: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 66 voting 'aye', 43 voting 'no', 5 voting 'present'. Representative Black, for what purpose do you rise? This Bill having...House Bill 158 having received a required Constitutional Majority is hereby declared passed. House Bill 189, Representative Young. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 189, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Keane: "Representative Young."

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 189 amends the Criminal Code. To change the definition of when an aggravated battery is a forceable felony. The motivation for this Bill came from John Marshall Law Professor, Timothy O'Neill to close a loophole in the Illinois Statutes as to when deadly force is useable. I move for its adoption."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye', all opposed 'no'. The voting is open. Have all

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 112 voting 'aye', none voting 'no', none voting 'present', and House Bill 189 having received the required Constitutional Majority is hereby declared passed. House Bill 294. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 294, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

Speaker Keane: "Representative Myron Olson."

Olson, M.: "Thank you very much, Mr. Speaker and Members of the House. House Bill 294 came to us from the Conference of Chief Judges, the chief judge of whom is Judge Rappin my 15th circuit. It has to do with the Criminal Code of procedure to handle the matter of issuance and executions of warrants. Many small counties they have a concern that on an arrest warrant they have to expend considerable monies to implement the warrant for very small amounts of money such as fines in traffic cases. The Bill was amended in Judiciary Committee at the advice of Chairman Homer that only in the case of felonies could they be issued and on the recommendation of Bob Repel of the States Attorney's Office of Cook County, we included a waiver arrangement to protect the larger counties relative to this issue on the matter of an appearances...I am not aware of any opposition to the Bill. We have had the input also of the administrative courts on the subject relative to the modification of Bill, to transfer rights, and the good faith of police officers and I'd move for adoption of House Bill 294."

Speaker Keane: "Any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this Bill

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

there are 110 voting 'aye', none voting 'no', none voting 'present', and House Bill 294 having received the required Constitutional Majority is hereby declared passed. House Bill 706, Representative Cullerton. Out of the record. House Bill 732, Representative Klemm. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 732, a Bill for an Act to amend the Bill of Rights for Victims and Witnesses of Violent Crimes Act. Third Reading of the Bill."

Speaker Keane: "Representative Klemm."

Klemm: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 732 amends the Bill of Rights for Victims and Witnesses of Violent Crime Act. What it does it gives the victim the right to have their victim impact statement forwarded for use by the Prisoner Review Board in its consideration of releases, discharge...from parole or mandatory supervised releases. You know...even though we have the determinate sentencing in Illinois, we have between 800 and 1,000 prisoners that are still under the indeterminate sentencing, plus we have a series of hundreds of clemencies and appeals that go to the Prisoner Review Board that seems to fall through the cracks in having these witnesses statements from those of violent crimes to be considered. This...I've talked to the Prisoner Review Board and they welcomed all the information they can get before they determine any parole. It's been supported I think, by a number of organizations and we have passed it last year and it got tied up in the late Calendar of the Senate. I do ask for your support and will answer any questions."

Speaker Keane: "Is there any discussion on this Bill? There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 111 voting 'aye', 3 voting 'no', none voting 'present', and House Bill 732 having received the required Constitutional Majority is hereby declared passed. House Bill 937, Representative Homer. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 937, a Bill for an Act to abolish the guilty but mentally ill verdict. Third Reading of the Bill."

Speaker Keane: "Representative Homer."

Homer: "Thank you, Mr. Speaker. I have a...an Amendment for that Bill. Its been filed, but not printed and distributed. I would ask leave to take the Bill from the record and to come back to it to when that Amendment has been distributed."

Speaker Keane: "Yes, we'll take this out of the record and come back to it momentarily. House Bill 995, Representative Bowman. Out of the record. Representative Bowman? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 995, a Bill for an Act in relation to criminal justice. Third Reading of the Bill."

Speaker Keane: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill does three things. Number one, it provides for confidentiality of statements made by victims to social workers, counselors and the like. Number two, it provides that information about victim's rights be provided to the victims by law enforcement authorities, not only the State's Attorney, and number three, it cures a problem that was raised by the United States Supreme Court that says that victim impact statements cannot be offered in certain cases, particularly capital crimes. What this does is permit the victim impact statements to be provided to grand

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

juries and that is an early stage in the prosecution process and therefore, the rights of the defendants will not be impaired as a result of introduction of victim impact statements. So, I urge the Assembly to pass this Bill to cure a...an important problem in this area."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall House Bill 995 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this...Mr. Clerk, take the record. On this Bill there are 109 voting 'aye', none voting 'no', 3 voting 'present', and House Bill 995 having received the required Constitutional Majority is hereby declared passed. House Bill 1111, Representative Preston. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1111, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Third Reading of the Bill."

Speaker Keane: "Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1111 requires the establishment of two multi-disciplinary teams consisting of seven and ten members from various areas of children services. It requires the two teams be established in each region. Previously the establishment of these multi-disciplinary teams were optional and this has to do with the Abused and Neglected Child Reporting Act. These two multi-disciplinary teams will review and monitor child abuse and neglect cases. I'd be glad to answer any of your questions and I hope you will be kind enough to vote 'aye'."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 108...109 voting 'aye', 5 voting 'no', 5 voting 'present', and House Bill 1111 having received the required Constitutional Majority is hereby declared passed. House Bill 1255, Representative Ewing. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1255, a Bill for an Act to amend an Act in relation to prisoners in jails. Third Reading of the Bill."

Speaker Keane: "Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. I bring this Bill to you upon the request of some of the judiciary in my legislative district. There is...what appears to be an obsolete part of the statute that requires that the circuit judges inspect and report on the conditions of the jails and of the treatment of prisoners. I think that is a throwback to the time before we had as much state control as we have of our county jails and they have asked me to delete this from the statute. It's a function which in many cases they have not been performing and they feel it's detrimental to have it on the statute books and then not perform the action...or the inspection. So I am asking for your approval of this Bill and it merely deletes the provisions in the statutes that require the circuit court of each county to inquire into the condition of the jails and the treatment of prisoners."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Bill there are 110 voting 'aye', none voting 'no', none voting 'present', and House Bill 1255 having received the required Constitutional Majority is hereby declared passed. House Bill 1295, Representative Homer. Mr. Clerk, read the Bill. I'm sorry, House Bill 1294."

Clerk O'Brien: "House Bill 1294, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Keane: "Representative Homer."

Homer: "Thank you, Mr. Speaker and Ladies and Gentlemen. This Bill was offered by the Illinois Retail Merchants Association to address a problem that merchants have when an individual leases or rents tangible personal property, but fails to return it upon the expiration of the rental period. This Bill says that if they do so fail to return it and...that they have the intent of depriving the lessor of the use and benefit of the property and further that they willfully fail to pay for it, that they commit the offense of retail theft. I would answer any questions and ask for your support."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 110 voting 'aye', none voting 'no', 1 voting 'present', and House Bill 1294 having received the required Constitutional Majority is hereby declared passed. House Bill 1566, Representative Lou Jones. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1566, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of the Bill."

Speaker Keane: "Representative Jones."

Jones: "Thank you, Mr. Speaker and Members of the House. This

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Bill's proposed by the Citizens Assembly the Council on Women. It amends the Code of Corrections, it requires the Department of Corrections to develop an implementation plan for children and parents residential program. It requires a report to be given to the General Assembly on or before January 1, 1990. I ask for a favorable vote."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall House Bill 1566...excuse me, Representative McCracken.'"

McCracken: "Is this just a plan or this something they're to implement?"

Jones: "It's a plan."

McCracken: "So they'll get back to you with the cost and a proposal on..."

Jones: "On or before January 1990."

McCracken: "Okay."

Jones: "January 1st."

McCracken: "Okay, as long as we never implement it, this is a good Bill."

Jones: "Thanks a lot, Representative."

Speaker Keane: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 109 voting 'aye', none voting 'no', 2 voting 'present', and House Bill 1566 having received the required Constitutional Majority is hereby declared passed. House Bill 1847, Representative Countryman. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1847, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Keane: "Representative Countryman."

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

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

House. House Bill 1847 makes an Amendment to the Motor Vehicle Code under the DUI Section, permitting a State's Attorney to dismiss a statutory summary...suspension in the event that the person is convicted of the criminal offense for which they received the sentence by operation of law where their drivers license has been revoked. The situation has been explained to me in Kendall County by the State's Attorney that the cases are pending as a civil case the administrative office, the Illinois courts asked that they be disposed of within a period of time and that there's no statutory authority to dismiss those cases and that what happens is the defendant comes in and pleads guilty usually to DUI, his drivers license is taken in court and it's...revoked. I understand that the Secretary of State's Office does not like the Bill, but I think it's a necessary Bill and I'd ask for your support."

Speaker Keane: "Representative McCracken."

McCracken: "Does this apply only where a person's been convicted of the offense?"

Countryman: "Yes."

McCracken: "And you just want to do it, so that you don't add on 90 days to the end of a..."

Countryman: "Well...they don't show up. Their drivers license has been revoked, they don't come back for the hearing. The court says without the defendant here, we have no way of determinating the case and so what they want to do is dismiss the case and the State's Attorney's Motion."

McCracken: "Okay. Thank you."

Speaker Keane: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Representative Phelps, wish to explain your vote?"

Phelps: "Had a question for the Sponsor, but maybe you didn't see

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

me quick enough. That's alright."

Speaker Keane: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 109 voting 'yes'...'aye', none voting 'no', none voting 'present', and House Bill 1847...Mautino 'aye', having received the required Constitutional Majority is hereby declared passed. House Bill 15...I'm sorry...House Bill 1858, Representative Petka. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1858, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Keane: "Representative Petka."

Petka: "Thank you very much, Mr. Speaker, Members of the House. House Bill 1858, seeks to create a cause of action for victims of sexual assault, be they children or rape victims...adults, and the like. Under certain controlled circumstances these victims would be permitted to sue individuals who are defined and recognized in the Bill, distributors...of pornography, wholesale distributors of the pornography...the remedies which would be provided, would be actual damages, court costs, attorney's fees, emotional distress, pain and suffering and loss of consortium. The genesis of this Bill, basically, comes from a...Attorney General of the United States, Commission on Pornography, which found that under certain circumstances there is a link between the consumption of pornographic materials and a commission of certain types of acts, which involve sexual violence. Because of the...because of the...this finding and because of personal experiences that I had as a states attorney in Will County, a very large county, I feel that this is a type of remedy which will go a long way towards carrying out a constitutional mandate that we have in the State of Illinois, that every person wronged should have a remedy.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Mr. Speaker, I would move for passage and be free...and happy to answer questions."

Speaker Keane: "Representative Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Keane: "He indicates he will."

Cullerton: "You indicated this was a recommendation of some federal panel. What was the name of that panel?"

Petka: "Representative Cullerton, the suited...the Bill itself, the genesis of that Bill came about as a result of extensive hearings that were held in Washington under the auspices of the Attorney General of the United States. In 1986, a report was issued by the Attorney General, a majority report, I might add, that found that under certain circumstances that there is a link between the ingestion or consumption of pornographic materials and sexual violence."

Cullerton: "Alright, that was Attorney General Meese?"

Petka: "If he were the Attorney General in 1986...I believe that's the case. Yes, Sir."

Cullerton: "Right, okay. Now, if I understand this you're providing civil...you're allowing for the victim of a crime to file a civil law suit. And they must prove two things, the first thing they have to prove is that the...the person who is convicted of the offense, who viewed the obscene material...approximately caused...Let me start over, and...rephrase this, so I...it's kind of hard to read, the Amendment becomes the basic part of the Bill. If I understand it, the victim of the offense has to prove that the reading or the viewing of the obscene material caused the person who was convicted to commit the violation."

Petka: "Un...it does not say cause, it says...approximately caused consummation."

Cullerton: "Approximately caused, okay, so let's say that you have a victim of a rape, and there's a conviction of a

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

person who convicted (sic...committed) the rape. That victim then can sue the...the seller of a book that was purchased by the rapist and they have to first prove, the victim has to first prove that...that the reading of the book by the defendant caused the violation, is that right? Is that basically it?"

Petka: "That would be one of the elements, that is correct."

Cullerton: "Okay, that's the first one. Now, wouldn't it be almost impossible to prove that unless the victim, called, as in my example, her witness, the rapist."

Petka: "That is not true. I can give you a very specific case where that would in fact not be the case, an actual case."

Cullerton: "Okay, I'm curious, how that would work."

Petka: "In the County of Will...there was a kidnapping of an eight year old girl, by a pervert who sexually molested her after tying her to a tree. He sexually molested her over a period of about six hours. Due to a crimestoppers tip, the molester was arrested, a search warrant was served on his apartment, in his apartment there was a...a child porn flick, which showed a young child in bondage. The individual in question had watched that film and had watched that film in the...in the company of a companion who had been questioned by the police, who had told the police that the film basically made him sick. So in that instance it would not be necessary to place...the accused on the stand."

Cullerton: "Okay, so the proof problems there...would be...the fact that you would have to prove that, in absence of having the actual defendant, in vouching for his credibility, you'd have to have a witness who watched the defendant read a book or watch the defendant view a film, and then have that witness testify that it was that event itself which caused the defendant to go ahead and commit

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

the crime."

Petka: "Well, that..."

Cullerton: "I mean...it could happen it could happen, I'm not saying it couldn't happen."

Petka: "Representative, it is not limited to that, I gave you an example. You know attorneys are very ingenious and very inventive and..."

Cullerton: "Well, you could call the...you could also call like Ted Bundy, he said that part of his crimes were caused because of his reading pornography...If somebody was on death row, they might be willing to testify that they we're..."

Petka: "Well, you could call the Commission of the State Police in the State of Michigan, that surveyed twenty five, over twenty thousand sex crimes in the state for over a two year period of time; and found that in fifty seven percent of the cases, that they had surveyed that there had been an ingestion and consumption of pornographic material which was related to the crime itself, with police contacting the offender. They did not say that that in itself caused the crime, but counsel pornography is inherently stimulative, it's designed to stimulate and in some instances it stimulates people to do the wrong thing. And that is..."

Cullerton: "But you do have to show proximate cause?"

Petka: "Yes."

Cullerton: "Now by the way, does any other state, did any other state take up this suggestion and pass this? Has there been a successful law suit that you know of?"

Petka: "Counsel, I have not gone through the LRB to find out about other states. I simply feel that this..."

Cullerton: "I just wondered if you knew."

Petka: "Okay."

Cullerton: "Now, concerning this second element, the second thing

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

that the victim would have to prove, is that the person who provided the obscene material...knew that the material was likely to cause a violation of an offense, substantially of the type enumerated. That...seems to me that's a very difficult thing to prove, and I'm just wondering if you could give me an example and some guidance as to how could...how could a plaintiff in a law suit prove that the defendant whose a bookstore seller, knew that the material that they were passing out and selling to a person would end up being used to...to cause that person to commit a criminal offense."

Petka: "Well, first of all, Counsel, I think that you have misread the Amendment, we're not talking about a corner bookstore seller. If you would read Amendment #2, we're talking about people who manufacture, produce or wholesale distribute. So we're not talking about the street corner vendor. Now, a person who is involved in the production of this type of material I think would have a pretty damn good idea, a pretty doggone good idea, that the type of material potentially could be very, very harmful...to individuals who might act out their fantasies by seeing things that perhaps have never been put in their minds before."

Cullerton: "I'm just asking...First of all thanks for clarifying it, you're talking about the people who don't even have any contact with the actual defendant. But yet you have to prove that, that this material was likely to cause a violation of an offense. What type of evidence could you introduce to prove that? That's all I'm curious about. What kind of evidence do you need to prove that? Just..."

Petka: "Well, Counsel, earlier, you had a Bill which provided for certain instructions which are given to juries which I incidentally, I commend as being a very good Bill. I envision at the start of a trial of this case, the judge

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

instructing the jury to look for the following elements, and to ask that the jury find that at the close of the evidence that by a preponderance of the evidence, that the following elements have been proven and established as required. In this instance, we would simply be looking at the same standard of proof that is required in instances for example, harmful drugs are placed on the market, pharmaceuticals, and the like."

Cullerton: "Well, one final question. Would obscene material just in and of itself, be enough to prove this element of the offense? The fact that the material is obscene."

Petka: "That is...that would not be the case. No, Sir."

Cullerton: "You have to go further and show that it was likely to cause someone to commit an offense."

Petka: "The Bill is plain ole vanilla, Representative, it just, it says what it means and it means what it says, and that's..."

Cullerton: "Okay, thank you."

Speaker Young: "Representative Young in the Chair. The Gentleman from Cook, Representative Williams."

Williams: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. I rise today, in opposition to what I feel is probably one of the most serious attacks on the first Amendment that we can do here today. As I stated in the committee I respect the Sponsor for the sincerity with which forth he brings this issue. But in spite of that respect I also respect the Constitution of the United States of America, and I also respect the integrity of this Body. We must realize that what we do here today affects not just pornography but we crack the door for each and every type of idea that comes forth. We're basically now saying after today if this were to pass and become law at some point, that you may be liable for having an idea.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

That you may be liable for thinking a thought, that you may be liable for printing anything that comes to your mind at some time and somebody else unconnected to you, without your input without any statement from you, decides to do an act, based upon what you said. It starts today saying that a pornographer may be guilty or may be liable in a court of law for printing something that someone else whom he doesn't know acts upon. At such point when do we take the next leap, when do we say that if you, say, Agatha Christie, writes a murder mystery or writes a book about robbery and somebody picks up that book and commits that robbery...do we now sue Agatha Christie for the robbery? Do we now sue the producer and the wholesaler of the distributor of Agatha Christie's book, because someone else decided to act? Do we get into the content of what everybody says? Do we then begin to scare people who thinks like Agatha Christie or who thinks like anyone else in any other murder mystery or any other book or any other thought or idea, that you bet (sic best) not write that idea down because somebody might act upon it. I also want to remind this Body and I'm not about to speak about the NRA efforts to prevent the...what I call, 'cutting off of guns'. But think about it, we say and a lot of people will always say that guns don't kill, people do, so I guess what we're gonna say here today is guns don't kill, people and books kill, people and books harm things. Isn't it a shame to sit up and think that a guy can pick up a gun at anytime and blow your head off, but he bet (sic best) not write a book about it? Cause if he wrote a book about picking up a gun and blowing your head off, he's gonna get in trouble, he's gonna be sued and become liable for the book that he wrote. But it's okay to give the guy the gun just don't give him the book. America was built upon the freedom of

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

ideas, the freedom of speech, today we are about to destroy the very thing that creates the foundation of this nation. We must reserve the right of everybody to feel free in their ability to come forth with their ideas and put them on paper, even if we disagree with their ideas, even if we disagree with their point of view, we cannot cut off the thought. That's what we've began to do here. We put a chilling effect on everybody because we all know that government acts in increments. Once we put this on the books, next year somebody will say, 'this guy committed this murder, or committed this crime which he saw on this television program and because of it we should take the program off, we should get the guy who wrote the program, we should turn off this T.V. station that approved the program.' Everything that we do will be in jeopardy here. This is much more serious than what we want to make of it, and although the claims may be difficult to prove and although it may be almost impossible, the question is...do we begin to destroy our way of life, in order to...anti-American even though its Sponsor happens to be a very sincere person. I urge you to think more about what we do to our Constitution and our way of life, than what we might do to a given criminal, or to a given person now and then. We must vote 'no' on this very serious piece of legislation."

Speaker Young: "The Gentleman from Champaign, Representative Johnson."

Johnson: "If I can have the same liberality with respect to time, as the last speaker had. I think that over, I don't...I been here this is the thirteenth year and I don't think there's ever been a time and I've gotten up on a Bill in the area of the first Amendment where people wouldn't say that I've been protective of the Bill of Rights, 14th

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Amendment, so I don't think my record on this or my sponsorship and support of this is inconsistent with, with my support for the first Amendment. Unfortunately, Representative Williams, probably doesn't completely understand what this Bill does. First of all, you talk about, you know the perfect murder, and the robbery and all that...that isn't even covered by the Bill. The Bill specifically limited itself to Section 12, 13 through 16 of the Criminal Code, and sexual assaults. So you limit the Bill originally, in the first instance to those areas that statistics have shown that there is a most direct relationship between the production of sexual material and violent sexual material, and the act. But most importantly, and the reason I can rise in strong support of this legislation, is because it doesn't do what I've always objected to legislation doing. It doesn't provide prior restraint, it doesn't...put people in the penitentiary, it doesn't prohibit even the production of material. It simply says to the big, mass smut producers, to the people who have produce violent sexual material that there is a monetary remedy just as you make huge, excessive profits, from the minds of children and other people that you have to pay, in some cases, substantial amounts when people are sexually abused and have the rest of their psyche in life ruined because of a sexual attack that you have to pay. And I think the good all American way of attacking a social problem is not to put people in jail, not to violate the First Amendment but to say that under certain limited circumstances when you cause somebody to have their life ruined, cause themselves...cause them to be sexually abused and attacked that you have to pay in the pocketbook. And most particularly, this Bill doesn't do anything different, Mr. Speaker, and Members of the House, than somebody

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

running a red light and hitting someone does, someone leaving a banana peel on the front of the front stoop, and the postman falling on it, someone producing pharmaceuticals that are unsafe and people suffer sterility or blindness as a result. This Bill is so narrowly...and specifically drafted that it simply puts the mass production of sexually violent material in the same status as other forms of negligence. It requires first, that there has to be approx...a direct, and proximate causal relationship between the production of the material and an ultimate act. It requires secondly, the conviction of four specific sexual offenses, a conviction. And lastly, and most importantly, it requires that prior to the time that any judgment can be entered the defendant knew or had to have reason to know that the manufacturer, production, or wholesale distribution of such material is likely to cause a violation. So, it's just straight out negligence law, the same way as any other negligence law is, and if you can't show approximate relationship between the production and the ultimate act, then you don't have to have a cause of action. You're obviously going to have to bring in expert witnesses and other people, to prove up a cause of action. But why, Mr. Speaker and Members of this House, can we say on the one hand it's alright to render a judgment against somebody who runs a red light, it's okay to render a judgment against somebody who produces pharmaceuticals that cause damage to someone, it's alright to...render a judgment against somebody whose negligent in terms of upkeep of their house or the premises outside their property, but it's not okay to render a judgment under those same set of legal circumstances against somebody who knows or have reason to know that the production of filth, not only filth, but violent filth that

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

in turn causes a six year old child to be abused and spend the next seventy years of their life in a mental institution, that it's not okay to recover damages under those set of circumstances. This simply puts the production and manufacturer of this material in the same category as other kinds of anti-social behavior. If you can't prove it, you shouldn't get it cause of action, but where you can you ought to be able to recover and I suggest to you that this is a most effective remedy for what's going on in society today...is when you're able to shoot through those limited set of circumstances you ought to hit them were it hurts the worst, in their pocketbook. It's a good Bill, it doesn't violate the Constitution, and it's the most effective innovating...it's the most effective innovative solution to a tough problem that's come before this General Assembly in a long time. It doesn't say put people in jail, it doesn't say confiscate the material, it doesn't say burn the books, it simply says if you produce material, and someone spends the rest of their life being scarred for it, and you're negligent, and there's approximate relationship you can get damages against them, and you ought to be able to."

Speaker Young: "The Gentleman from Cook, Representative Sutker."

Sutker: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill came before Judiciary II and was well argued by the proponent. I'd like to ask leave to inquire of him whether the Bill directs itself to the author of any material and is that author included with the distributors and sellers of the material as a...as a person who could be sued under this legislation. If Representative Petka...would yield for that purpose."

Petka: "Representative. The individuals, the individuals who could be sued are those who are involved in the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

manufacturer, production, or wholesale distribution of such material."

Sutker: "So, the author is excluded from the potential defendants in such a suit?"

Petka: "In...under the terms of my Bill, there are the categories which are defined...manufacturers, distributors, and wholesal...and those involved in the production."

Sutker: "It excludes the author however...of allegedly obscene material, I take it. Well, to the Bill, Mr. Speaker, obviously the Bill has...dangerous potential. Obviously, the Bill is a vehicle for censorship. Obviously, the Bill brings into question all of the rights and obligations that we so frequently indicate we cherish. But what it doesn't do is affect the author of the material that's deemed to be obscene, for some reason, the author is excluded from liability. The manufacturer, the distributor, the wholesaler, may be sued under this Bill, but not the author. It seems to me that...that's a very devastating omission. More importantly what can happen here, Ladies and Gentlemen, is that the victim has to use the perpetrator of the crime to determine liability, this evil obscene person is being used by the plaintiff against the defendant who will never be the author of the material. It seems to me that the Bill is terribly flawed and is terribly dangerous. Because Ladies and Gentlemen, you may say that this does not prevent the author from writing a book, and you may be right because the author is excluded from liability, but it certainly chills the entire concept of freedom of speech and freedom of authorship and Ladies and Gentlemen, it opens the door, it opens the door to the use of the most vile element in our society to prove a link between the writer, the manufacturer, and the ultimate victim. I would urge you to consider this Bill very

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

carefully, this Bill is a Bill which should not be treated lightly. I have the utmost respect for the two Gentlemen who spoke on behalf of this Bill. I have no doubt that they feel that they...serving an important purpose. But John Milton, would turn over in his grave and would add an appendix to his areopagitica if he were to read this Bill. And I'm suggesting to you, I'm suggesting to you that if...you're wispering on my time. I'm suggesting to you that this is not a need...knee flex vote. I'm suggesting to you that the Bill even with regard to trying to define obscene, which we couldn't do too well in committee, opens the door to censorship that's real, that's evident and that will occur, and it will determine, it seems to me a course of action, which in the future will come back to us detrimentally. Ladies and Gentlemen, don't vote for censorship, don't vote for allowing the use of the most obscene perpetrator of a crime to create a link between the event, and a manufacturer and a distributor of books. If you do that, I think you'll do it at your jeopardy. This Bill will come back to haunt us without regard to any other consideration. Think of it in terms of censorship, think of it in terms of a perpetration of an act that joins in making it more difficult to disseminate information. We are all offended by pornography, we are all offended...we are all upset by obscenity. But we have not yet established the link between the writer of a book and the perpetrator of a crime. And to allow that perpetrator to become the key link in determining liability as against an author, or a seller or distributor, seems to me as foolish, it seems to me it's pointless, and its regrettable, and I'm going to vote against this Bill, as I did in committee."

Speaker Young: "The Gentleman from Cook, Representative Kulas."

Kulas: "Thank you...thank you, Mr. Speaker, I move the previous

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

question."

Speaker Young: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it. Representative Petka to close."

Petka: "Thank you again, Mr. Speaker, Members of the House. There have been certain buzz words, catch words tossed around this House floor and I think rather loosely. And certainly, they were not direct attacks on myself or another proponent of this Bill. But I'd like to take exception to remarks that were made, one being that a person who would vote for this Bill certainly does not have respect for the Constitution of the United States. As a lawyer, as a person who has studied that Constitution, I believe I can safely say that the Bill that I have drafted seeks to fall within Constitutional prerequisites and Constitutional protections. But pornography, smut, is not protected by the First Amendment of the United States. The only dangerous potential that exists here, Ladies and Gentlemen of the House, is for those smut kingpins, those profiteers, those racketeers who are salting away their money from their illicit trade, when they have unleashed the forces on society, on highly susceptible individuals who like time bombs working in our midst, are stimulated by the consumption of pornographic material and obscene material, who suddenly explode...and what do we have? A victim, an innocent victim, a defendant who goes to prison where he should really...where he belongs, and someone picking up the tabs. Heretofore, it's been members of the family, and in some instances, us taxpayers are asked to pick up that tab. What I'm suggesting to you...the person to pick up the tab, the group of people to pick up the tab,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

are the smut kingpins, the profiteers, the racketeers, cause they're the only ones, they are the only ones, who are fearful of this form of legislation. So, let me phrase this differently. If you want to help the drugs...the kingpins...the gutters...individuals, those people who've climbed out of the cesspools, and out of the sewers of society, than vote 'no' on this Bill. But if you want to help, our child, the rape victim, or a woman who's been sexually abused because a time bomb has gone off. then I strongly urge you to vote for this Bill."

Speaker Young: "The question is, 'Shall House Bill 1858 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is now open. This is final passage. The Gentleman from Cook, Representative Preston, one minute to explain his vote."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I had...had I had the opportunity, I would have asked the Sponsor the question of whether or not newspapers that report on some crime that contains all sorts of intimate details, would also be subject to the liability under the provisions of this Act. But aside from that, this...if this becomes law we will have to have a plaintiff in a case, call the defendant who assaulted him to act as a witness. This, if it is not the worst Bill that's ever been before the House, it is certainly the worst Bill sponsored by some of these esteemed and distinguished Legislators, so...I urge a 'no' vote and obviously I'm not urging it strongly enough. But I hope you will come to your senses and change those green votes to 'no'."

Speaker Young: "The Gentleman from Cook, Representative Leverenz. One minute to explain his vote."

Leverenz: "Well, thank you, Mr. Speaker, I knew how I was going to vote on this until Dr. Sutker stood up, and I'd like to

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

find out where to locate my areopagitica. Where I would look for that."

Speaker Young: "Have all voted who wish? Mr. Clerk, take the record. On this question there are 86 voting 'yes', 18 voting 'no', 8 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 1859. Representative Martinez. Mr. Clerk, read the Bill."

Clerk Leone: "On page 34 of the Calendar, House Bill 1859, a Bill for an Act in relationship to mob action and organized gangs. Third Reading of the Bill."

Speaker Young: "Representative Martinez."

Martinez: "Thank you, Mr. Speaker and Members of the House. House Bill 1859 deals with the ever increasing problem of gangs...And amends the Criminal Code increases the penalty for the offense of mob action, amends the Code of Correction and mandates a prison term for a person convicted of a forcible felony involving gang retaliation."

Speaker Young: "The Gentleman has moved for the passage of House Bill 1859, and on that question, is there any discussion? Hearing none, the question is, 'Shall House Bill 1859 pass?' All those in favor say...vote 'aye', those opposed vote 'no'. Voting is now open. Representative Davis, two minutes to explain her vote."

Davis: "I want to know what this Bill does?"

Speaker Young: "You can explain your vote Representative."

Davis: "Because I don't know what the Bill does, Mr. Speaker, and I had my light on to ask a question, I'll vote 'no'."

Speaker Young: "Gentleman from Fulton, Representative Homer, one minute to explain your vote."

Homer: "Thank you...Mr. Speaker. The Bill does two things, one it...mob action under the current statute is a Class C misdemeanor for any one of three sub-sections. This

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

changes the offense to a Class 4 felony where force or violence is used in the commission of the offense of mob action. Also requires a mandatory prison sentence for gang retaliation where there's a forcible felony that's been committed. That's all that it does."

Speaker Young: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 103 voting 'yes', 1 voting 'no', 9 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 1860, Representative Martinez. Mr. Clerk, read the Bill."

Clerk Leone: "On page 47 of the Calendar, House Bill 1860, a Bill for an Act in relationship to juvenile delinquency and sentencing. Third Reading of the Bill."

Speaker Young: "Representative Martinez."

Martinez: "Thank you, Mr. Speaker. I'd like to ask leave to bring this Bill back to Second Reading for purposes of adding an Amendment."

Speaker Young: "The Gentleman asks leave to take the Bill back to purposes, to Second Reading for purposes of an Amendment. Does he have leave? Leave is granted. Second Reading."

Clerk Leone: "Floor Amendment #1 is now being offered by Representative Martinez."

Speaker Young: "Representative Martinez."

Martinez: "Thank you, Mr. Speaker. The Amendment becomes the Bill, and it amends the Juvenile Court Act and the Code of Corrections, adds as a discretionary factor which a judge or court uses to determine if a juvenile should be tried as an adult. The fact that the minor possessed a deadly weapon, mandates an adult court trial if a minor had previously been adjudicated..."

Speaker Young: "Representative Williams, excuse me, for what purpose do you seek recognition?"

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Williams: "Has this Amendment been, has this Amendment been printed and distributed?"

Speaker Young: "Yes it has been printed and distributed."

William: "I guess...okay...does anyone have a copy? I'd appreciate it."

Speaker Young: "Representative Martinez."

Martinez: "Yes, the Amendment deletes everything after the enacting clause and becomes the Bill. It amends the juvenile court to provide that if a minor has been previously adjudicated delinquent for an Act which is a felony, a Motion to prosecute as an adult shall be allowed if gang activity is involved in the new offense."

Speaker Young: "The Gentleman has moved for the adoption of Floor Amendment #1 to House Bill 1860, and on that question is there any discussion? The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you Mr. Speaker, will the Gentleman yield?"

Speaker Young: "He indicates he will yield."

Countryman: "Representative Martinez, now...this still requires a mandatory transfer in certain instances, is that right?"

Martinez: "Yes, correct."

Countryman: "And this Amendment adds things to that...that the Bill did not have, is that correct?"

Martinez: "The Amendment becomes the Bill."

Countryman: "Yeah, but it adds, in the original Bill you add some things which would require an automatic transfer. This adds some others, is that correct? This changes it, so that, as I understood it before...that if you had been...adjudicated a delinquent for a Class X or a Class I felony within the past ten years, then you were subject to automatic transfer. This says if you've been adjudicated a delinquent for the commission of an act, of any felony and it doesn't have a time frame, is that correct?"

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Martinez: "Correct."

Countryman: "So this is a substantial change in this Bill, is it not?"

Martinez: "Yes, the Amendment becomes the Bill."

Countryman: "And it not only deals with gang crimes, but it deals with really how our whole juvenile justice system operates now, doesn't it?"

Martinez: "The only time this takes place is...when it's a gang related matter."

Countryman: "No, it doesn't....As I understand it, it involves a lot more than that. If they've been convicted of any prior or adjudicated of any prior felony, isn't that right? That's what you just told me."

Martinez: "If you have been adjudicated, if you're a youngster and you've been adjudicated...for a serious crime then that's where this Bill comes in."

Countryman: "Serious crime is any felony, right?"

Martinez: "No, it was a misdemeanor before I believe. Since I'm not a lawyer I can't explain the technicalities. I'd like to yield to a colleague, Representative Homer."

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

Homer: "Thank you, Mr. Speaker. In answer to Representative Countryman's question, the original Bill did three different things. One of which, is addressed by this Amendment. The Amendment...it stripped the Bill and did away with the other two elements of the original Bill so all that's left is a modification of one of the three things that the original Bill did. The original Bill, with respect to automatic transfers of juveniles provided that if it's a forcible felony is part of an organized gang activity, it's a mandatory transfer. This Amendment says that it has to be a second or a subsequent forcible felony before there can be an automatic transfer. It still

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

requires to be part of an organized gang activity defined by five or more individuals. So really, the Amendment...limits the significantly..."

Countryman: "So this is much less restrictive than the original Bill was?"

Homer: "Much...much less, yes."

Countryman: "Okay, thank you."

Speaker Young: "Further discussion? Hearing none, the Gentleman moves for the adoption of Floor Amendment #1 to House Bill 1860. All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Third Reading."

Clerk Leone: "There are no further Amendments. The Bill on Third Reading. House Bill 1860."

Speaker Young: "Representative Williams, for what purpose do seek recognition?"

Williams: "Yes, I move to object to this Bill being placed on Third Reading, today. I'd like to have it held on Second Reading, 1st Legislative Day according to the rule. No leave to suspend."

Speaker Young: "Gentlemen..."

Martinez: "Mr. Speaker...I move to suspend that rule."

Speaker Young: "Representative Martinez moves to suspend the appropriate rule and move this Bill to Third Reading. On that Motion is there any discussion? All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This Motion takes 60 votes. Representative Cullerton?"

Cullerton: "Yes, if I understood the Gentleman's Motion, he said that...the title had been changed and that he wants it go back to Second Reading, 1st Legislative Day, and that is the Motion to...the Motion was put to have that rule suspended. Now it's also true, that if he wants to have it heard on Third Reading today, he needs...since it was

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

amended today...he would need to...need 71 votes to have that Motion prevail. Now which Motion are we on."

Speaker Young: "We're on the Motion to suspend the rule requiring this Bill to be sent back to 1st Legislative Day."

Cullerton: "The board indicates Third Reading and I believe the Bill is on Second Reading."

Speaker Young: "The Bill is on Second Reading and the Gentleman has moved to suspend the appropriate rule to allow this Bill to proceed to Third Reading. Yes, this is a Motion. Representative Countryman?"

Countryman: "Inquiry of the Chair, Mr. Speaker. How many votes does this take?"

Speaker Young: "This Motion takes 60 votes."

Countryman: "Thank you."

Speaker Young: "Representative Cullerton? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion there are 62 voting 'yes', 47 voting 'no', and 1 voting 'present'. The Motion is adopted and the Bill goes to Third Reading. Representative Martinez."

Martinez: "Thank you, Mr. Speaker. House Bill 1860."

Speaker Young: "No, Representative Martinez, for what purpose do you seek recognition?"

Martinez: "Oh...I move for immediate consideration."

Speaker Young: "The Gentleman has moved...for immediate consideration of House Bill 1860, and on that Motion, Representative Williams."

Williams: "Yes, I would object to that Motion based upon the fact the Amendment substantially changes this Bill and at this time I haven't had an opportunity to fully...comprehend, what it is that we're about to do here. This has some grave effect on many young people and I'd like to have that opportunity to review this a little more closely before we

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

pass this piece of legislation out of here today."

Speaker Young: "Representative, you're point is not well taken. The Gentleman has a right to make a Motion to suspend the appropriate rule which is 37(d), that Motion requires 71 votes. Gentleman has moved to suspend Rule 37(d) and have this Bill heard immediately on Third Reading. On that Motion, is there any discussion? Hearing none, the question is, the Gentleman from DuPage, Representative McCracken."

McCracken: "I love to see Democrats fight. Now which side shall we take? Shall we help Representative Martinez, or should we help Representative Williams? Now that's a close vote. That's a close vote. I'm going to flip a coin. We will help...Representative Martinez!"

Speaker Young: "The Lady from Lake...Representative Turner, for what purpose do you seek recognition?"

Turner: "Thank you, Mr. Speaker. I'm just curious. This guy flipped a coin, he didn't say head or tails, he just said Martinez. I want to know who's the head and who's the tail?"

Speaker Young: "The Lady from Lake, Representative Stern, on the Motion."

Stern: "I would just like to suggest to my colleagues across the aisle that there's a third alternative. You could go for one side or the other as a partisan Body or you could each individually decide how you're going to vote. Go for it folks! Go for it!"

Speaker Young: "The Gentleman from Coles, Representative Weaver on the Motion."

Weaver: "Mr. Speaker...our side really wasn't consulted during the...I'd like to move that we reflip."

Speaker Young: "Further discussion? Hearing none, the question is, 'Shall rule 37(d) be suspended?' All those in favor

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

vote 'aye', those opposed vote 'no'. Voting is open. The Gentleman from Winnebago, Representative Hallock."

Hallock: "Senor Martinez, tiene razon. Si."

Martinez: "Muchas gracias."

Speaker Young: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion there are 97 voting 'yes', 13 voting 'no', 1 voting 'present', and the Motion is adopted. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1860, a Bill for an Act in relationship to Juvenile Delinquency and Sentencing. Third Reading of the Bill."

Speaker Young: "Representative Martinez."

Martinez: "As I stated before Mr. Speaker. The Amendment deletes everything after the enacting clause and becomes the Bill. It amends the juvenile court to provide that if a minor had been previously adjudicated a delinquent for an act which is a felony, a Motion to prosecute as an adult shall be allowed...if gang activity is involved in the new offense. That's the genesis of the Bill."

Speaker Young: "The Gentleman moves for the passage of House Bill 1860, and on that Motion, is there any discussion? The Gentleman from Cook, Representative Williams."

Williams: "Thank you, Mr. Speaker, Ladies and Gentlemen. I want to first of all say to the Sponsor of this Bill, I truly understand the situation...His community just as mine, has a lot of gang problems and I know that we want to address a lot of these problems and I agree with him...you know...I think that we should address them, I'm just not certain how. The Amendment that we have today in it's own effect, it's another automatic transfer, another mandatory minimum which almost ends up with just more overcrowding in prisons. I don't think the problem to every solution is every time someone does something we go and throw them in

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

the jail, especially when a lot of time a lot of youths get caught up in the things at early age...they really don't mean to or really don't have the real, what I call 'criminal intent or nature.' I know as a youth, I grew up at a time when the, now infamous Jeff Ford, was part impartial of just about every youth's life in the City of Chicago. Approximately at the age of 17, I myself, was almost informed that it was going to be impossible for me to go to certain parks because of the activities that would be going on with Jeff Ford and the Black Peastone Rangers. I went to the park on a given day at a given time, anyone might have picked me up and said I was part of the crime that was going on, said I was part of the crowd that was there. And because I did know most of the individuals that was there and I did in fact go to school with and associate with and talk to a lot of these people, I myself could be stuck in jail today based upon a mandatory minimum sentence that may have come down to me purely accidentally. And I know the say of fate of what's about to happen here today. I read the Roll Calls twice in a row, three times in a row you're out, I understand this. But I'm just saying to this Body, as I ask to sit a moment and think, and not necessarily to defeat the Gentleman's Motion which is so nobly brought here today. But I also say to you today, that we may be catching a lot of people who themselves do not intend to be, or mean to be criminals, and who could be turned around. But once we put them in our prisons, once we lock them up and put them with the adult offenders, once we make them see and understand what takes place inside of these prisons they won't come out a potential person who can be turned around. They're going to come out hardened criminals. They're going to come out people who going to, then at that point, become the real vipors who will fest

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

themselves upon our society and destruct and kill and mame and murder and will read the dirty books and then go out and do the dirty things that are in those dirty books. So all I can say to us today is that, in all due respect to everyone here and everybody who wants to keep this fire going, please think twice. Think twice, because we know...that who we lock up today will be vamping on us tomorrow. I urge a 'no' vote."

Speaker Young: "Further discussion? The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Mr. Speaker. That's a hard act to follow and it was probably a lot of the things that I wanted to say and I applaud the prior speaker for what he said. I think...what we're saying is a deterioration of the juvenile justice system which we've created in this state, and understanding that young people are different than adults and need to be treated differently, and the discretion that we vest in our judiciary we're taking away by this Bill. And every year as I sit here we take a little bit more away, and what we do is what Representative Williams said; we pick up in this big ball of things that we're snowballing here and we roll some kids that really aren't bad kids, and we roll some kids that we don't give any discretion to. We don't put any discretion in our judges and we just slam them into the automatic transfer and we treat 15 year olds like they were adults. Let's let our juvenile system work. Let's give that faith and confidence to our judiciary and let's not pick up those kids who are caught in these traps and are worth salvaging and let's give them an oppportunity in this state to become law abiding, good taxpaying citizens. Let's defeat this Bill."

Speaker Young: "The Gentleman from Will, Representative

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Wennlund."

Wennlund: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Representative Martinez is right. The time is long past due when this General Assembly does something serious about the war on drugs. And I'm sure that all 118 eighth graders from Okena Junior High who are seated in the gallery, would more than agree with that statement and I urge a 'yes' vote on this issue. Welcome, welcome Okena."

Speaker Young: "The Gentleman from Champaign, Representative Johnson."

Johnson: "I remember the first time I ran for office, it was the first time that the media began to recognize the problem with juveniles, with juvenile offenders. I've served for about eight years on the Judiciary II Committee and these issues came up all the time. And I finally grew through that, and my law practice, and my observations as a citizen, to believe that people who have the capacity to commit serious crimes of whatever nature ought to be treated the same. And to have a dual system of justice which really encourages people to get out in the double track system, commit serious heinous offenses and then use your age as an excuse, is a cop out, and in the long run produces a lot worse crime rate and a lot worse situation for society than if we just realized from the beginning that criminals are criminals, serious criminals are serious criminals and they ought to be treated that way. This Bill is a great Bill. It buttresses the law even stronger in a very serious way and for people to say that because somebody's 14 they have the capacity to do just the same damage that somebody does that's 24 that they should be treated different, really is a...well I'm trying to think of a polite way of saying this, but the bottom line is, it's not good for society, this is a great Bill and whether

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

you classify yourself as a libertarian or otherwise, a criminal is a criminal and this is the message of this Bill. You ought to vote 'yes'."

Speaker Young: "Further discussion? The Lady from Cook, Representative Lou Jones."

Jones: "Thank you, Mr. Speaker and Members of the House. I...as the first two Sponsors up there know that, when I'm not here in the General Assembly I work with the gangs in Chicago. I work with the Chicago anti-gang problem. And there is a problem there and I do, I am right in the midst of it and when I'm not here I'm with them practically every day in their community and also in mine. But this legislation is not the answer. You have some children out there, and I mean children who are in gangs, that who do not want to be in gangs. They're forced in gangs. You have some out there that are marginal, they're caught up in all kinds of different circumstances. If you throw...and I'm talking about maybe...across the aisle someone said gang members that was 13, 14 and 15 years old. I'm talking about gang members that are 9, 10, 11 years old that are in gangs because they're forced to be in gangs. All I'm saying is that is not the answer. I wish someone would put their minds toward legislation that would be more provincial and not put in the 13 or 14 year old, try him as an adult, put him in Joliet with a hardened criminal and life is gone forever. I urge a 'no' vote."

Speaker Young: "Further discussion? Hearing none, Representative Martinez to close."

Martinez: "Thank you, Mr. Speaker. In answer to several critics of my Bill here, I would like to say, that I'm not addressing this Bill to 14 and 15 year olds that have never been in trouble. I'm talking about people that have a couple of felonies against them already in their lives and

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

on their way to becoming...full grown criminals, these are the people. The Bill says that...only those that have had a felony or...during their young years in, say in juvenile court, they've been there several times and when they go out and they commit a serious crime, these are the...persons I'm addressing. I get rather frustrated sometimes when I see that we want to...address the problem of crimes in our cities, but when we have an opportunity we go away...turn away from the problem. I would like to add that the fact that too many teenagers have become habitual criminals due to the shortcomings of the judicial system and it allows the younger criminals to come back to juvenile court again and again committing the same crimes into their early adulthood. This Bill attempts to address the shortcomings by first, directing the courts to try as adults any juvenile between the ages of 15 and 16 who commits a forceable felony and further...of a gang related crime. And second, to require a mandatory prison for a defendant convicted of a Class A or a Class 2 felony, if the defendant and only if the defendant was adjudicated...delinquent in a Class X or Class 1 felony in juvenile court within the last few years of his life. Third, it allows judges to order an adult trial of a minor accused of using a deadly weapon during the commission of a crime. And this Bill addresses...I'd like to close by saying we cannot continue to just give these criminals a slap on the hand. We have to put some teeth into our laws and I ask a favorable vote."

Speaker Giglio: "Question is, 'Shall House Bill 1860 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open, and on that Representative Shaw, one minute to explain your vote."

Shaw: "Yeah, I think that Mr. Speaker...thank you. Ladies and

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Gentlemen. I think this is a good Bill, it's time that we sent a message to the parents of these teenage gang members. It's what...we want to talk about the issue but we don't want to do anything about it, and it's time that we stand up down here in this Body and pass the type of legislation like this piece of legislation, will drive home the point to the parents. Because the old people, senior citizens cannot walk the street because of gang members. They can't even go to the store with two dollars in their pocket. We need every vote up there, a green vote on this legislation, that's what you need, and somebody said bite the bullet and you have done that by passing this piece of legislation. I vote 'aye'."

Speaker Giglio: "Further discussion? Gentleman from Cook, Representative Santiago."

Santiago: "Mr. Speaker, Members of the House. I rise in support of this Bill because the Bill addresses one of the most serious problems that we're facing in the City of Chicago, the County of Cook and the State of Illinois. In the City of Chicago alone, we're averaging about 55 gang related deaths a year, about 55 deaths. I heard during the speeches that this Bill was violating Civil Rights and so on and so forth. That's erroneous. The main objective of the Bill is to address the hard core gang members. We want to lock them up and throw the key away. We're saying enough is enough. Thank you."

Speaker Giglio: "Representative Davis, one minute to explain your vote."

Davis: "Thank you, Mr. Speaker. I'm so happy to be a part of this tough Body of Legislators. I mean...we are going to just stop the gang problem, we're going to stop the drug problem, we're going to stop abortions. What we really are aiming at is filling up those new prisons that that 52

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

million dollar budget for new prisons that the Governor has proposed. So if we can't get enough adults to fill them up, then damn it, let's put the kids in there. I think it's real significant to recognize that not only Paul Williams wouldn't have been in this Body had this law been in effect about 20 years ago, it's about 12 other people in here who wouldn't be here today if this law had been in effect because they would have been gone to an adult prison..."

Speaker Giglio: "Kindly bring your remarks to a close Representative."

Davis: "For the Governor and for the legislative Body who, I know now why you're not Senators. I vote 'no'."

Speaker Giglio: "The Lady...the Gentleman from Madison, Representative Stephens, one minute to explain your vote."

Stephens: "Representative, we're proud that we're not Senators. I don't understand that remark...We're very proud...and you're right, we will fill those prisons and that's what they're there for. It's called the Department of Corrections, I must remind you. Representative Santiago and others, I think Martinez and others...that's an easy aisle to cross and philosophically you have crossed it and we look forward to the day when your seat is where it belongs on this side of the aisle."

Speaker Giglio: "Representative Novak, from Kankakee, one minute to explain your vote."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I too am very proud to be a cosponsor of this legislation. A few weeks ago we had a press conference in Kankakee to announce this legislation as it was introduced in the House and at that particular time there was gang activity of over 40 kids involved in the city of Kankakee and it was just sort of ironic that that thing, that that

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

occurred. I think we should all stand up and put all green votes on this board and to get tough and send these people a message that we don't tolerate this activity any more. Thank you."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Gentleman from Cook, Representative...Trotter. One minute to explain your vote, Sir."

Trotter: "Thank you, Mr. Speaker and Members of the House. I too rise in support of this great legislation. As one of my colleagues pointed out, some of us might not have been here, might not have been here because I myself was shot by a gang member, so I know that some people should be in jail, some people need to be down here in the House. I'm proud to be down here on the floor of this House and voting for this great legislation."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 95 voting 'yes', 15 voting 'no', 4 voting 'present', and House Bill 1860 having received the required Constitutional Majority is hereby declared passed. I'd love to do that...but not yet. House Bill 1880, the Lady from Cook, Representative Pullen. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1880, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Giglio: "The Lady from Cook, Representative Pullen."

Pullen: "Mr. Speaker, I think that this Bill is going to be somewhat mild compared to what we've been going through for the last hour and a half or so. A couple of years ago...we passed a law requiring that a person convicted of one of several enumerated sex offenses be tested for HIV...and that the test result could be given to the victim. In my

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

service on the President's Commission, I realized that when you submit that only to the time of conviction, which in many of these crimes never occurs...the timing is not adequate for the victim. The purpose after all is to allow the victim to have an idea of whether he or she has actually been exposed to the virus in being a victim of this kind of act. So this Bill, would require the State's Attorney, at the request of the victim of rape, to seek an order from the court to compel the accused to be tested for HIV infection. The test result would be delivered in a sealed envelope to the judge for the judge's inspection and the judge would have the discretion to determine to whom, if anyone, the result of the testing may be revealed. I think that this Bill is very important for the sake of rape victims in our state to have at least some sense of whether the terrible act that they have experienced has also exposed them to a deadly sexually transmitted disease and I urge its passage. Thank you."

Speaker Giglio: "Any discussion? The Lady from Lake, Representative Stern."

Stern: "Will the Lady yield?"

Speaker Giglio: "She indicates she will."

Stern: "Because there is bedlam over here on this side, I'm having a lot of difficulty hearing, but I just want to verify a couple of things on this Bill. Am I correct that if an individual is accused of sexual assault, is this on a child only in this Bill? That's for the first question."

Pullen: "No."

Stern: "Is this just on children?"

Pullen: "No."

Stern: "Okay, adult sexual assault right?"

Pullen: "Um-hum."

Stern: "Did we not pass that Bill last year? Was that not

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Representative Frederick's Bill last year?"

Pullen: "No, Representative Frederick's Bill which became law is to require testing of those who are convicted of certain sex offenses and in many cases as you know, no conviction ever actually results, at least on the offense that they were charged with...and even in those where the conviction does result, it can be many months to even years after the event has taken place and consequently, the victim is not given timely information."

Stern: "I just want to correct one thing you said, and 'as you know, no conviction ever takes place'...I don't know that."

Pullen: "No, I didn't say, know. I said in many cases, no conviction takes place."

Stern: "Oh, okay I misunderstood. Alright, this is not just on sexual assault on children then, which was one of my questions. I just have to say that this is beginning to look to me like garbage day. We are passing such horrendous legislation and defeating wonderful legislation. If you arrest someone for sexual assault or pocket picking or whatever, that individual is not yet in a position where he should have to submit to this kind of indignity. Conviction is the way it is in this country, Ladies and Gentlemen. An individual is innocent until proved guilty and to pass this kind of legislation is just a horrendous first step toward anarchy. I cannot tell you how strongly we should all feel about this kind of thing. I urge you to vote 'no'."

Speaker Giglio: "Further discussion? The Lady from Cook, Representative...excuse me, the Gentleman from Will, Representative Petka."

Petka: "Thank you very much, Mr. Speaker and Members of the House. I rise in support of this Bill and I would simply like to respond to some of the questions that have been

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

raised in connection with, why the Bill was framed in the manner that it was. In an instance, where an offender may have had, where a victim may have been assaulted, in my opinion, she is entitled to know the...whether or not she may be carrying the most deadly virus that we now know on the face of the earth, that has no known cure. There are instances where a person may be charged with a sexual assault where, for reasons of privacy or perhaps reasons of intimidation or perhaps reasons which are totally non-related to the actual prosecution of the case that the defendant, in that instance, will simply not be...will not be convicted of the offense. It may be that he may have plead guilty to another offense where there may have been multiple counts of which are totally non-related to the sexual offense. It is not uncommon for an offender for example, to be charged with the offense of home invasion, armed robbery and criminal sexual assault. But in those instances, it is very very pertinent for the victim of that sexual assault to have the information about whether or not there may or may not have been a transmission, an unauthorized transmission of the AIDS virus. In those circumstances, we certainly would not have a conviction for sexual assault because of...the dreaded term plea bargaining, where a charge was dismissed. So, in those circumstances, I believe that is very appropriate that this type of information be disclosed, and for that reason, I urge passage of this Bill."

Speaker Giglio: "Further discussion? The Gentleman from Cook, Representative Levin."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House. The last speaker raises a very interesting question. The only problem is, the situation he describes is not one that is provided for in this legislation. This legislation doesn't

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

say you're charged with sexual assault and convicted of another crime, it simply says you're charged with sexual assault. So, if we're going to deal with a situation that the last speaker raised, this is not the Bill that does this. This Bill says simply, you are guilty because you're charged, and therefore you lose your rights. I would urge a 'no' vote."

Speaker Giglio: "The Lady from Cook, Representative Pullen to close."

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill which permits a victim to secure a court order. I wrote it that way out of recognition of the fact that no conviction has taken place. But I do think that victims have important rights in this situation and have important interests in this situation which are not now being protected by a law, and I believe that this particular Bill will advance those rights and interests and is entirely appropriate at this time. Out of consideration for the fact that there has been no conviction, it is phrased in terms of a court order. The discretion is still within the court whether or not the order is justified or justifiable and I urge passage of this Bill. Thank you."

Speaker Giglio: "Question is, 'Shall House Bill 1880 pass?' All those 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? Mr. Clerk, take the record. On this question there are 86 voting 'yes', 17 voting 'no', 11 voting 'present', and House Bill 1880, having received the required Constitutional Majority is hereby declared passed. Representative Regan, 1882. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1882, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Speaker Giglio: "...Representative Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. I ask leave of the House to bring this back to Second Reading for purposes of an Amendment, please."

Speaker Giglio: "Gentleman asks leave. Hearing none, leave is granted. The Bill's now on 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 Regan."

Speaker Giglio: "Gentleman from Will, Representative Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. Amendment #2 is designed to address some problems with some of the Members of the House, specifically excluding the ceremony of circumcism from this legislation. I urge it's adoption."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Amendment signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, the Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. The Gentleman now asks leave to have...hear this Bill? Does he have leave? By Attendance Roll Call, leave is granted. Mr. Clerk, the Bill is now on Third Reading, read the Bill."

Clerk O'Brien: "House Bill 1882, a Bill for an Act to add Sections of the Criminal Code. Third Reading of the Bill."

Speaker Giglio: "Gentleman from Will, Representative Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. This is one of the packages of Bills that deals with the new threat to our young people...ritualistic crime. The evidence in this was heard in committee it was voted 14 to 0, deals with mutilation, torture, jumping it from a felony 3 to a

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

felony 2 and it's the evidence that's heard before. We've settled all the differences with Amendments and I'd urge it's adoption."

Speaker Giglio: "Any discussion? Gentleman from Cook, Representative Williams."

Williams: "Ladies and Gentlemen of this Body. I rise in support. I've lost so many today...I've worked with Representative Regan to try to put this Bill into the form that is acceptable. What he's trying to do is very good and because I have such a great track record on win loss, I figured I wanted to be on one. So I rise in support of Representative Regan's Bill and urge a 'aye' vote. I hope I do not destroy your Bill and so I just want to say good luck guy."

Speaker Giglio: "Gentleman from Bureau, Representative Mautino."

Mautino: "Will the Gentleman yield for a question?"

Speaker Giglio: "He indicates he will."

Mautino: "I heard you mumble something about the previous considerations and Amendments. I don't think you explained this Amendment in total. Would you like to tell me exactly what this Amendment does?"

Regan: "Well, there was great concern over the definition of the word ceremonial mutilation and some people on the other side of the aisle felt that we was trying to put Mohel's in jail and that certainly is not the case, so we excluded circumcision from the Bill. A Mohel is a rabbi that performs the right."

Speaker Giglio: "Further discussion? The Gentleman from Cook, Representative Preston."

Preston: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Giglio: "He indicates he will."

Preston: "Representative Regan, I understand that...if I

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

understood you're explanation, you made this a Class 2 felony instead of a Class 3 felony?"

Regan: "That's correct."

Preston: "And...but you exempted circumsision from the purview of that. Is circumcison under this Bill now only a Class 4 felony...or..."

Regan: "It depends on what part and what size and what area."

Preston: "I'm sorry I brought up the subject. Thank you."

Speaker Giglio: "Representative Regan to close."

Regan: "In all seriousness, I won't take much time because I've addressed this issue before, it's a serious problem that's happening all over the country, all over the world. And in closing, I just make, if you don't believe that ritualistic crime is happening in you're area, it's happening all over. Today's paper, the local Journal Star, right next to the issue that says that Peoria is the All American City and they're celebrating that today, right on the other side of the sheet is counselor's fight appeal of the occult where kids are having trouble in Peoria. I'm having trouble in my area, they're having trouble in Alaska, they're having trouble in Florida. Louisiana has got legislation going through right now, Texas has got legislation going through right now. Let's move it along quickly so we can be in the cutting edge of this new darkness. I urge its passage."

Speaker Giglio: "Question is, 'Shall House Bill 1882 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 voting 'yes', none voting 'no' and none voting 'present', and House Bill 1882 having received the required Constitutional Majority is hereby declared passed. Representative Regan on 1883. Mr. Clerk, read the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Bill."

Clerk O'Brien: "House Bill 1883, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Giglio: "Representative Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. This is the third Bill in the series of package in the final Bill that pertains to ritualistic crime, creating a new offense inducement to commit suicide. There's been about ten other states that have legislation similar, none of them particularly deal with the area that we're dealing with, specifically dealing with ritualistic suicide, those that convince people to write a code with the devil in blood saying that they'll commit suicide at 16 if we have any evidence that they have been coerced through drugs, brainwashing that we can go after the people to convinced our young people that commit suicide. I urge its passage."

Speaker Giglio: "Any discussion? Hearing none, all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 voting 'yes', none voting 'no', and none voting 'present'. House Bill 1883, having received the required Constitutional Majority is hereby declared passed. Representative Anthony Young in the Chair."

Speaker Young: "House Bill 2011, Representative Homer. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2011, a Bill for an Act to amend the Juvenile Court Act. Third Reading of the Bill."

Speaker Young: "Out of the record. House Bill 2115, Representative Regan. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2115, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Speaker Young: "Representative Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. House Bill 2115 amends the Code of Criminal Procedure of 1962 to provide that evidence of identification of a demented based on DNA samples is admissible in court. Many other states now understand the fact that DNA is more positive proof of identity than fingerprints and I would like to enter this...so that our judges have no problem using it. Also the State Police support it, passed Jud. II, 12-1-0. I urge for it's passage."

Speaker Young: "The Gentleman has urged for the passage of House Bill 2115, and on that question, is there any discussion? Hearing none, the question is, 'Shall House Bill 2115 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is now open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 voting 'yes', none voting 'no', and none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 2289, Representative Kirkland. Out of the record. House Bill 2290 Representative Kirkland. Out of the record. House Bill 2449, Representative Petka. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2449, a Bill for an Act to amend the Liquor Control Act. Third Reading of the Bill."

Speaker Young: "Representative Petka."

Petka: "Thank you, Mr. Speaker and Members of the General Assembly. House Bill 2449 would require retailers who sell alcoholic liquor to display signs warning purchasers that drinking alcoholic liquor during pregnancy can cause a risk of birth defects. This is a Bill which was...which I'm sponsoring for the Department of Alcoholism and Substance of Abuse. It would require the department to develop a

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

warning sign which would be distributed to all liquor license holders in fiscal year...90 and it would require in subsequent years retailers who do not hold a license...the previous year to also have these warning signs. I believe that the Bill enjoins bi-partisan support, and the committee vote on this Bill was 16 to 1, and I would be happy to entertain any questions on the matter."

Speaker Young: "The Gentleman has moved for the passage of House Bill 2449. On that question, is there any discussion? The Gentleman from Lake, Representative Matijevich."

Matijevich: "I only rise in...just in case there were some opposition. I rise in support of this Bill. This is really a pro-life Bill, because it is conclusive that there have been birth defects from the fact that pregnant women have imbibed in alcohol during their pregnancy and I think this is good public policy to mandate that...they have warning signs so that one can be aware. It is easy to say that, 'well everybody ought to be aware of the fact that drinking while one is pregnant can cause defects.' But the fact of the matter is that, that should be well known and by displaying it, that makes it better known to everybody. So I join Representative Petka in urging an 'aye' vote."

Speaker Young: "Further discussion? Hearing none, the question is, 'Shall House Bill 2449 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is now open. This is final passage. Have all voted who wish? Mr. Clerk, take the record. On this question there are 111 voting 'yes', none voting 'no', 3 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 2662, Representative Zickus. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2662, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Speaker Young: "Representative Zickus."

Zickus: "Mr. Speaker, Ladies and Gentlemen of the House. I have here House Bill 2662, a Bill which would close a loophole which now exists in our Code of Criminal Procedure. It amends the Code of Criminal Procedures and provides that indigent persons who receive the benefit of court appointed council for defending them under the Parentage Act may be ordered to pay a reasonable sum to reimburse the county or state for such representation. A few years ago, the General Assembly enacted Section 113-3.1 of the Code of Criminal Procedures to authorize the courts to order defendants who have received the services of court appointed council to pay a reasonable sum to reimburse either the county or the State for such representation. Since then, hundreds of thousands of dollars have been collected statewide thereby reducing to that extent the burden on the taxpayers of funding the criminal justice system. At this time, Section 5 of the Paternity Act provides for the appointment of counsel for persons who are defendants in a paternity proceeding and as with their counter parts in criminal cases, these defendants should be subject to an order requiring them to pay a reasonable sum to reimburse the county or the state for representation they receive. This is a good government Bill and I urge your support of it. Thank you."

Speaker Young: "The Lady has moved for the passage of House Bill 2662, and on that question, the Gentleman from Cook, Representative Cullerton."

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

Speaker Young: "She indicates she will yield?"

Cullerton: "This, this Bill basically says that in a paternity case...the person who's been represented by a public defender may have to be ordered to pay the county to

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

reimburse him. Is that right?"

Zickus: "That's correct."

Cullerton: "So this fee, that you're trying to collect only would be, can only be collected against men."

Zickus: "I believe it would apply to parents, if it were the mother that were involved. It's mostly absent fathers, though."

Cullerton: "Well, there's no question. This doesn't amend the Maternity Act, does it?"

Zickus: "No, it just amends the Paternity Act."

Cullerton: "There's no question that the mother is the mother of the child. The question is whether or not the father is the father of the child, right?"

Zickus: "It's just for the father."

Cullerton: "So your Bill only, this fee that you want to raise would only...could only be charged against men?"

Zickus: "Correct."

Cullerton: "So this, Bill doesn't apply to women at all, right?"

Zickus: "No, we'll amend the Maternity Act next time."

Cullerton: "Now, the...right now we have a situation where a person...in order to get the public defender appointed, you have to prove that you're poor, right?"

Zickus: "That's correct."

Cullerton: "So after you prove it to the judge that you're poor, and you lose the case and it's determined that not only are you poor, but you now also have to support a child. What this Bill says is that the judge, who said you were poor, who said you were the father, he can also say you've got to pay money to the court?"

Zickus: "That's correct. In fact, in the Criminal Court they do that and it would be the court's determination, it would be the same type that they use for reimbursement with the criminal cases."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Cullerton: "Well, in the criminal cases though, isn't there a limit?"

Zickus: "Yes, the court considers the defendants indigent affidavit and any other pertinent data."

Cullerton: "No, but the amount of money that can be charged for an indigent defendant in a criminal case...there's a limit. It's five hundred dollars for a misdemeanor and five thousand dollars for a felony, or twenty-five hundred for someone who's appealing. Do you have a limit in yours?"

Zickus: "It would be at the judge's discretion within those..."

Cullerton: "Oh, so there's no cap...on how much can be charged?"

Zickus: "It depends on the type of felony...and there would be a cap on it too."

Cullerton: "There is a cap? I don't there's a cap because if you look at...on your Bill on Page 1 of the Bill, Section B, where it talks about these caps. It specifically says five hundred dollars for a defendant charged with a misdemeanor, five thousand for a defendant charged with a felony, twenty-five hundred for a dependent who's appealing a conviction, but it doesn't say anything about Parentage Act."

Zickus: "Well, that's what we're changing, and that would be at the judge's discretion."

Cullerton: "So that...in other words, wouldn't you say that there might be a flaw in the Bill, that there's no caps specifically outlined?"

Zickus: "No."

Cullerton: "Do you want to have them capped?"

Zickus: "No, I don't think it's necessary, because the judge is going to base it on the information that he has in front of him."

Cullerton: "Okay, the information he has in front of him is that this guy is poor, that he's the father of a child and that

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

he probably has to now pay child support payments cause that's why the ex was brought in the first place. On top of that you want to charge him for the public defender."

Zickus: "Definitely."

Cullerton: "Okay, is this your first Bill?"

Zickus: "Yes it is."

Cullerton: "I sure wish you would have...could have found another one. Was this Bill, was this Bill ever anybody else's Bill that you borrowed?"

Zickus: "Not that I know of. It's a Judge Stigemenn Bill."

Cullerton: "Okay, well thank you for answering my questions."

Zickus: "You're welcome."

Speaker Young: "Further discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you, very much, Mr. Speaker. Will the Sponsor of this fine Bill yield?"

Zickus: "Yes."

Black: "Yes, well, Representative, I think the previous speaker certainly asked some very very good questions. With no cap on this, other than is referenced in the Bill, I can understand his concern. But I believe in your Bill...it clearly says to pay a reasonable sum, is that not correct?"

Zickus: "That's correct Representative."

Black: "Now, of course, the previous speaker and I might disagree on what a reasonable sum might be. Would you probably agree with that?"

Zickus: "Yes."

Black: "Are you a reasonable Sponsor...of such legislation?"

Zickus: "Very very reasonable."

Black: "So we have nothing to fear in this case but perhaps the fear of the previous speaker?"

Zickus: "That's correct."

Black: "That you might be unreasonable?"

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Zickus: "No, I'm the most reasonable person there is."

Black: "Well...that's what I've heard that you are. I've certainly have heard that and...I think I saw the previous speaker's eyebrows go up when he heard what the genesis of this Bill might be. You know he's heavily involved in the legal system of the State of Illinois. The previous speaker, not perhaps the person who gave you the Bill, although I guess he's a judge isn't he? And this is called an indigent affidavit that they have to file?"

Zickus: "I hear that...Yes, Representative."

Black: "I would agree with the previous speaker on one point. It's a very complicated Bill for a first Bill. I guess I commend you for having the courage to bring a very complicated Bill, particularly in the field of criminal law or whatever we're on here for a first Bill, but given the assurance that you've...that you have given, to be reasonable, I guess that's all the questions I have."

Zickus: "Thank you."

Speaker Young: "The Gentleman from Champaign, Representative Johnson."

Johnson: "I just indicated to Representative Zickus I would help her if there was any hyper technical legal questions. I don't think there have been any. This Bill simply extends to cases of court appointed counsel in paternity cases the same protection for the taxpayers that exist in other cases and that is to provide that when an individual is partially able to reimburse the county or the state partially, for services rendered...they have to do it. It saves the taxpayers money, it's fair, it's just and I would suggest that as a first Bill this is a particularly good one by Representative Zickus."

Speaker Young: "The Gentleman from DuPage, Representative McCracken."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

McCracken: "I would love to be for this Bill cause I know it's your first Bill. But...let's give the Lady a vote. First Bill."

Speaker Young: "The Lady from Cook, Representative Zickus to close."

Zickus: "Yes...This is a good Government Bill and I urge a 'yes' vote on it. Thank you very much."

Speaker Young: "The question is, 'Shall House Bill 2662 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is now open. This is final passage. Representative Zickus, one minute to explain your vote."

Zickus: "I am urging everybody to change their vote from red to green because it's a good vote."

Speaker Young: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 104 voting 'yes', 8 voting 'no', none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 2672, Representative Cullerton. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2672, a Bill for an Act to amend the County Shelter Care Detention Home Act. Third Reading of the Bill. Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill was amended in committee which struck the original Bill and left the Amendment which amends the County Shelter Care and Detention Home Act to permit counties with over 240,000, but less than a million that establishes a shelter care or detention home to extend the taxes for the construction and maintenance of such without a referendum. I'd be happy to answer any questions...appreciate an 'aye' vote."

Speaker Young: "The Gentleman has moved for the passage of House

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Bill 2672, and on that question, the Gentleman from DuPage,
Representative McCracken."

McCracken: "Is this a Bill that would allow county boards to
raises taxes without a referendum?"

Cullerton: "Yes."

McCracken: "...mhooa..."

Cullerton: "It's kind of like the DuPage County Airport Authority
Tax Bill. It's very similar to that...This applies
to...this adds four new counties, four additional counties.
Right now the law is, the population is, if you have more
than three hundred thousand and less than a million, you
can do this without referendum. So that would apply to,
for example DuPage County right now and Lake and the
others. This adds Winnebago, Kane, Madison and St. Clair."

McCracken: "Thank you."

Speaker Young: "The Gentleman from Cook, Representative Preston."

Preston: "Thank you, Mr. Speaker. Would the Gentleman yield for
a question?"

Speaker Young: "He indicates he will yield."

Preston: "Representative Cullerton, the...our board talks about
tax levies for dentition homes. Is this a Bill to build
homes for people who are toothless?"

Cullerton: "It could be."

Speaker Young: "Further discussion? The Gentleman from Cook,
Representative Cullerton to close."

Cullerton: "Yes, following along Representative Preston's theme
there, I think this will put some teeth into the law...and
allow these four counties to build these detention homes
just like the other counties that have population between
three hundred thousand and a million, so I'd appreciate an
'aye' vote."

Speaker Young: "The Gentleman...the question is, 'Shall House
Bill 2672 pass?' All those in favor vote 'aye', those

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

opposed vote 'no'. Voting is now open. This is final passage. Have all voted who wish? Have all voted who wish? Have all...the Gentleman from St. Clair, Representative Flinn, one minute to explain his vote."

Flinn: "Mr. Speaker and Ladies and Gentlemen of the House, to explain my vote. All we're asking for is a few counties to have the privilege that the larger counties have. We have a serious problem with our detention home down there and the Chief Judge Curran has talked to me...Majority Leader, some other people. We are asking for some help in this situation. I know it like it's fruitful, fruitless rather, but it's going to be fruitless for some other people who can't help someone else when it comes my turn in the barrel, because I'll guarantee you they'll see some red ones back here."

Speaker Young: "Have all voted who wish? The Gentleman from Madison, Representative McPike, one minute to explain his vote."

McPike: "Well thank you, Mr. Speaker. The Chief Judge in St. Clair County did call me and ask for some assistance. I think DuPage County has this right, right now. If you have a county between three hundred thousand and a million, the county board can vote to raise taxes to build a detention home. This would only add four more counties to that list. It drops it from three hundred thousand down to two hundred and forty thousand. So those counties in between two hundred and forty thousand and a million could buy, vote of the county board. He's not coming up here and asking for state money, just allow him to let his county board vote on a property tax increase. Now what's wrong with allowing the county board to do this? I don't think it's an unreasonable request. These are elected board members. They have the courage to vote for a property tax increase

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

to build a county detention home. It's not the worse thing in the world to allow them to have that. The legislative Body, it wants to address the problem of a detention home, and there's no question they need it. I think we ought to allow them the right to vote on it."

Speaker Young: "The Gentleman from Macon, Representative Tate, one minute to explain his vote."

Tate: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm glad the previous speakers have finally started listening to some other counties and taking their orders from other people because we started to think after this week, the only people they listen to is Mayor Daley...and took their orders from the City of Chicago. Thank you."

Speaker Young: "Have all voted who wish? The Gentleman from Cook, Representative Leverenz, one minute to explain his vote."

Leverenz: "Thank you, Mr. Speaker. Let me do that as we have an opportunity to move around the floor...the fact remains that the judge asked for it because you don't want young people in the jails that exist, therefore you have to have an alternative. The alternative is the detention home setting and if you give them the opportunity to do what they feel is right for their county, they take the heat for it. I don't believe we're taking the heat for it here in Springfield. So I would encourage a few more votes to get this passed because you don't want those young people in those hard-core jail settings, so I will join with them and vote 'aye'."

Speaker Young: "The Gentleman from Fulton, Representative Homer, one minute to explain his vote."

Homer: "Thank you, Mr. Speaker. Two years ago, this General Assembly, under the sponsorship of Representative O'Connell, passed a Bill mandating that counties no longer

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

incarcerate...hold juveniles for more than six hours within the adult correctional facility within that county. It required counties by July 1 of 89 to provide for separate space for those facilities. Many of these counties have been coming to us through their Representatives, Urban Counties Council, saying the state should help pay them to build these facilities. These counties would include only Madison, St. Clair, Kane and Winnebago, would be authorized to impose a tax levy on their own residence for the purpose of correcting this problem which would then make it unnecessary for them to come to the state to ask for general revenue dollars or other general state tax revenue to solve this problem in these four counties. For those of us who reside outside of those counties, I would think that would be a good vote yes, to give them that authority, so as to protect and safeguard the revenues of the State of Illinois and of those residents that reside in our districts, so I think it's a good idea. I would urge an 'yes' vote."

Speaker Young: "The Gentleman from Cook, Representative Cullerton, one minute to explain his vote."

Cullerton: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. When you look at the Bill...what the Bill does is it changes a number, three hundred thousand to under two hundred and forty thousand. What that really means is that there are already a number of counties that have the ability right now, without a referendum, to have the county board vote, make a political decision as to whether or not these homes should be built. So it's not like we're establishing a whole new concept. We're not really, what we're doing is to say that because of four...that there are four specific counties which should be added there. Madison, St. Clair, Winnebago and I

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

believe, Will or Kane. So rather than have to wait for these counties to get the population of 300,000, we're just saying it should be lowered to 240,000, with those four counties in mind. There still has to be a vote by the county board. It doesn't effect any counties other than those and many of us are from Counties where this can already be done without a referendum. It's not that big a deal to extend it to these four counties so I'd appreciate it if...since the Bill...the vote is closed, to please change your vote to 'aye'."

Speaker Young: "Representative Hasara, one minute to explain her vote."

Hasara: "Thank you, Mr. Speaker. As I recall, two days ago, a Bill passed out of here giving counties a substantial amount of new monies, and one of the propositions would be that property taxes would be held down and I think what we're doing right here on...a 'yes' vote on this is a little hypocritical if that's what we said on Wednesday. In Sangamon County, we built a wonderful detention center about ten years ago without a new tax levy, by creating a long range plan and putting money aside every year to do so. Certainly other counties can follow that lead."

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

Matijevich: "Well, Mr. Speaker, Ladies and Gentlemen, since it is so close, I think we ought to provide those few counties the same option that we have provided other counties. Let's remember when we did this, DuPage County was leading the charge as I recall to allow for this...without referendum. So now, as I understand it, there are only four counties that this affects. So many are voting 'no' who aren't in those counties. It doesn't affect you at all. And since those counties by...at least a few that

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

have risen on the floor, seem to want it so badly, I would think that we should give them that option. We aren't hurting ourselves. My county already has the ability to do this, not that they're not going to do it, but we ought to give that ability to those few counties that would be able to do it under this Bill. So I would urge a few more to get on the Bill."

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

Cullerton: "I would ask leave to put this Bill on postponed consideration and then, what I'll do is I'll talk to the people who voted for it in committee and ask them to change their vote to 'aye' and try to pass it later on."

Speaker Young: "Have all voted who wish? Mr. Clerk, take the Roll. On this record there are...right...the Gentleman has moved for postponed consideration. House Bill 2693, Representative Stephens. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2693, a Bill for an Act to amend the Illinois Abortion Law. Third Reading of the Bill."

Speaker Young: "Representative Stephens."

Stephens: "Well thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2693 prohibits the use of a fetus or any tissue or organ taken from a fetus, in animal or human research or for animal or human transplantation, it prohibits a person from offering for sale any fetal tissue or organ obtained from an abortion. It makes exceptions for the donation of the organs of human...for human transplantation from a fetus obtained by means other than an abortion such as a miscarriage or still birth. The...in 1985, the Illinois General Assembly passed a Bill which prohibited the sale or experimentation upon a fetus, an unborn child, unless the experimentation was therapeutic to that particular fetus. This public policy was necessary to

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

stop the commercialization and sale of the fetus for a scientific or cosmetic purposes. This Bill is in attempt to strengthen that existing statute. It's interesting...where...the support that comes forward about this Bill. Let me read to you from Maryann Schafer who's the president of the Illinois Feminist for Life. She says in a series of remarks in support of the Bill, 'that in conclusion, the use of human fetal tissue as intended, is currently illegal and for good reason. Such use is unnecessary anti-woman, and inhumane. The resulting encouragement of the products of abortion even by those who are pro-choice is seriously objectionable. This practice should not be permitted'."

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

Stephens: "No...Mr. Speaker, I have not moved yet, excuse me one second...Mr. Speaker, this Bill is meant to curb a demand for the unborn who have been taken by an abortion. The creation of that demand increases the likelihood of abortions. Some people would rise in opposition to this Bill and say, 'well Representative, wouldn't some good come if we use this tissue in experimentation or transplantation?' And I would respond to those people, that that's the same argument made by the Nazis in World War II when they said, 'we have these Jewish people behind bars and we're going to kill them'...and the medical people of that Nazi community said, 'wait, let us use their tissue before you kill that young girl, let us do some experiments on her brain, or right after she's died let us continue the Holocaust and use transplantation, experimentation and other degrading things to that body.' Ladies and Gentlemen, I urge the passage of House Bill 2693. And I'll be glad to answer any questions."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Speaker Young: "The Gentleman has moved for the passage of House Bill 2693, and on that question, the Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, will the Gentleman yield for a question?"

Speaker Young: "He indicates he will yield."

Bowman: "Representative Stephens...how if this were to become law, how would this differ from laws presently regulating sale of...human tissue from adult individuals?"

Stephens: "This doesn't affect the sale of the tissue at all. We did that in 1985."

Bowman: "I didn't ask if it affected that, I asked how it differ from it. The point is Representative...."

Stephens: "With the passage of this Bill there would be...this does not affect that area of the law and so there would be no difference with the passage of this Bill."

Bowman: "Well, okay, I can see that you either...well I can see this line of questioning is going nowhere so let me simply state the premise. Am I to presume that I could not sell my own tissue? Suppose the..."

Stephens: "No, you're already born, Representative."

Bowman: "Precisely, Representative Stephens, precisely. What you are attempting to do here, Representative Stephens, is to establish a procedure, to make it illegal to do something on an unborn person, that would be perfectly legal for a person who is born and living, breathing, adult. That is the whole point, Representative Stephens, you are setting up an arbitrary distinction. An arbitrary distinction, Sir, that does not apply."

Stephens: "Well, let me you...let me...let me tell you why that's different...Let me tell the, why that's..."

Bowman: "You are being inconsistent with your own premise, that the fetus is a person."

Stephens: "Representative Bowman let me tell why that's so

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

illogical...the words that are coming out of your mouth are so illogical that it amazes me, because you are usually very astute."

Bowman: "Representative Stephens, I am debating, I didn't ask you a question, I just made a statement. I am no longer asking you a question, because my line of questioning was getting nowhere."

Stephens: "My light was on and I simply felt so urged to respond to you."

Bowman: "I am debating."

Stephens: "Well then, please continue."

Bowman: "Thank you, I am debating..."

Stephens: "You're doing a great job, continue."

Bowman: "...and I'm saying that you are being inconsistent with your own premise about the status of the fetus...that you are not recognizing that I, as an adult would be able to sell tissue resulting from a biopsy. Therefore, this Bill, denies equal protection as unconstitutional in that sense. Further more there is no way that you would have of distinguishing between a miscarriage, spontaneous abortion, if you will, and a planned regulated one. How could you distinguish between those tissues? Suppose an infant were to die...these are rhetorical questions you may answer in your closing if you wish....okay, suppose an infant were to die after birth, the parents would have jurisdiction, the decision to be made as to what to do with that infant cadaver just as they would in their own case, if they were to die and wish to leave their body to medical science. It seems to me, Representative Stephens, that you are making an inappropriate distinction that we should not condone, in the law, and therefore I rise in opposition to this legislation."

Speaker Young: "Further discussion? The Gentleman from Cook,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Representative McNamara."

McNamara: "Thank you very much, Mr. Speaker. I rise in support of this legislation because I think that there may be some misconception about what it really does. What this legislation is merely trying to do, is to protect the harvesting of human beings for experimentation purposes or for selling, for monetary purposes, and to avoid that type of action going into either experimentation or...even to preserve another life when it is specifically a harvesting procedure. I think this is a very humane correct, right way of going and I urge your 'aye' votes."

Speaker Young: "The Lady from Lake, Representative Stern."

Stern: "Will the Gentleman yield?"

Speaker Young: "Indicates he will yield for a question."

Stern: "Representative Stephens, my medical degree is from News Week and I'm not as knowledgeable as I would like to be in some of these areas. I have read an article that indicates that the use of fetal tissue has a very beneficial effect on the symptoms of Parkinson's disease, but I frankly don't know to what other purposes fetal tissue is put. Can you respond?"

Stephens: "There was some experiments in 19...began in 1985 out of Mexico where there were some tremendous claims made about the beneficial effect of taking a baby who has just been killed and using his brain tissue, and you'd need about 25 of those dead babies by the way, for a transplant of that brain tissue for the supposed purpose of helping one who was stricken with Parkinson's disease. Tremendous claims of success were made by several physicians in Mexico...there have been literally hundreds of studies trying to redo those experiments. What we have found in the medical community and most of the journals addressed this, is that, first of all those...undoubtedly those

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

experiments were overstated, the success was overstated...and..."

Stern: "Do you have some technical statistics on this?"

Stephens: "I have no statistics available, I'm just trying to give you an earnest response to your question and my understanding is that the...those experiments were...first of all overstated and secondly in attempts to repeat them, from Denver, the National Institute of Health and others have reported...and I do not have the complete file because it's about this thick, tons of information that the transplantation of fetal tissue is not effective, it has not shown good medical sense and all we've heard, if you look at it from those terms, is bad news about the success of those experiments."

Stern: "May I ask another question? I do not know, frankly, when a woman goes to an abortion clinic and has an abortion or in fact when she is in the hospital having a natural abortion...by that I mean non-surgical where there's no intervention, she simply miscarries, shall I use a different word. I do not know...is there some form that is signed that gives away from the mother the right to dispose of that fetal cadaver, if you will?"

Stephens: "Okay, maybe we can separate the issue here about the induced abortion versus the...shall we say the miscarriage or the non-induced abortion...as you refer to the natural abortion. First of all my Bill exempts the still births and miscarriages and what you refer to as a natural abortion. So, we're only talking about..."

Stern: "So, that tissue can be used for scientific experimentation is that my understanding?"

Stephens: "Yes, my Bill exempts that tissue, yes...those could be used. And as to your question about whether there's a form that is signed, I do not know however, I do feel this, that

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

it would be entirely inappropriate for a mother or a father who have consented to an abortion to feel somehow that they still had some right of parenthood over a child that they have just chosen to kill. I think that they have sacrificed that right."

Stern: "Alright. I guess to the Bill, Mr. Speaker and Members of the House. I have the feeling that this is a very bad day for me and perhaps I should save my breath to cool my soup as an elderly relative use to say. But I really feel that this is a problem Bill. I think it creates problems where none needs to exist. Science is ever extending it's frontiers', we have reached the moon we have created cures for many diseases that we never thought we would be able to cure. I think fetal tissue as it comes from an abortion clinic where women willingly enter and willingly undergo the surgery is a perfectly appropriate vehicle for scientific experimentation. I do not think this needs to be an emotional issue. I think it is an issue that we can deal with very sensibly. Science serves us, let us also serve science. I really do urge a 'no' vote on this legislation."

Speaker Young: "The Gentleman from Perry, Representative Goforth."

Goforth: "Move the previous question."

Speaker Young: "Representative, there's only one light on at this time whose Representative Didrickson. Do you still want to move the previous question? The Lady from Cook, Representative Didrickson."

Didrickson: "Thank you, Mr. Speaker, Members of the House. I'll be very brief. Representative Stephens, may I ask you a few questions? If we have a naturally aborted fetus, does that mean that there cannot be any scientific experimentation for research or any donor organs used for

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

the good of another?"

Stephens: "No, the Bill does not mean that at all."

Didrickson: "What does it mean then? What are we saying?"

Stephens: "We exempt...you said a naturally occurring miscarriage.

In that case it's an entirely different set of standards, because we're talking about a set of parents who have unwillingly lost their child and they still have the right to consent to the use of that child's body for the furtherment of mankind thru experimentation or transplantation. We do not want to address that, we simply want to address the fact that when the parents have given up the right of that child because they had decided to take its life...that therefore there is none in a position to decide that the tissue of that child, because the child certainly cannot make the decision, and he was the only one who could possibly be in a position to give consent. So for naturally occurring abortions, miscarriages if you will, or still births, the Bill finds that area exempt."

Didrickson: "So then you are drawing, so then you are drawing...so then you are drawing a line between natural...naturally aborted fetuses and aborted fetuses?"

Stephens: "The induced abortion...I liken that to let's compare it to an adult. If we had...if I decided that I needed your liver and I walked up to you and shot you and then drug you to the hospital and said, 'I'd like her liver,' that's totally inappropriate. However if you died and left me your liver that is another separate question."

Didrickson: "Okay...to the Bill, Mr. Speaker, to the Bill. I think what we are really doing here is setting up a dual double system and if there is an end if there's a good end to a naturally aborted fetus then I would say that there can be good ends in terms of research and in terms of organs from an unnatural aborted fetus and so to that

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

extent then, I object to the Gentleman's measurement."

Speaker Young: "Representative Stephens to close."

Stephens: "Well thank you, Mr. Speaker, I'll be brief. This is a Bill for pro-life and pro-choice Legislators. This Bill offers those who ache with the memories of the Holocaust a chance to prevent the re-enactment of that...those dreadful experiments on those helpless victims. This Bill sends a message to our nations that Illinoisians whether you're pro-life or pro-choice, understand that we must protect the...prevent the creation of an atmosphere were the demand for new tissue to repeat experiments...causes pressure not only for the decisions about abortion but indeed could create a pressure for becoming pregnant so that you could abort. We can do no greater service to the future generations than the passage of House Bill 2693, and I urge an 'aye' vote."

Speaker Young: "The question is, 'Shall House Bill 2693 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 81 voting 'yes', 25 voting 'no', 6 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. We will now move to the Order of State Budget, we will...before we...before we move to that Order we will go back to one Bill on this Order that we skipped which is House Bill 937, Representative Homer. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 937, a Bill for an Act to abolish the guilty but mentally ill verdict. Third Reading of the Bill."

Speaker Young: "Representative Homer."

Homer: "Thank you, Mr. Speaker, may I have leave to return this

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Bill to the Order of Second?"

Speaker Young: "The Gentleman request leave to return this Bill to the Order of Second Reading for purposes of Amendment. Does he have leave by use of the Attendance Roll Call? Leave is granted. Second Reading."

Homer: "Thank you."

Clerk O'Brien: "Floor Amendment #1 offered by Representative Homer."

Speaker Young: "Representative Homer."

Homer: "Thank you, Mr. Speaker. Amendment #1 is offered on behest of the clinical psychologist who wish a clarification of a portion of the underlying Bill...to make it clear that this Amendment restores the ability of a clinical psychologist to render on opinion concerning a person's mental illness when such issue is properly raised at the trial. I don't think this Amendment would be a...controversial, it simply clarifies a portion of the underlying Bill at the request of the clinical psychologist...ask that the Body adopt the Amendment."

Speaker Young: "The Gentleman has moved for the adoption of Floor Amendment #1 to House Bill 937. On that question, is there any discussion? Hearing none, the question is, 'Shall House...'Shall Amendment #1 to House Bill 937 be adopted?' All those in favor say 'aye', those opposed say 'no', in the opinion of the Chairs the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Homer and Ropp."

Speaker Young: "Representative Homer."

Homer: "Thank you, Mr. Speaker, I would ask leave to withdraw Amendment #2."

Speaker Young: "Withdraw Floor Amendment #2. Further Amendment?"

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Clerk O'Brien: "No further Amendments."

Speaker Young: "The Gentleman now asks leave of the Body...Representative Homer, correctional budget note has been filed. Has been requested."

Homer: "That was filed in reference I'm sure to Amendment #2 which would...of that has been withdrawn. I therefore..."

Speaker Young: "Representative Homer, one second. The Gentleman from Dekalb, Representative Countryman, for what purpose do you seek recognition?"

Countryman: "Thank you, Mr. Speaker. I filed that note because I thought Amendment #2 was going to be adopted, since Amendment #2 has not been adopted I'd withdraw the request for the note."

Speaker Young: "The correctional note has been withdrawn and Representative Homer moves to advance this Bill to the Order of Third Reading for immediate consideration. All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it. Third Reading. Read the Bill."

Clerk O'Brien: "House Bill 937, a Bill for an Act to abolish the guilty but mentally ill verdict. Third Reading of the Bill."

Speaker Young: "Representative Homer."

Homer: "...Thank you, Mr. Speaker, Ladies and Gentlemen. This measure would repeal the guilty but mentally ill verdict that was adopted about seven or eight years ago...so, as to eliminate the confusion that we have in the current law with respect to this issue. Under current law if a defendant raises the defense of insanity, the jury is given four forms of verdict: guilty, not guilty, not guilty by reason of insanity and guilty but mentally ill. After a number of years of having this law in practice, we find that there has been an extreme amount of confusion among

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

jurors as to what their role is when these issues are brought to bear. For example, jurors are informed that with regard to the defense of insanity that they must find that the defendant had a mental disease or defect and as a result lacks the substantial capacity to appreciate the criminality or conform his conduct to law. At the same time the juries instructed but...to find the defendant guilty, but mentally ill. You must find that he has a substantial disorder of thought or mood which affected the person's judgment and impaired that person's ability to reason. The consequence is, that jurors, scholars, professors have found that no one really understands, even psychiatrists often, what the difference is. This is lead to a considerable amount of confusion that was added to by a recent action of the General Assembly a couple of years ago, when we changed the burden of proof when a defendant raises the defense of insanity from placing the burden to prove the defendant saying, 'beyond a reasonable doubt on the state.' We changed it to putting the burden on the defendant 'to prove by a preponderance that he was insane.' Consequently at least one recent Illinois Supreme Court case which involved an issue in Tazewell County where there was...a conviction...for murder. The case was reversed...because the court pointed out the confusion that existed with respect to this issue. The...as a consequence the Supreme Court of Illinois has invited the General Assembly to correct the problem that now exists with regard to these legal issues. I realize this is technical in nature, however I would submit to you that in presenting the Bill in the House Judiciary Committee there was virtually no opposition from anyone with respect to this issue, and so I would answer any questions at this time. This not a get tough Bill, this is not a permissive Bill.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

This is a Bill addressing a request made to us by the Supreme Court in advance by legal scholars from throughout some of our universities that would remedy what has become a total confusion by eliminating the 'guilty but mentally ill' verdict which frankly serves no useful purpose in our criminal justice system other than to confuse the judges, jurors, psychiatrists and others who have to deal with these issues on a daily basis. I will answer your questions and ask for your support."

Speaker Young: "The Gentleman moves for the passage of House Bill 937, and on that question the Gentleman from Lake, Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Gentleman yield for some questions? Assuming that he will, Representative Homer let me ask first, is this this is one of Judge Stigemon's package of Bills?"

Homer: "Well, strangely, it is not a Judge Stigemon Bill, he supports it, but it came to me from a professor at Illinois State University among others...and I introduced it, not at Judge Stigemon's request although he did as I recall in Committee, indicate with the witness slip that supported the Bill."

Churchill: "Under the system that existed prior to the institution of the guilty but mentally ill verdict...when there was a person that came before the court and there was question as to the person's psychiatric ability to recognize the intent of the crime...what happened to the person at that point?"

Homer: "You mean if an individual asserted the affirmative defense of insanity?"

Churchill: "Yes."

Homer: "Well, before we had the guilty but mentally ill verdict

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

if that were done, then the state was required to prove the defendant's sanity by...or beyond a reasonable doubt. I mean that was the issue, the jury then could either find the person guilty, not guilty or not guilty by reason of insanity."

Churchill: "So let's say that the person was deemed to be insane, then what would happen to the defendant?"

Homer: "He was then committed to the Department of Mental Health until certified by them, approved by the court that he could be released."

Churchill: "Were there any cases where people were certified to the Department of Mental Health and were released very quickly?"

Homer: "Well, in my judgment there were, yes. I can't give you specifics but I always felt that to be the case."

Churchill: "Under the current law then, the guilty but mentally ill Bill, then when the same person comes before the court the same plea of lack of sanity. What happens under this scenario?"

Homer: "Alright, well, under current law if a person raises the defense of insanity, then the jury is given four choices: guilty, not guilty, guilty but mentally ill, or not guilty by reason of insanity. The defendant has the burden approving by preponderance of the evidence, his insanity. The state has the burden, under current law, proving beyond a reasonable doubt, that the person was either guilty or guilty but mentally ill. Therein lies the problem because a number of individuals who are in that grey area...that are obviously mentally impaired fall within...as the Supreme Court pointed out, a void, that was created when the Legislature changed the burden from the state to the defendant on the insanity defense. Now the defendant has to prove by a preponderance of the evidence his client or

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

that the defendant was sane while the state is obligated according to law to prove beyond a reasonable doubt that the person was mentally ill, and so it creates a situation...where it created tremendous confusion in our criminal justice system when these defenses were raised, served no valid purpose."

Countryman: "For those people who were convicted of being guilty but mentally ill, what would happen to those people?"

Homer: "Well they're treated just like anyone else that's found guilty, they're sentenced under the same laws put in with the same adult inmate population, and by the way, much to the misunderstanding of those even in the field of criminal justice, are receiving absolutely no mental health treatment whatsoever in the Department of Corrections. Someone who's found guilty but mentally ill goes right in with everyone else that's found guilty and I don't even think they're asked to see a psychologist and when a survey was taken among practitioners it was pointed out that most lawyers thought that somehow they were going to get counseling, but corrections will tell you that they don't, they just ignore the mentally ill designation and treat them along with the other guilty population."

Countryman: "But they serve their term."

Homer: "Yes, they serve the same sentence that a guilty person would serve under this Amendment."

Countryman: "Mr. Speaker to the Bill. I rise in opposition to the Bill. I think it's fair to say that the citizenry of the State of Illinois reached a point in which they were very upset about the treatment of criminals. People who came into the court system who found that it was easy to plead insanity for committing a crime and then be allowed to walk free basically, they would be found not guilty by reason of insanity and then they would be given some term

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

in a mental health institution and two or three months later they'd be out walking the streets. I mean you know somebody commits a murder and three months later they're out on the street because they declared themselves to be insane and somebody goes along with that. The reason that this Bill was originally introduced, the statute was put on the books...was to cover that loophole, to take those people and put them into the incarceration system so that they can't get free just by pleading insanity, that's what this whole issue is about. Now maybe it's confusing, maybe it's confusing to the courts, maybe the people who are in the penitentiary system aren't being treated for mental illness but they're serving their time, they're not allowed to get out because of a loophole in the law. This Bill was originally to close that loophole. I don't think we want to go back today and open that loop hole back up, so I'd rise in opposition to this Bill."

Speaker Young: "Further discussion, the Gentleman from Will, Representative Petka."

Petka: "Thank you very much, Mr. Speaker, will the Sponsor yield?"

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

Petka: "Representative, under this legislation, I believe that you stated that the purpose was simply to follow the directives or the instruction of the Supreme Court in connection with a case out of Tazewell County, is that correct?"

Homer: "In their annual submission of proposals to us...they pointed out...they referred to this case and asked the General Assembly to address what they felt was a problem. They did not specifically recommend that solution."

Petka: "Representative, in light of the fact that some of the confusion that seems to have risen with the jury

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

instructions is something that can be addressed by the Supreme Court. Was there any explanation as to what action or the reason for inaction or was there any rationale given for why they didn't have any proposed suggestions in connection with possible jury instructions?"

Homer: "The problem here, Representative Petka is that these particular jury instructions in this area are mandated by statute, when we passed the law we put in the statute what the instructions must be."

Petka: "Well, Representative when this Bill was heard in committee, you know...I had something that was simply troubling me. I did vote for the Bill in committee but, I must say that a couple of the questions from Representative Churchill jogged my memory about the reason that this Bill was passed in the first place and I believe that...a Will County Representative, Leroy Van Dwyne, was the chief Sponsor of that legislation. The thing that I would simply ask you...to address is, when those instances where a very very serious and heinous crime has been committed by a person who has been found to be mentally deranged but not necessarily insane. What will be the alternative that a jury will have in connection with possibly locking this person up?"

Homer: "Would you simply repeat that question?"

Petka: "In a situation where a person commits a very very serious crime, let's say a homicide where there is psychiatric testimony which indicates that the person may have been insane at the time that the crime was committed. If in fact the only verdicts that are submitted to the jury are guilty of murder and not guilty by reason of insanity, aren't you in essence simply permitting individuals who have committed very very serious crimes to escape the consequences of their act?"

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Homer: "Well, I don't think so and I think the statistics would bear me out. According to...this is...a...an article by professors at Illinois State University on the subject...point out in their study that prior to the adoption of the guilty but mentally ill verdict, there were one point eight N.G.I.'s per 1000 felony cases. That number has since gone up dramatically even after the guilty but mentally ill verdict was given as a option. So I think history would show that in fact the number of people who are being sprung if you'd call it that, by reason of insanity has increased under the guilty but mental ill verdict and I think that's directly as a result of the jurors confusion about what it is they're being asked to do. These mental state differences are very subtle. Psychiatrists can't agree on what some of these terms mean. We're asking juries to differentiate between insanity and guilty but mentally ill. It's an impossible thing for psychiatrists to do for jurors to do, and I would think a prosecutor would want to simplify the jury instructions and ask the jury to find a defendant guilty without regards to the mental illness issue that has been presented."

Churchill: "Representative...you know, there may be another way to do that, and that is simply to focus in on possibly the affirmative defense of insanity. But, I must say that...to the Bill...for reasons set forth by Representative Churchill, I just reluctantly rise in opposition to this Bill."

Speaker Young: "Representative Homer."

Homer: "Well, I'm asked because...and I want to cooperate, this is a Friday afternoon. I really didn't think this Bill would be controversial, we had no opposition, the State's Attorney's Association has taken no position. Judge Stigeman who usually advocates those positions is in favor

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

of it...the Illinois...well, all of the groups are. But, in any event, I understand we want to get home, we've got one more Order to go to so I would like to at this time ask leave to take the Bill from the record so that we can give it a hearing next week, Mr. Speaker?"

Speaker Young: "Take the Bill out of the record, Mr. Clerk. At this time we will proceed to the Order of State Budget. We will read the Appropriation Bills a second time, Representative Countryman."

Countryman: "Mr. Speaker, we got a Calendar last week that said we were going to work until 3:00 and I see by the clock it's now 3:22 and...we're...a lot of us have very important appointments back in the district, we gotta be back here at noon Monday and ready to work and we got to get going home, you know? And the Cubs are gonna play at 6:30. There are important things for us to do, when are we gonna adjourn?"

Speaker Young: "As soon as we read the Appropriation Bills a second time, Representative McPike."

McPike: "Yes, Mr. Speaker, I was only going to inform Representative Countryman of the fact we will be out of here very shortly as soon as we finish the Approp. Bill's as soon as all these lawyers stop talking."

Speaker Young: "House Bill 17, Representative Bowman. Read the Bill. Mr. Clerk."

Clerk O'Brien: "House Bill 17, a Bill for an Act in relation to State Budgets and Appropriation Bills. Second Reading of the Bill."

Speaker Young: "The Bill will be held on Second. House Bill 545, Representative Matijevich. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 545, a Bill for an Act making appropriations to the Supreme Court. Second Reading of the Bill."

Speaker Young: "Hold on Second Reading. House Bill 551,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Representative Leverenz. Read the Bill."

Clerk O'Brien: "House Bill 551, a Bill for an Act making Appropriations to the State Board of Elections. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 582, Representative Madigan."

Clerk O'Brien: "House Bill 582, a Bill for an Act to provide for the ordinary and contingent expense of the General Assembly. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 591, Representative Matijevich."

Clerk O'Brien: "House Bill 591, a Bill for an Act to provide for the ordinary contingent expense of the grant-in-aid for State Board of Education. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second Reading. House Bill 593, Representative Didrickson."

Clerk O'Brien: "House Bill 593, a Bill for an Act making appropriations to the State Board of Education. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 595, Representative Leverenz."

Clerk O'Brien: "House Bill 595, a Bill for an Act making appropriations to the Department of Commerce and Community Affairs for Civic Center Grants. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 659, Representative Breslin."

Clerk O'Brien: "House Bill 659, a Bill for an Act to provide for the ordinary and contingent expense of the office of State Appellate Defender. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 829, Representative Mays."

Clerk O'Brien: "House Bill 829, a Bill for an Act to provide for

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

the ordinary and contingent expense of the Bureau of the Budget and the Executive Office of the Governor. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 830, Representative Mays."

Clerk O'Brien: "House Bill 830, a Bill for an Act making appropriations for the ordinary and contingent expense for the Department of Labor. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 831, Representative Mays."

Clerk O'Brien: "House Bill 831, a Bill for an Act making appropriations for the ordinary and contingent expense for the Office of Commissioner and Savings and Loan Association. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 832, Representative Mays."

Clerk O'Brien: "House Bill 832, a Bill for an Act making appropriations for the ordinary and contingent expense of the Illinois Educational Labor Relations Board. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 834, Representative Mays."

Clerk O'Brien: "House Bill 834, a Bill for an Act making appropriations for the ordinary and contingent expense for the Department of Employment Security. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 836, Representative Mays."

Clerk O'Brien: "House Bill 836, a Bill for an Act making appropriations to the ordinary and contingent expense for the Department of Lottery. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 837, Representative Mays."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Clerk O'Brien: "House Bill 837, a Bill for an Act making appropriations to the Illinois Farm Development Authority. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 838, Representative Mays."

Clerk O'Brien: "House Bill 838, a Bill for an Act making appropriations for the ordinary and contingent expense of the Department of Military Affairs. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 840, Representative Mays."

Clerk O'Brien: "House Bill 840, a Bill for an Act making appropriations for the ordinary and contingent expense of the Department of Conservation. Second Reading of the Bill."

Speaker Young: "House Bill...The Bill will remain on Second. House Bill 843, Representative Mays."

Mays: "House Bill 843, a Bill for an Act making appropriations for the ordinary and contingent expense for the Department of State Police. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 844, Representative Mays."

Clerk O'Brien: "House Bill 844, a Bill for an Act making appropriations for the Abandoned Mine Land Reclamation Council. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 845, Representative Mays."

Clerk O'Brien: "House Bill 845, a Bill for an Act making appropriations for the ordinary and contingent expense for the Department of Agriculture. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 846, Representative Mays."

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Clerk O'Brien: "House Bill 846, a Bill for an Act making appropriations for the ordinary and contingent expense for the Department of Central Management Services. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 847, Representative Mays."

Clerk O'Brien: "House Bill 847, a Bill for an Act making appropriations for the ordinary and contingent expense of the Environmental Protection Agency. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 849, Representative Mays."

Clerk O'Brien: "House Bill 849, a Bill for an Act making appropriations for the ordinary and contingent expense for the Commissioner of Banks and Trust Companies. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 850, Representative Mays."

Clerk O'Brien: "House Bill 850, a Bill for an Act making appropriations and reappropriations to various agencies. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 859, Representative Ryder."

Clerk O'Brien: "House Bill 859, a Bill for an Act making appropriations for the ordinary and contingent expense for the Department of Public Aid. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 860, Representative Ryder."

Clerk O'Brien: "House Bill 860, a Bill for an Act making appropriations for the ordinary and contingent expense for the Department of Alcoholism and Substance Abuse. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 861,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Representative Ryder."

Clerk O'Brien: "House Bill 861, a Bill for an Act making appropriations for the ordinary and contingent expense of the Guardianship and Advocacy Commission. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 863, Representative Ryder."

Clerk O'Brien: "House Bill 863, a Bill for an Act making appropriations for the ordinary and contingent expense for the Department of Veterans' Affairs. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 869, Representative Matijevich."

Clerk O'Brien: "House Bill 869, a Bill for an Act making appropriations of the State Board of Education. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 942, Representative Leverenz."

Clerk O'Brien: "House Bill 942, a Bill for an Act making appropriations of the Office of State Attorney's Appellate Prosecutor. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 994, Representative McCracken."

Clerk O'Brien: "House Bill 994, a Bill for an Act providing for the ordinary and contingent expense of the Office of the Secretary of State. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 2279, Representative Breslin."

Clerk O'Brien: "House Bill 2279...a Bill for an Act to amend the Civil Administrative Code. Second Reading of the Bill."

Speaker Young: "The Bill will remain on Second. House Bill 2584, Representative Bowman."

Clerk O'Brien: "House Bill 2584, a Bill for an Act to amend the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Medical Practice Act...House Bill 2584, a Bill for an Act to repeal Sections of the State Officers Employees Money Disposition Act. Second Reading of the Bill."

Speaker Young: "Mr. Clerk, read the Adjournment Resolution."

Clerk O'Brien: "Senate Joint Resolution 63, resolved by the Senate of the 86th General Assembly of the State of Illinois the House of Representative, concurring herein; that when the Senate adjourns on Thursday May 18, 1989 it stands adjourned until Monday May 22, 1989 at 12:00 o'clock noon and when the House of Representatives adjourn on Friday May 19, 1989 it stands adjourned until Monday May 22, 1989 at 12:00 o'clock noon."

Speaker Young: "Representative McPike moves for the adjournment...for the adoption of the Adjournment Resolution by use of the Attendance Roll Call. Agreed Resolutions."

Clerk O'Brien: "Senate Joint Resolution 61, offered by Representative Woolard. Senate Joint Resolution 62, Woolard. House Joint Resolution 54, Kubik. House Resolution 428, Ewing. 495, Frederick. 496, Frederick. 497, Giorgi. 498, Steczo. 499, Black. 500, Kubik. 501, Hasara. 502, Van Duyne. 503, Black. 504, Black. 505, Zickus."

Speaker Young: "Representative Matijevich."

Matijevich: "Move to adopt."

Speaker Young: "Representative Matijevich moved the adoption of the Agreed Resolutions by use of the Attendance Roll Call. All in favor say 'aye', those opposed 'no'. The 'ayes' have it. Senate Bills First Reading."

Clerk O'Brien: "Senate Bill 302, Cullerton. A Bill for an Act to amend an Act in relation to criminal identification. First Reading of the Bill. Senate Bill 370, Hannig. A Bill for an Act to amend the Illinois Farm Development Act. First

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

44th Legislative Day

May 19, 1989

Reading of the Bill. Senate Bill 480, Kulas. A Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill."

Speaker Young: "Representative McPike now moves that the House stand adjourn until 12:00 o'clock on Monday...the 22nd of May. All those in favor say 'aye', those oppose 'no' in the opinion of the Chairs the 'ayes' have it, and the House stands adjourned."

STATE OF ILLINOIS
 86TH GENERAL ASSEMBLY
 HOUSE OF REPRESENTATIVES
 DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 19, 1989

HB-0017	SECOND READING	PAGE	175
HB-0036	OUT OF RECORD	PAGE	91
HB-0158	THIRD READING	PAGE	91
HB-0189	THIRD READING	PAGE	96
HB-0195	THIRD READING	PAGE	25
HB-0247	THIRD READING	PAGE	80
HB-0294	THIRD READING	PAGE	97
HB-0496	THIRD READING	PAGE	39
HB-0545	SECOND READING	PAGE	175
HB-0551	SECOND READING	PAGE	176
HB-0582	SECOND READING	PAGE	176
HB-0591	SECOND READING	PAGE	176
HB-0593	SECOND READING	PAGE	176
HB-0595	SECOND READING	PAGE	176
HB-0611	THIRD READING	PAGE	26
HB-0633	THIRD READING	PAGE	33
HB-0634	THIRD READING	PAGE	6
HB-0659	SECOND READING	PAGE	176
HB-0683	THIRD READING	PAGE	40
HB-0694	THIRD READING	PAGE	8
HB-0706	OUT OF RECORD	PAGE	98
HB-0732	THIRD READING	PAGE	98
HB-0737	THIRD READING	PAGE	36
HB-0749	THIRD READING	PAGE	41
HB-0795	THIRD READING	PAGE	61
HB-0829	SECOND READING	PAGE	176
HB-0830	SECOND READING	PAGE	177
HB-0831	SECOND READING	PAGE	177
HB-0832	SECOND READING	PAGE	177
HB-0834	SECOND READING	PAGE	177
HB-0836	SECOND READING	PAGE	177
HB-0837	SECOND READING	PAGE	178
HB-0838	SECOND READING	PAGE	178
HB-0840	SECOND READING	PAGE	178
HB-0843	SECOND READING	PAGE	178
HB-0844	SECOND READING	PAGE	178
HB-0845	SECOND READING	PAGE	178
HB-0846	SECOND READING	PAGE	179
HB-0847	SECOND READING	PAGE	179
HB-0849	SECOND READING	PAGE	179
HB-0850	SECOND READING	PAGE	179
HB-0859	SECOND READING	PAGE	179
HB-0860	SECOND READING	PAGE	179
HB-0861	SECOND READING	PAGE	180
HB-0863	SECOND READING	PAGE	180
HB-0869	SECOND READING	PAGE	180
HB-0870	THIRD READING	PAGE	65
HB-0899	OUT OF RECORD	PAGE	72
HB-0900	OUT OF RECORD	PAGE	9
HB-0937	THIRD READING	PAGE	99
HB-0937	THIRD READING	PAGE	165
HB-0937	MOTION	PAGE	165
HB-0942	SECOND READING	PAGE	180
HB-0994	SECOND READING	PAGE	180
HB-0995	THIRD READING	PAGE	99
HB-1059	THIRD READING	PAGE	9
HB-1097	THIRD READING	PAGE	9
HB-1111	THIRD READING	PAGE	100
HB-1198	THIRD READING	PAGE	60
HB-1198	OUT OF RECORD	PAGE	72
HB-1208	OUT OF RECORD	PAGE	12
HB-1255	THIRD READING	PAGE	101
HB-1282	THIRD READING	PAGE	12
HB-1294	THIRD READING	PAGE	102

STATE OF ILLINOIS
86TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 19, 1989

HB-1304	THIRD READING	PAGE	15
HB-1393	THIRD READING	PAGE	72
HB-1434	OUT OF RECORD	PAGE	15
HB-1474	OUT OF RECORD	PAGE	15
HB-1489	OUT OF RECORD	PAGE	89
HB-1496	THIRD READING	PAGE	89
H3-1518	THIRD READING	PAGE	90
HB-1566	THIRD READING	PAGE	102
HB-1660	OUT OF RECORD	PAGE	89
HB-1673	THIRD READING	PAGE	89
HB-1718	THIRD READING	PAGE	15
HB-1847	THIRD READING	PAGE	103
HB-1858	THIRD READING	PAGE	105
HB-1859	THIRD READING	PAGE	120
HB-1860	THIRD READING	PAGE	121
HB-1860	THIRD READING	PAGE	127
HB-1880	THIRD READING	PAGE	135
HB-1882	THIRD READING	PAGE	140
HB-1882	MOTION	PAGE	139
HB-1883	THIRD READING	PAGE	143
HB-2006	THIRD READING	PAGE	16
HB-2011	THIRD READING	PAGE	143
H3-2031	THIRD READING	PAGE	24
H3-2115	THIRD READING	PAGE	143
HB-2279	SECOND READING	PAGE	180
HB-2289	OUT OF RECORD	PAGE	144
HB-2290	OUT OF RECORD	PAGE	144
HB-2449	THIRD READING	PAGE	144
HB-2513	THIRD READING	PAGE	19
HB-2513	OUT OF RECORD	PAGE	17
HB-2579	THIRD READING	PAGE	17
HB-2584	SECOND READING	PAGE	181
H3-2662	THIRD READING	PAGE	145
H3-2672	THIRD READING	PAGE	151
HB-2693	THIRD READING	PAGE	157
SB-0302	FIRST READING	PAGE	181
SB-0370	FIRST READING	PAGE	181
Sb-0480	FIRST READING	PAGE	182
HR-0423	RESOLUTION OFFERED	PAGE	181
HR-0495	RESOLUTION OFFERED	PAGE	181
HR-0496	RESOLUTION OFFERED	PAGE	181
HR-0497	RESOLUTION OFFERED	PAGE	181
HR-0498	RESOLUTION OFFERED	PAGE	181
HR-0499	RESOLUTION OFFERED	PAGE	181
HR-0500	RESOLUTION OFFERED	PAGE	181
HR-0501	RESOLUTION OFFERED	PAGE	181
HR-0502	RESOLUTION OFFERED	PAGE	181
HR-0503	RESOLUTION OFFERED	PAGE	181
HR-0504	RESOLUTION OFFERED	PAGE	181
HR-0505	RESOLUTION OFFERED	PAGE	181
HJR-0054	RESOLUTION OFFERED	PAGE	181
⊕HJR-0002	RESOLUTION OFFERED	PAGE	2
SJR-0061	RESOLUTION OFFERED	PAGE	181
SJR-0062	RESOLUTION OFFERED	PAGE	181
SJR-0063	RESOLUTION OFFERED	PAGE	181

SUBJECT MATTER

HOUSE TO ORDER-SPEAKER GIGLIO	PAGE	1
PRAYER-REVEREND SNYDER	PAGE	1
PLEDGE OF ALLIGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	2
REPRESENTATIVE KEANE IN THE CHAIR	PAGE	50
REPRESENTATIVE YOUNG IN THE CHAIR	PAGE	110

STATE OF ILLINOIS
86TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 19, 1989

SUBJECT MATTER

REPRESENTATIVE GIGLIO IN THE CHAIR	PAGE	132
REPRESENTATIVE YOUNG IN THE CHAIR	PAGE	143
ADJOURNMENT RESOLUTION	PAGE	181
ADJOURNMENT	PAGE	182