

STATE OF ILLINOIS
83RD GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

120th Legislative Day

May 17, 1984

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led today in prayer by the Reverend Thomas Hubbell, Pastor of the United Methodist Churches of both Kincaid and Tovy, Illinois. Representative Hubbell is a guest of Represent... Excuse me. Reverend Hubbell is a guest of Representative Josephine Oblinger. Will the guests in the gallery please rise to join us in the invocation?"

Reverend Hubbell: "Recognizing the diversity of this Assembly this morning, before I begin a prayer in the manner that I am accustomed, could each of us spend a few moments in prayer each in silence in his or her own way? Oh God, our Heavenly Father, we pray for our beloved state, for our leaders, for all who have a part in public service. Make them pure in motive, wise in counsel, strong in action, doing right in the fear of Thy Holy Name. Father in heaven, look down in mercy upon our distraught and fevered world. Forgive our mistaken ambitions, our selfish passions and the presumptuous claims that we make upon life. Remove all suspicion and bitterness from us that we might remove it between all peoples and all nations. Strengthen and increase our admiration for honest dealing and clean thinking and suffer not our hatred of hypocrisy and pretense ever to diminish. Encourage us in our endeavors to live above the common level of life. Make us to choose the harder right instead of the easier wrong, and may we never be content with the half truth when the whole truth can be one. Endow us with courage that is borne of loyalty to all that is noble and worthy, that scorns compromise with vice and injustice and knows no fear when truth and right are in jeopardy. Guard us against flipency and irreverence in the sacred things of life. Lord, as we

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endeavor here to pass the laws of our state, may we remember to have mercy on those who are passing through the sore trial, the poor, the sick, the anxious, the oppressed, those who are in danger from the fury of the elements or from the violence of their fellow men. Inspire in us and in all people the will to help our suffering brethren, that we might be healed and protected and strengthened and that we may be agents of their healing, protection and strength according to their need, and that we might be a comfort to the human race. Lord, I pray for the dear ones of each person here this morning who have given the sacrifice of having their loved ones here to work upon this Legislative Body, whosoever they are, and that each person here surrounded by Thy love may be kept in health and in joy and abide in safety and peace, in the name of the Father and of the Son and of the Holy Spirit. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Ropp."

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

Speaker Madigan: "Roll Call for Attendance. The Clerk informs me that there's a malfunction in the voting machine. So we'll have to take the Attendance Roll Call again. So once again, Attendance Roll Call. Mr. Greiman, are there any excused absences?"

Greiman: "Yes, Mr. Speaker, Representative Vitek is excused for... by reason of an illness in the family."

Speaker Madigan: "Let the record reflect that absence. Mr. Vi... Mr. Vinson, are there any excused absences?"

Vinson: "Representative Barnes, Hastert and Olson, Mr. Speaker."

Speaker Madigan: "Let the record reflect those excused absences."

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Mr. Clerk, take the record. There being 109 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. Page two of the Calendar on the Order of House Bills Second Reading, Short Debate Calendar there appears House Bill 968, Mr. Stuffle. Is Mr. Stuffle in the chamber? Is Mr. Stuffle in the chamber? House Bill 1546, Mr. Jaffe. Is Mr. Jaffe in the chamber? House Bill 1726, Mr. Terzich. Is Mr. Terzich in the chamber? House Bill 2738, Mr. Richmond. The Gentleman indicates he does not wish to call his Bill. House Bill 2858, Mr. Homer. Is Mr. Homer in the chamber? House Bill 3091, Mr. Ryder. Is Mr. Ryder in the chamber? House Bill 3141, Mr. Kirkland. The Gentleman indicates he does not wish to call his Bill. On the Order of House Bills Second Reading there appears House Bill 315, Mr. Yourell. That Bill shall be held on the Order of Second Reading until there is a determination relative to the Sponsorship. For what purpose does Mr. Davis seek recognition?"

Davis: "Well, Mr. Speaker, since Representative Yourell is no longer with us, I'm the hyphenated Cosponsor of that Bill, and I would like to move it to Third Reading, Sir. It was taken out of the record yesterday at your request, I assume, to clear up the Sponsorship of the Bill. Representative Yourell and I have discussed it. And if it's within your purview, we would like to move that to Third Reading."

Speaker Madigan: "Mr. Davis, would you permit me just to check our file on the Bill and come right back to you?"

Davis: "Certainly. Certainly."

Speaker Madigan: "House Bill 338, Mr. Stuffle. Is Mr. Stuffle in the chamber? House Bill 713, Mr. Pierce. Gentleman indicates he does not wish to call the Bill. House Bill 809, Mr. Greiman. Mr. Greiman, the Calendar indicates that

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ther has been a request filed for a State Mandates Act fiscal note and then another one as amended. Mr. Clerk, are we awaiting the Bill Sponsor to comply with certain requests?"

Clerk O'Brien: "The Bill Sponsor has not filed a fiscal note request, and the appropriate agency has not filed a State Mandates Act request."

Speaker Madigan: "Therefore, the Bill shall remain on the Order of Second Reading. House Bill 1004, Representative Younger. Is Representative Younger in the chamber? House Bill 1210, Mr. LeFlore. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1210, a Bill for an Act to amend Sections of the Illinois Pension Code. Second Reading of the Bill. Amendments #... Amendments #1 and 2 were adopted in Committee."

Speaker Madigan: "Mr. Clerk, are there any Committee Amendments?"

Clerk O'Brien: "Amendments #1 and 2 were adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "For what purpose does Mr. LeFlore seek recognition?"

LeFlore: "Mr. Speaker, I do not wish to hear House Bill 1211 which is the next Bill to be called."

Speaker Madigan: "Mr. Clerk... Apparently, there's a question whether the pension impact note as amended has been filed, and the Clerk tells me that we have received a pension impact note as amended. Is that correct, Mr. Clerk?"

Clerk O'Brien: "Yes, Sir."

Speaker Madigan: "Are there any further questions relative to this Bill? Mr. Greiman, are there any further questions? No further questions. Third Reading. House Bill 1211, Mr.

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LeFlore. The Gentleman indicates he does not wish to call the Bill. House Bill 1302, Mr. Hannig. Is Mr. Hannig in the chamber? House Bill 1395, Mr. Keane. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1395, a Bill for an Act in relation to property tax levy, collection of payments in all counties. Second Reading of the Bill. No Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Keane - Hastert."

Speaker Madigan: "Mr. Keane."

Keane: "Ask leave to withdraw Amendment #1."

Speaker Madigan: "Is there leave to withdraw Amendment #1? Leave is granted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 15... The Clerk informs me that the state mandates fiscal note has not yet been filed. Mr. Keane. Mr. Keane."

Keane: "It's my understanding that Mr. Vinson, who filed that request, is withdrawing that request for a state fiscal note."

Speaker Madigan: "Mr. Vinson. Mr. Vinson, we are on House Bill 1395, and apparently you had filed a request for a State Mandates Act fiscal note. And, Mr. Vinson."

Vinson: "Yes, Mr. Speaker, I would withdraw that at this point."

Speaker Madigan: "Fine. Let the record reflect that Mr. Vinson has withdrawn his request for a State Mandates Act fiscal note. Therefore, House Bill 1395 shall be placed on the Order of Third Reading. House Bill 1535, Mr. Levin. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1535, a Bill for an Act to amend Sections of the Illinois Insurance Code. Second Reading of the Bill. Amendments #2 and 3 were adopted previously."

Speaker Madigan: "Are there any further Amendments?"

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Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 1663, Representative Currie. The Lady indicates she does not wish to call her Bill. House Bill 2211. Mr. Levin, relative to House Bill 1535, the Clerk tells me that there has been a request for a fiscal note, and that a fiscal note has not yet been filed. Therefore, the Bill shall remain on the Order of Second Reading. Mr. Levin."

Levin: "Yeah, there was one filed. I can bring up a copy. I have a copy at my desk. The Calendar says one was filed."

Speaker Madigan: "Mr. Clerk, the Calendar indicates that the note has been filed. Fine. The Clerk stands corrected. And for what purpose does Mr. Vinson seek recognition?"

Vinson: "Mr. Speaker, was that a... has the fiscal note filed on... Is the fiscal note filed as the Bill was amended by #3, Amendment #3?"

Speaker Madigan: "Mr. Clerk, you've heard the question."

Clerk O'Brien: "Fiscal note to House Bill 1535 as amended in the House was filed May 15th. It does not reflect any Amendment numbers. From the Department of Insurance, dated May 10, '84."

Speaker Madigan: "For what purpose does Mr. Vinson seek recognition?"

Vinson: "Mr. Speaker, as I understood what the Clerk said, the fiscal note was filed on May 10th. The Bill was amended on May 15th. In the interim I have filed a fiscal note just to make sure that we get a fiscal note as the Bill was amended on May 15th and would request the Chair to rule that that's required before the Bill go to Third Reading."

Speaker Madigan: "Okay. So, I will need to gather some information before I return. So, we shall pass over this Bill and return to the Bill after we... Now, Mr. Vinson, the reason I said I wanted to gather some information, I

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instructed the Clerk to call up to the Transcription Department, and they have told me that at this minute, this Bill is on the Order of Third Reading. For what purpose does Mr. Vinson seek recognition?"

Vinson: "Mr. Speaker, when the Bill was amended by Amendment #3, at the point that the Amendment was adopted, the Sponsor of the Bill said, 'Take the Bill out of the record', and he held the Bill on Second Reading. And I believe that if a copy of the actual tape of the proceedings were obtained and read, that that would be revealed."

Speaker Madigan: "I remember that, but I'm saying to you that today this Bill was called within the last ten minutes; and, as I was moving through consideration of the Bill, I put the Bill on Third Reading. And the Transcription Department will tell you that. The Clerk just called to the Transcription Department. They will tell you that, as of ten minutes ago, I put the Bill on Third Reading, then questions were raised regarding the filing of the fiscal note. Now, I bring that information to you because I know you have filed another request for a fiscal note as amended. And what I'm saying to you is that at the time you filed this latest fiscal note, the Bill was on Third Reading. Mr. Vinson."

Vinson: "I believe the original request was for the... a fiscal note for the Bill as amended."

Speaker Madigan: "Yes. Now we'll go back to that request. So there was a request for a fiscal note filed. Mr. Clerk, why don't you go on the record and explain the status of this Bill? Explain when the first fiscal note was requested by date and then the date of the Amendment."

Clerk O'Brien: "Originally, there was..."

Speaker Madigan: "Mr. Vinson, the Clerk wishes to address you."

Clerk O'Brien: "There was a request for a fiscal note filed

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originally, but it did not say 'as amended'. And the request we have filed just now is the first one we have that indicates 'as amended'."

Speaker Madigan: "Now, Mr. Clerk, when was the original request for a fiscal note filed? What date?"

Clerk O'Brien: "The request for a fiscal note was May 9."

Speaker Madigan: "And did that fiscal note state a request for a fiscal note or a request for a fiscal note as amended?"

Clerk O'Brien: "A request for a fiscal note."

Speaker Madigan: "Subsequent to the filing of that request, there was an Amendment adopted to the Bill. Is that correct, Mr. Clerk?"

Clerk O'Brien: "Yes, Sir."

Speaker Madigan: "Mr. Vinson."

Vinson: "Mr. Speaker, I believe that the Fiscal Note Act and the rules pertaining to fiscal notes require a new fiscal note if the Bill is subsequently amended."

Speaker Madigan: "Well, Mr. Vinson, isn't your more proper point to question the sufficiency of the fiscal note that has been filed..."

Vinson: "That's correct, because of the scope of the Bill."

Speaker Madigan: "Fine. So, what we'll do is ask the Parliamentarian to determine the sufficiency of the fiscal note that was filed in response to the request of May 9. Mr. Vinson, the Parliamentarian informs me that the rules provide that the sufficiency of a fiscal note is to be determined by the Body. And apparently you have questioned the sufficiency of the fiscal note, and it would seem to me that we should therefore proceed to a Roll Call on your Motion relative to the sufficiency of the fiscal note. You are the movant, and you are moving that it is not sufficient. And we will determine that by a majority of those voting. Therefore, we will now go to Roll Call.

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Those who feel that the fiscal note is not sufficient and who wish to support Mr. Vinson should vote 'aye', and those who disagree with Mr. Vinson should vote 'no'. The Clerk shall take the record. Those who support Mr. Vinson's contention that the fiscal note is not sufficient should vote 'aye'. Those who disagree with Mr. Vinson should vote 'no'. For what purpose does Mr. Friedrich seek recognition?"

Friedrich: "I just wonder if this indicates we've got a Democrat majority in the House. I was trying to figure it out."

Speaker Madigan: "Mr. Vinson."

Vinson: "Mr. Speaker, I would urge green votes on this. There is a substantial cost entailed, additional costs entailed by number... Amendment #3. The regulatory scheme is much broader; and, while the Amendment is a desirable Amendment, and while Members might wish to support the Bill with the Amendment, we ought to at least know what those costs are. And a vote at this stage, because we are in no way faced by a deadline at this time, will not hinder any final passage of the Bill in any fashion. It will simply bring to the Body what the costs of the program in fact are. And so I would ask Members not to vote on this in a partisan fashion because it's really not a partisan issue. It's just a matter of determining what the cost is. We are not up against any deadline, at this point, and I would not see why this should be a partisan matter at all."

Speaker Madigan: "For what purpose does Mr. Greiman seek recognition?"

Greiman: "Mr. Cullerton's desk. Well, I just wanted to get some understanding and clarification from Mr. Vinson. This is Mr. Vinson's Amendment, and knowing how responsible he is with the public's funds, I can't imagine that he would offer an Amendment without knowing the precise cost of it

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to the people of Illinois. So that I suspect this is all just academic because Mr. Vinson surely, surely would not come to the Body with some Amendment for which he did not know the cost."

Speaker Madigan: "Mr. Vinson."

Vinson: "Well, Mr. Speaker, I do not, in fact, know the cost. I believe that the Amendment in and of itself was desirable. I would not want to feel compelled to oppose the Bill on Third Reading because we don't know what the costs are, and I'm just asking for a fiscal note so we can figure out what the costs are."

Speaker Madigan: "Have all voted who wish? Clerk shall take the record. On this question there are 56 'ayes' and 51 'nos'. Mr. Vinson's Motion prevails. Therefore, the Body has determined that the fiscal note is not sufficient; and therefore, the Bill shall be placed on the Order of Second Reading. House Bill 2211, Mr. Greiman. Do you wish to call your Bill? Gentleman indicates he does not wish to call his Bill. House Bill 2215, Mr. Bowman. The Gentleman indicates he does not wish to call his Bill. House Bill 2278, Mr. Huff. Mr. Huff. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2278, a Bill for an Act to revise the public school system in the City of Chicago. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Mr. Clerk, are there any Committee Amendments?"

Clerk O'Brien: "Amendment #1 was adopted in Committee."

Speaker Madigan: "Is there a Motion?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, Huff, amends House Bill 2278."

Speaker Madigan: "Mr. Huff, Amendment #2. Mr. Huff."

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Huff: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 to House Bill 2278, which becomes the Bill incidentally, provides that the Chicago Board of Education shall designate one subdistrict as a semi-autonomous school district, which shall be governed by a subdistrict Board of Education. I move for the adoption of this Amendment."

Speaker Madigan: "Mr. Piel."

Piel: "I'm going to try and figure out what he said, but correct me if I'm wrong. You're taking the Chicago Board of Education and breaking the Chicago School District down to subdistricts. So instead of having one Chicago Board of Education for the entire city, you will have subdistricts for the entire city? You'll have all these separate Boards of Education, Is that correct?"

Huff: "No, this is just one district, Representative Piel. It's a pilot... It's a pilot program."

Piel: "Okay. I'm glancing at this and it's talking about subdistricts... subdistrict Boards and one thing and another. Can you explain what you're talking about about subdistrict Boards?"

Huff: "Well, District 299, which is a Chicago district, is made up of 20 subdistricts. This Amendment just simply allows the Board of Education to make one of those 20 subdistricts semi-autonomous with its own school board. The neighborhood school board concept."

Piel: "So in other words what you're saying is that instead of 20 subdistricts, you'll only have one subdistrict?"

Huff: "No, no. We'll only have one of the 20 subdistricts operating as a semi-autonomous district."

Piel: "What is the position of the Chicago School Board on the Amendment?"

Huff: "I talked with the General Superintendent, Dr. Love, and she was for this."

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Piel: "She's for the Amendment?"

Huff: "Yes."

Piel: "Thank you."

Speaker Madigan: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. Will the Spncsor yield for a question?"

Speaker Madigan: "Spncsor indicates that he will yield."

Hoffman: "I notice in the Amendment that this would provide really a pilot district. You take one district and you would apply an autonomous, or at least to make it a semi-autonomous district under the Board, and I notice that you have three members elected by popular vote and four of them would be appointed by the Chicago Community School Study Commission. Is that correct, Sir?"

Huff: "Well, that's the way the analysis breaks it out, Representative Hoffman. However, it will be four members elected and three members appointed by the Board of Education."

Hoffman: "Do you mean that the analysis is... this is..."

Huff: "Well, the analysis... that's the way it is on its face. We will make that technical change. When we get the Bill to Third, we'll bring it back and reflect that."

Hoffman: "On page 13, Section (c), it says 'the Commission shall appoint four members to the semi-autonomous subdistrict Board of Education established under...' blah, blah, blah, 'in the manner provided for in Section 34-2(b)'. Now, isn't that... Isn't that what that says?"

Huff: "That's what it says, but it's the intent of the legislation to make it an elected majority with the Board of Education participating with a choice of three members of its own."

Hoffman: "You're planning to, then, have another Amendment to amend this out."

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Huff: "Yes. Yes."

Hoffman: "But you're going to take it to Third Reading and then you're going to bring it back, correct?"

Huff: "Yes."

Hoffman: "Would you define that as a sercurious route?"

Huff: "Somewhat, yes."

Hoffman: "Somewhat. Somewhat. Alright. Let me ask you one other question. What if there is no Commission? There are some people on this floor that would like to eliminate your Commission as well as all the rest of them. How... What is your proposal for dealing with that, what some people would describe as a meritorious scheme, and other people would describe it as... in some other way?"

Huff: "This Commission, Mr. Hoffman, intends to do something very rare and unheard of. We intend to operate as a 'elemosinary' composition. In other words, we're not seeking any compensation."

Hoffman: "What are we speaking in the?"

Huff: "Well, the priority here is to try to elevate education, and the Commission will act simply as a legislative oversight entity that will subsequently, and time to time, make those necessary modifications in the Legislature that will give this system the optimum opportunity for success."

Hoffman: "Is it... Is it a fair statement, Sir, to suggest that this proposal is as rare as its Spncsor?"

Huff: "Unusual, but not necessarily rare. But I don't know what you mean."

Hoffman: "Thank you very much, Mr. Speaker. I've concluded my questions."

Speaker Madigan: "Representative Virginia Frederick."

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

Speaker Madigan: "Sponsor indicate he will yield."

Frederick: "Representative, did you say that Dr. Love approves

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this proposal?"

Huff: "Yes, I did. I talked with her personally in Chicago."

Frederick: "And would you tell me, will this subdistrict... what are the geographical boundaries of this subdistrict, please?"

Huff: "I have no idea, because that will be determined by the Board of Education."

Frederick: "Okay. Can you tell me, will this district be allowed to levy taxes and issue bonds and tax anticipation warrants?"

Huff: "No, no."

Frederick: "No?"

Huff: "No."

Frederick: "And then what about the programs such as bilingual education and special ed which come under the aegis of the whole part..."

Huff: "That will still remain under the Board of Education's purview. We, you know, the legislators don't... didn't particularly want to involve special education and bilingual. However, I might add as an example that it's conceivable that as we progress, we may add bilingual because we have discovered that there's over a hundred different languages spoken in the... Chicago, not the least of which is the language of 'Mung' which is spoken by 20,000 Vietnamese who have recently come to Chicago."

Frederick: "Alright. Could you also tell me, will there be a referendum in the subdistrict for those people to decide if they wish to become semi-autonomous, or will this just be a... created by this legislation without any will of the people being sought?"

Huff: "Well, as a practical matter, Mrs. Frederick, yes, that's what will happen. The Board will designate among its own collective wisdom which district it wants to affect this

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change in."

Frederick: "Do you think that... This is sort of a prototype."

Huff: "Right."

Frederick: "And you think in the future that maybe the total city will be a group of small districts..."

Huff: "It's conceivable, yes."

Frederick: "Thank you."

Huff: "Thank you."

Speaker Madigan: "Where are we? Mr. Huff, to close."

Huff: "Thank you, Mr. Speaker. In closing, I'd just like to remind the Membership that the National Commission on Excellence in Education has sounded the alarm pointing to the deplorable state of education. This Amendment simply addresses itself to that admonition. We must achieve a more cost-effective system than what we have now and uppermost one that will teach basic education. Amendment #2 to House Bill 2278 is an attempt to move in that direction, and I solicit your 'aye' vote."

Speaker Madigan: "Mr. Huff having closed, the question is, 'Shall Amendment #2 to House Bill 2278 be adopted?' Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. House Bill 2279, Mr. Greiman. Gentleman indicates he does not wish to call his Bill. House Bill 2299, Mr. McPike. The Gentleman indicates he does not wish to call his Bill. House Bill 2321, Representative Topinka. Do you wish to call your Bill? Representative Topinka? Lady indicates she does not wish to call her Bill. House Bill 2323, Representative Braun. Is Representative Braun in the chamber? House Bill 2332, Mr. Bowman. Mr. Clerk, read the Bill."

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Clerk O'Brien: "House Bill 2332, "a Bill for an Act to amend Sections of the Illinois Public Aid Code. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Madigan: "Is there a Motion?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, Bowman, amends House Bill 2332 as amended by deleting all of Section 12-4.5 and so forth."

Speaker Madigan: "Mr. Bowman."

Bowman: "Thank you. Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2332 deals with the subject of the homeless. These are people who do not have a roof over their heads. They have either been evicted from their... their farms, their homes, or they... the single room occupancy hotels that they've been living in have been torn down, or they've been discharged from mental hospitals and they have no place to go, and they're on the street. The... We have seen a dramatic increase in the numbers of these people in recent years. Indeed, the United States Department of Housing and Urban Development just recently issued a report in which their best estimate of the homeless problem in Chicago alone is 20,000 persons. This is a statewide problem, however. We have had testimony before the House Appropriations Committee on this subject. We have had testimony before the House Human Services Committee on this subject. And there is general agreement that it is a statewide problem, and the Department of Public Aid should take action. Indeed, the Department of Public Aid is taking the first tentative step in this direction. The Bill provides that the Department shall deal with this problem. It is a... It is indeed, a mandate on the Department. It was an open-ended mandate, however,

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in its original form. The... A number of people expressed concern to me that we were opening the thing much too much, and I concur that we need to impose some kind of upper limit just to make sure that the state does not get into deep water on this subject. It is an emergency. If there is a program, we want to make sure that it is something that is kept within bounds. And so, this Amendment does that. This Amendment puts an upper limit on the program not to exceed ten million dollars, a paltry sum when you consider the Department is spending almost three billion dollars right now, and I urge its adoption."

Speaker Madigan: "Representative Topinka."

Topinka: "Yes, may I ask some questions of the Sponsor, please?"

Speaker Madigan: "The Sponsor indicates that he will yield."

Topinka: "Alright. Are you, with this Amendment, establishing another entitlement program?"

Bowman: "Not really, Representative Topinka. It is a direct... a clear and positive direction to the Department to do something. But it is normally understood entitlement programs are open-ended so that, such as Social Security or something of that nature, whereby, if a person meets certain requirements spelled out in the law, then they're entitled to receive certain income or certain services. And the amount expended is determined solely by the number of people that show up on the state's doorstep meeting these requirements. This Amendment, the whole purpose of the Amendment, in fact, is to put an upper limit so we won't be into the entitlement syndrome and so that they will be capped, it will be limited."

Topinka: "Alright. If I may ask further, how much does this cost did you say?"

Bowman: "Well, that... that... the absolute upper limit is ten million dollars of general revenue."

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Topinka: "Ten... How did you arrive at that figure, ten million dollars?"

Bowman: "Okay. It is... It isn't... a figure that is achieved by taking the Department of Housing and Urban Development's figure of homelessness in Chicago, assuming that Chicago - because that's the best hard estimate that we have - and then assuming that Chicago is about, oh, two-thirds of the problem statewide, and then figuring that to shelter someone for a night, according to testimony we heard in our Committee, is about a dollar and a half a night and multiplying it out to about seven months a year to... because the shelters are primarily open... most of the shelters are just open in the cold months, it comes out to about ten million dollars."

Topinka: "Where would the majority of these funds be used? Would that be in northern Illinois or specifically in Chicago?"

Bowman: "Well, presumably, the majority of the funds would be where the majority of the population is. However, it is indeed a statewide problem, and it is certainly my intention that this money be distributed equitably. I would point out that we had a meeting just recently involving social service agencies from all over the state. We had agencies from Franklin County. We had them from Knox County. We had them from the Quad Cities area, from Peoria, from Springfield, gathered together and all working on this legislation. So it is a statewide problem, and I would... I would implore the Department to distribute the money equitably."

Topinka: "Just from the standpoint. This... You find the problem exists in all counties in the State of Illinois, right?"

Bowman: "Oh, yes..."

Topinka: "And there would be some benefit from this Amendment to all counties in the State of Illinois?"

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Bowman: "Well, I hope so. I mean..."

Topinka: "You hope so, but, predominately, it would go to Chicago. Is that not correct?"

Bowman: "Well, the... the money would go where the homeless are, and the Director of the Department of Public Aid did testify in Committee - in fact, I believe he testified in Human Services - that... when the Human Services met jointly with the Appropriations Committee, that the problem was indeed statewide. In fact, somewhat, it's become more acute downstate recently, simply because the unemployment rates have risen so dramatically, and people have been kicked out of their homes."

Topinka: "Would this more or less make the state a kind of a Hyatt house or a Hilton type chain? I mean, do we become the landlords then, from the state and, ultimately have to administer a hostel type program throughout the state? Is this what this amounts to?"

Bowman: "Not... Not, not necess..."

Topinka: "I mean, complete with soap and washcloths and towels and changes of linen and, I mean, the whole ball of wax."

Bowman: "Well, Representative Topinka, I think you won't find any of those words mentioned in the Amendment or the Bill. Let me tell you how the situation is being handled right now. Grants are simply being made to local social service agencies so that they establish and run the shelters with state support. So the state, at the present time, is spending some money, but it's not run... it's not a landlord. It's not running the shelters themselves."

Topinka: "If I may ask you, does this, in any way, affect the 650,000 dollars that the City of Chicago currently has as a block grant to take care of this problem and, apparently, for which the monies have not been released because the city council is still bickering amongst itself, and can't

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decide how it wants to get rid of 650,000 dollars?"

Bowman: "I don't think this will affect that block grant."

Topinka: "It will not affect that. So that money is still sitting there in the City of Chicago. To effect, this program has not been used, but we're going to appropriate... or you're suggesting we might want to appropriate ten million dollars further."

Bowman: "Well, Representative Topinka, the... the block grant money that you refer to can be used for many, many purposes, and I think you're being rather presumptuous in suggesting that it will all be used for this one purpose."

Topinka: "Alright. And one other question. Would this indeed affect the current program that apparently volunteer agencies or private sector agencies have been putting out and, apparently, according to the Department of Public Aid, who did testify in those Committee hearings wherein I sat, suggested was working rather adequately in taking care of the problem, via the public sector? Would that affect that at all?"

Bowman: "Well, Representative Topinka, I don't know if we were at the same hearing, but we had these public... private sector agencies come in and testify very vividly as to the nature of the problem and their desire to help alleviate the problem but their inability to... to alleviate the problem to the... the maximum extent required, because that they... they just didn't have the necessary monies. I'd just point out to remind you that the testimony we heard that, at least within Chicago, was that there are something like 20,000 people homeless in Chicago and only 1000 beds. I mean, there is enormous need, demonstrated need that we heard testimony on."

Topinka: "Alright. If I may speak to the Bill now. We, as I said..."

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Speaker McPike: "Proceed."

Topinka: "Yes, if I may. I sat at at least one hearing on this wherein the Director of the Department of Public Aid dutifully noted that private sector initiatives were already in effect and working. I don't recall that justifications of figures given as to how many homeless were out there. No one could seem to come up with an adequate figure to describe that. I would oppose this Amendment because I think ten million dollars has... has just been pulled out of the air here, although it does provide a cap and might assuage my problems that this program originally was going to be established in an open-ended way. Ten million I don't know can be justified one way or another. It's just there. And I'd also kind of question as to whether or not the State of Illinois wants to get into the landlord business and, ultimately, become the next Conrad Hilton. I don't think we're equipped to do that. It's not our business to do that, but then we get into a lot of people's business. We were, you know, buckling people up in seatbelts yesterday on a mandatory basis. So if we can do that, I suppose we can run hotels, motels and homes for the homeless. We don't even know who the homeless are. Furthermore, after sitting at these hearings, the homeless were defined as anybody who needed a home, which can be me at any given time. If I stay down here too much longer in this House, I'm going to wind up homeless as well. And that way it could involve any one of us for 30 days, six months, two weeks. There is no limit as to who is homeless, when they're homeless or how long this is going to go on. I think it's a very ill-advised program. Private initiatives are going on, and I would oppose this Amendment."

Speaker McPike: "Representative McPike in the Chair. Gentleman

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from Sangamon, Representative Curran. Representative Mike Curran."

Curran: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of this Amendment. I would like the Members of this chamber to understand if you do not from your own districts because perhaps there's some affluence there, that even in a district such as my own which you are all sitting or standing in, where there is fairly low unemployment, there is still quite of bit of homelessness. This is not some kind of a Motion which would send... vast dollars to Chicago alone. This is a Motion which will take care of people in your districts and in my districts and in districts all around the state, and it's a Motion which is needed. And I ask you for an 'aye' vote. I think it's a good idea. I think we got to do it."

Speaker McPike: "Gentleman from Franklin, Representative Bea."

Rea: "Thank you, Mr. Speaker and Members of the House. It is true that this is a statewide problem. I rise in support of this Amendment. It's a problem in my area. I have seen it increase in the last few months and especially with the high unemployment and the... and more economically deprived. It's a problem that we need to deal with. It's not just for Chicago. It's for all of the state, and I feel that it's time that we take action on it. And we do need to move it during this Session of the General Assembly. So I would ask for an 'aye' vote."

Speaker McPike: "Gentleman from DeWitt, Representative Vinson."

Vinson: "Mr. Speaker, Ladies and Gentlemen of the Assembly, I believe a substantial number of questions regarding the wisdom of engaging in this program have been raised by other speakers, and I do not intend to address that particular aspect of the... of the proposed new and highly expensive program the Gentleman proposes. What I would

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call into question is the structure of the program that he's proposing. I believe some Members will recall that a few years back we had a dual program of public aid in the state. There was a State Public Aid Department, and there were local public aid departments, particularly in Cook County - there was a Cook County department. This Legislature, at substantial cost, chose to abolish the Cook County department. And transfer its functions to the State Department because a dual system of public aid just didn't work very well because the costs were higher and the administration was inferior. Now, Mr. Speaker and Members of the Assembly, the Gentleman comes to us with a program to recreate a dual program for one particular aspect of public aid. And I would suggest that that's a mistake. It takes away from that... from that thrust that the Assembly has chosen to take in abolishing a dual program. It would fragment the effort. It would lead to substantial confusion among the agencies involved, and I believe that we ought not engage in that kind of effort. If the Gentleman sincerely believes that this is a good program, then at least we ought to concentrate the thrust in one agency that has total responsibility for the thing, so we can hold someone accountable. It's very bad to have a situation where agencies are responsible for program delivery and the effort's fragmented, and you can't hold one person accountable. And we now have in the Department of Public Aid, a proven administrator, an administrator who took one program which was in very bad shape and did a superb job of bringing it to the position where it's one of the finest departments in the country. I believe he can do that with the Department of Public Aid as well, but I don't believe he can do that if we were to insist, here in the Assembly, on fragmenting the efforts, on dividing the

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responsibility and not on holding him accountable for administering the Department. So for those reasons, for those administrative reasons and for those reasons of accountability in government, I would urge a 'no' vote on the Amendment and request a Roll Call, Mr. Speaker."

Speaker McPike: "Gentleman from Cook to close, Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I was listening very carefully to the last speaker, but I don't understand a word he said. It was all bureaucratic mumbo jumbo, and I think it's really a tragedy when Legislators start sounding like bureaucrats. It seems to me what we're hearing is an echo from Washington, D.C. - saying that there is no problem of the homeless. And let me tell you that I have here a New York Times article which is headlined, 'Homeless in the United States put at 250,000 - far less than previous estimates'. And the Reagan administration is trying to make us believe that the problem is... is going away, it's disappearing. But let me tell you, the very same Reagan report shows that the homeless in Chicago is 20,000 people, Ladies and Gentlemen. According to the Reagan administration, 20,000 people are homeless in Chicago, and we know, because of testimony, there are only a thousand beds available to the homeless in Chicago. We've heard speakers on this floor from Franklin County and from Sangamon County say that it is a statewide problem. We do need to do something about it. Now, let me tell you what the administration is doing about it. The administration is taking the first tentative step. There is some money being spent. However, the Governor appeared before the United Way breakfast in Chicago, speaking to 800 social service providers, and he said that the state would do more in this upcoming fiscal year. He said that the

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state would do more in the upcoming fiscal year and yet; the budget that he introduced to the General Assembly does not do more. What my Bill would do would be to require the Department to live up to the promise of the Governor, and it would. It is a responsible measure because it does put a limit. It does set an upper limit, a cap, if you will, so we know that this program cannot get out of hand. We need to meet the problem now head on, and I urge an 'aye' vote."

Speaker McPike: "Gentleman has moved for the adoption of Amendment #2. Question is, 'Shall Amendment #2 be adopted?' All those in favor signify by voting 'aye', opposed vote 'no'. Representative Currie, did you get your switch turned on? Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Amendment there are 57 'ayes', 50 'nos'. Gentleman from DeWitt, Representative Vinson."

Vinson: "I think this is a good one to start the day verifying on."

Speaker McPike: "Gentleman asks for a verification. Representative Bowman requests a Poll of the Absentees, Mr. Clerk."

Clerk O'Brien: "Poll of the Absentees. Farnes. Cullerton."

Speaker McPike: "Excuse me, Mr. Clerk. Could Representative Jesse White have leave to be verified? Proceed."

Clerk O'Brien: "Hastert. Mautino. Oblinger. Richmond. Ryder. Taylor. Vitek and Zwick."

Speaker McPike: "Poll the affirmative. Representative Preston. Leave to be verified. Okay."

Clerk O'Brien: "Poll of the Affirmative. Alexander. Berrios. Bowman. Braun. Breslin. Brookins. Brunsvold. Bullock. Capparelli. Christensen. Curran. Currie. DeJaegher. DiPrima. Domico. John Dunn. Farley. Giglio. Giorgi.

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Grieman. Hannig. Homer. Huff. Jaffe. Keane. Krska.
Kulas. Laurino. LeFlore. Levin. Markette. Marzuki.
Matijevich. McGann. McPike. Nash. Panayotovich.
Pierce. Preston. Rea. Rhem. Rice. Ronan. Saltsman.
Satterthwaite. Shaw. Slape. Steczko. Stuffle. Terzich.
Turner. Van Duynes. White. Wolf. Younge. McNamara and
Mr. Speaker."

Speaker McPike: "Representative Giglio."

Giglio: "Mr. Speaker, could I be verified?"

Speaker McPike: "Okay. Representative Vinson."

Vinson: "Am I right, Mr. Speaker, that we're starting at 57?"

Speaker McPike: "That's correct."

Vinson: "Representative Braun."

Speaker McPike: "Excuse me. Representative Richmond 'aye'."

Vinson: "Representative Braun."

Speaker McPike: "Representative Braun in the chamber? Remove her
from the Roll Call."

Vinson: "Mr. Christensen."

Speaker McPike: "Representative Christensen. Remove
Representative Christensen from the Roll Call."

Vinson: "Mr. Doyle."

Speaker McPike: "Mr. Doyle is in his chair."

Vinson: "Mr. Domico."

Speaker McPike: "Representative Domico. Remove him from the Roll
Call."

Vinson: "Mr. Farley."

Speaker McPike: "Excuse me. Representative Ronan. Leave to be
verified. Representative Farley. Is the Gentleman in the
chambers? Remove him from the Roll Call."

Vinson: "Mr. Keane."

Speaker McPike: "Representative Keane. Right here."

Vinson: "Representative Krska."

Speaker McPike: "Representative Krska. Is the Gentleman in the

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chambers? Remove him from the Roll Call, Mr. Clerk."

Vinson: "Mr. Marzuki."

Speaker McPike: "Representative Marzuki is in his chair."

Vinson: "Mr. Laurino."

Speaker McPike: "Representative Laurino. Is the Gentleman in the chambers? Remove him from the Roll Call."

Vinson: "Mr. Matijevich."

Speaker McPike: "He is in his chair."

Vinson: "Representative Nash."

Speaker McPike: "Representative Nash. Is the Gentleman in the chamber? Remove Representative Nash."

Vinson: "Mr..."

Speaker McPike: "Representative Braun has returned. Return Representative Braun to the Roll Call."

Vinson: "Mr. Fanayotovich."

Speaker McPike: "He's in his chair."

Vinson: "Representative Pierce."

Speaker McPike: "Representative Pierce. Gentleman is not in the chamber. Remove him from the Roll Call."

Vinson: "Mr. Shaw."

Speaker McPike: "He's in his chair."

Vinson: "Representative Terzich."

Speaker McPike: "Pardon me?"

Vinson: "Mr. Terzich."

Speaker McPike: "He's in his chair."

Vinson: "Representative Van Duyne."

Speaker McPike: "Representative Van Duyne. Gentleman is not in the chamber. Remove him from the Roll Call."

Vinson: "Mr. Giorgi."

Speaker McPike: "Representative Giorgi. Representative Giorgi in the chamber? Here he is."

Vinson: "Mr. Stuffle."

Speaker McPike: "Representative Stuffle. Representative Stuffle

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in the chamber? Remove him from the Roll Call."

Vinson: "No..."

Speaker McPike: "Representative Farley has returned. Return him to the Roll Call."

Vinson: "No further questions."

Speaker McPike: "What's the count, Mr. Clerk? There are 50 'ayes', 50 'nos', and this Amendment, having failed... Representative Bowman."

Bowman: "Before I ask to verify the negative, I thought maybe some people might want to change their vote, but I would like to verify the negative."

Speaker McPike: "Gentleman asks for a verification of the negative."

Bowman: "Representative Woodyard."

Speaker McPike: "Mr. Clerk, read the negative. Representative Davis asks leave to be verified. One at a time. Representative Piel asks leave to be verified. Representative Hoffman asks leave to be verified. Representative Bowman."

Bowman: "Why don't we begin by reading the negatives? Maybe that would expedite things since there seems to be a mass exodus on the other side of the aisle, and then people would just ask leave at that time."

Speaker McPike: "Representative McMaster asks leave to be verified. Representative Winchester asks leave to be verified. Representative Dunn asks leave to be verified. Anyone else? Representative Churchill, did you want leave to be verified? Representative Countryman, leave to be verified. Representative Mulcahey wants leave to be verified. Representative Wait asks leave to be verified? Is there anyone else? Representative Bowman. Now, we have those... we have those people listed, Representative Bowman."

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Bowman: "Mr. Speaker, would you please recognize Representative Pangle?"

Speaker McPike: "Representative Pangle 'aye'."

Bowman: "Now we don't need to verify."

Speaker McPike: "What is the count, Mr. Clerk? Representative Vinson."

Vinson: "He is now withdrawing the verification, is that correct?"

Speaker McPike: "Not yet. I've asked for the count. On this Amendment there are 51 'ayes', 49 'nos'. This Amendment, having received a... Representative Tate. We have not verified the negative, Representative Vinson. There are 51 'ayes', 49 'nos', and this Amendment, having received the Majority, is hereby adopted. Further Amendments?"

Clerk O'Brien: "Amendment #3, Topinka."

Speaker McPike: "Representative Topinka."

Topinka: "Would like permission, please, to withdraw Amendment #3."

Speaker McPike: "The Lady withdraws Amendment #3. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Topinka."

Speaker McPike: "Representative Topinka."

Topinka: "Amendment #4 basically removes the entitlement nature of this program. Although there is a cap, it does have an aura of the entitlement nature there. It also removes the regulatory nature of the Bill which, in its original form, went to the Department of Public Health. It does have the support of the Department of Public Health and the support of the Coalition on the Homeless, Travelers' Aid, the Center for Street People, the Jewish Federation and United Way. All of these people have been working on this particular Amendment so that it would be in an agreeable form, so it would take care of the problem of the homeless

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as it exists, and not as it is inflated to be. It respects the authority of local authority in establishing standards, zoning and planning. So for all the people that like to look toward their municipalities, including the City of Chicago, any... anything other than this is going to cause massive zoning problems. It respects the importance of local service providers and creates a means for the state to assist local entities in meeting the needs of their communities. That is the Amendment."

Speaker McPike: "The Lady has moved for the adoption of Amendment #4. And on that, the Gentleman from Cook, Representative Bowman."

Bowman: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I believe the Lady has... First of all, she's offered an Amendment that guts the Bill. The Amendment deletes the Amendment we just got through voting on and so, if you voted for that one, you should vote against this one. But in addition, I would like to take issue with her when she says the Amendment is supported by all the groups that she indicated. First of all, she doesn't know which Department is involved in this. She keeps talking about Public Health, and it's the Department of Public Aid. So, I think, first of all, she ought to be aware of who's doing what in State Government and what her own Amendment does. But, second of all, she misrepresents the various groups that are supporting that Amendment. The Amendment that she is referring to was a draft that was proposed by the Department that was not ratified by all of those... those groups. And so what she's really trying to do is to foist onto us an Amendment which was simply a draft that the Department likes. So, here we... here we go again. The Department of Public Aid is sort of throwing its weight around, and I'm sorry to see the Lady is misrepresenting

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the groups that are supporting this. It guts the Bill. I urge rejection of the Amendment."

Speaker McPike: "Further discussion? Being none, the Lady from Cook to close, Representative Topinka."

Topinka: "My closing is that I stand firm behind the explanation that I gave of Amendment #4."

Speaker McPike: "The Lady has moved for the adoption of Amendment #4. All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Amendment there are 44 'ayes' and 52 'nocs', and the Amendment fails. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "There has been a request for a fiscal note as amended. The Bill will remain on Second Reading. Representative Bowman."

Bowman: "Speaker, the Bill, as amended, imposes a cap on this program. And so the maximum potential fiscal impact of the legislation is contained within the legislation. And I suggest that the Fiscal Note Act does not apply and would move to... to that effect."

Speaker McPike: "The Gentleman has moved that no fiscal note is necessary on this Bill. That Motion will take a majority of those voting on the question. And on that, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Well, Mr. Speaker, I would respectfully suggest to the Body that the Gentleman's absolutely wrong, that we ought to know what the actual cost of this legislation is going to be. We're not up against any deadlines. We can take the time to get a fiscal note and have all next week to ponder the dangerous impact of this legislation, and I would urge a 'no' vote on this and reserve a verification."

Speaker McPike: "The Gentleman from Cook to close on this

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Motion."

Bowman: "Well, Mr. Speaker, the whole point of the Amendment that we voted on and put on the Bill was to impose an upper limit on the cost of the legislation. So, the maximum possible fiscal impact is contained within the four corners of the Bill. And so the Note Act, in my opinion, simply does not apply. Besides, the Gentleman says we're not up against a deadline. Well, the Department of Public Aid is the one that has to supply the fiscal note, and you know how fast the Department of Public Aid moves. I'm sure every one of us has had people go into the public... Department of Public Aid and apply for something, and it's taken them months, years to be... to have their paperwork processed. I mean, it will take 1986 before we get a fiscal note on this thing. I urge an 'aye' vote."

Speaker McPike: "Gentleman has moved that the Fiscal Note Act is not applicable. All those in favor of the Motion signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 64 'ayes', 44 'nos'. Do you wish to verify? On this question there are 64 'ayes', 44 'nos', and the Motion carries. Third Reading. House Bill 2334, out of the record. House Bill 2350. Out of the record. House Bill 2386, Representative DiPrima. Out of the record. House Bill 2401, Representative Vinson. 2401. Out of the record. House Bill 2424, Representative Nash. Out of the record. House Bill 2443, Representative Woodyard. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2443, a Bill for an Act to amend Sections of the Illinois Pension Code. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

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Speaker McPike: "Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Yes, there is a pension note requested on this and none has been filed. So, none filed and so it remains on Second Reading. Representative... House Bill 2545, Representative Laurino. Gentleman in the chamber? Out of the record. House Bill 2671, Representative Graiman. Out of the record. House Bill 2674, out of the record. House Bill 2713, Representative Giorgi. Representative Giorgi in the chamber? Do you want to call your Bill, Representative Giorgi? Yes. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2713, a Bill for an Act to amend Sections and to add Sections to the Metropolitan Civic..."

Speaker McPike: "Take this Bill out of the record at the request of the Sponsor. House Bill 2726, Representative Preston. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2726, a Bill for an Act in relation to local criminal correction systems. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, Preston, amends House Bill 2726..."

Speaker McPike: "Representative Preston, Amendment #2."

Preston: "Thank you, Mr. Speaker. Amendment 2 is a very short Amendment that just clarifies the language of the Bill. It makes no substantive change at all. It's all of four lines long."

Speaker McPike: "The Gentleman has moved for the adoption of Amendment #2. Being no discussion, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the

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Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 2743, Representative Richmond. Out of the record. House Bill 2747, Representative McAuliffe. Gentleman on the floor? Out of the record. House Bill 2762, Representative Mautino. Out of the record. House Bill 2763, Representative Cullerton. Out of the record. House Bill 2812, Representative Hoffman. Gene Hoffman. Gene Hoffman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2812, a Bill for an Act to amend Sections of an Act in relation to county zoning. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, Hoffman..."

Speaker McPike: "The Gentleman from DuPage, Representative Hoffman, Amendment #1."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As the Bill went out of Committee, there was some concern about whether the language was specific. And so Amendment #1 is the language that has been agreed upon between the County Board in DuPage County and the public utilities that run through... utilize the right-of-ways through DuPage County. And I'd move for the adoption of the Committee Amendment #1."

Speaker McPike: "Gentleman moves for the adoption of Amendment #1. There being no discussion, the question is, 'Shall Amendment #1 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Hastert, amends House Bill..."

Speaker McPike: "Representative... Representative Hoffman, on

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Amendment #2."

Hoffman: "Thank you very much, Mr. Speaker. Representative Hastert, as you know, is an excused absence today, and I will handle the Amendment. In the... What this does, it adds the regulation of bath houses in unincorporated areas in the county. Will County has a particular problem with bath houses being used for purposes for which they would rather they would not be used and would like to add this terminology language. I have no opposition and urge the adoption of Amendment #2."

Speaker McPike: "Gentleman moves for the adoption of Amendment #2. Being no discussion, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Hoffman, amends..."

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

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #3 addresses the issue of... of water, particularly Lake Michigan water and coming out to DuPage County. And what this provides is that county boards can issue refunding bonds for the purpose of paying, refunding or redeeming revenue bonds which have been issued to pay for the construction, acquisition or purchases of waterworks property and/or sewer facilities. It also allows that revenue bonds issued for this purpose can be redeemed without the approval of the bond holder and amends the interest rate provisions to conform with existing authorized rates. And I would move for the adoption of Amendment #3."

Speaker McPike; "Gentleman moves for the adoption of Amendment #3. Being no discussion, the question is, 'Shall Amendment #3 be adopted?' All those in favor signify by saying

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'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 2906, out of the record. House Bill 2951, Representative Steczo. Out of the record. House Bill 2987, Representative Steczo. Out of the record. House Bill 2997, Representative Preston. Out of the record. House Bill 3038, Representative Barnes. Out of the record. House Bill 3041, Representative Keane. Representative Jim Keane? Out of the record. House Bill 3060, Representative Marzuki. Out of the record. House Bill 3062, Representative Ewing or Representative Woodyard. Out of the record. House Bill 3073, out of the record. House Bill 3083, Representative Vinson. Representative Vinson? Out of the record. House Bill 3085, Representative Vinson. Out of the record. House Bill 3100, Representative Tate. 3100. Out of the record. 3108, out of the record. House Bill 3130, Representative Giorgi. Out of the record. House Bill 3138, Representative Currie. Out of the record. House Bill 3146, Representative Kirkland. Out of the record. House Bill 3162, Representative Bullock. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3162, a Bill for an Act to amend the Illinois Public Aid Code. It's been read a second time previously. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1, Vinson, amends House Bill 3162..."

Speaker McPike: "Representative Vinson, Amendment #1. Representative Hoffman."

Hoffman: "Yes, Mr. Speaker, Representative Vinson will be right back. I wonder if the Sponsor would hold the Bill until he gets back on the floor, and then we'll come right back to

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it."

Speaker McPike: "Can we take this Bill out of the record for a few minutes and then return to it? Representative Bullock."

Bullock: "Well, Mr. Speaker, I want to accommodate you and the real Speaker, but let me just... Okay, because we had this Bill up once before. The Amendment wasn't printed..."

Speaker McPike: "Alright. He has returned. Representative Vinson, on Amendment #1."

Vinson: "Yes, Mr. Speaker, we really, in fact, substantially debated this issue previously, as Mr. Bullock did appropriately indicate, in regard to his Motion to table Amendment #1 which failed. And I would suggest that that indicates the clear intention of the Body that they want to adopt Amendment #1 to this Bill. Now, what the Bill does prior to Amendment #1 is to provide Lottery funds for public aid purposes, and I have suggested to the Body that there is, in fact, a very substantial competition between public aid and education at the state funding level. Either we put money into public aid, or we put money into education. In the past decade, we have been putting more and more money into public aid and we've been shorting education. And I believe that those results constantly lead in a vicious circle; because if you don't educate people appropriately, then ultimately they will end up on public aid, and you're going to constantly have to increase public aid funding. What this Amendment does is to put the money into education, put the money into the Common School Fund and to say that we're going to cut the poverty cycle, that we're going to begin educating people, that we're going to begin training people for jobs. That's the reason for the Amendment, and I would urge the adoption of Amendment #1 which would put the Lottery money into the Common School

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Fund."

Speaker McPike: "Representative Vinson has moved for the adoption of Amendment #1. Gentleman from Cook, Representative Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Gentleman yield for a question?"

Speaker McPike: "Yes, indicates he will."

Bullock: "Representative Vinson, do you have any legislation before this House dealing with the subject of Lottery?"

Vinson: "Yes. There are three Bills on Second Reading that deal with the Lottery, House Bills 3083, '84 and '85, that deal with administrative details of the Lottery."

Bullock: "So the presumption would be that you have pending legislation before the Body dealing with the Lottery that would appropriately accommodate your suggested Amendment."

Vinson: "I suppose it could. I kind of thought your Bill was a better Bill for the purpose."

Bullock: "Well, I appreciate the comment... the compliment, Representative Vinson, but I think, Ladies and Gentlemen of the House, it's clear that the intent of the Gentleman from DeWitt at this point is not constructive, but destructive. The intent also is to obfuscate the real issue that we are dealing with in this particular piece of legislation. The subject matter is that of a cost of living increase for public aid recipients. The content of the Bill would, in fact, allow for a portion of the Lottery proceeds to be used for that purpose. Representative Vinson's Amendment #1, if adopted, would, for all intent and purpose, scuttle the Bill by forcing Lottery receipts to be placed in the Common School Fund. I think, if you check the record of Mr. Vinson's vote in the last Session when Representative Pangle had such legislation, you'd probably find that Representative Vinson didn't vote for that proposition.

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So, Representative Vinson, I think, in all fairness, that you're not being fair to this chamber, and you usually are quite conscientious in your efforts to be constructive. Your intent here is strictly to be destructive and to punish the poor and to hurt the people in this state who need the most help. Mr. Speaker and Ladies and Gentlemen of the House, when the Lottery Law was passed in Illinois, the last words of the enabling legislation said, and I quote, 'For other human needs'. Representative Vinson knows what other human needs is. Every Member of his side of the aisle understand human need. And Representative Vinson, you know the Governor vetoed legislation that had your proposition in the last Session. And if your Amendment goes on the Bill, you probably know that if we pass it, the Governor's going to veto it again. So why don't you give us all a break? Why don't you admit that your being negative and destructive with this Amendment? Withdraw it and support those people, who I am sure in your heart, that you feel for very dearly. I urge a 'no' vote on Amendment #1, and I'm certain that Representative Vinson is not serious."

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

Leverenz: "Will the Sponsor yield?"

Speaker McPike: "Yes, he will."

Leverenz: "It puts... The Amendment would put all the money into the Common School Fund that is drained off the Lottery?"

Vinson: "I'm sorry, Representative, I did not... I did not hear the question?"

Leverenz: "Can you simply state the intent of the Amendment again?"

Vinson: "The intent of the Amendment is to put the Lottery proceeds into the Common School Fund. So that we can

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better fund education in the State of Illinois."

Leverenz: "That would line up with what those great salesmen of the early seventies said was going to be the intent of the Lottery to begin with?"

Vinson: "Yes, Sir."

Leverenz: "And that this House did pass a Bill last year doing the same thing?"

Vinson: "Yes, Sir."

Leverenz: "And maybe last year was a good idea before its time?"

Vinson: "Yes, Sir."

Leverenz: "Then I agree that now might be the appropriate time, and this might be the appropriate Bill. Thank you."

Vinson: "Yes, Sir."

Speaker McPike: "Representative Vinson, to close."

Vinson: "Well, Mr. Speaker, I don't ever want to be insensitive to the needs of the poor, and I certainly don't ever want to be destructive to anything in this chamber. The needs of the poor are to be educated so that they can become rich. That's the purpose of the American experiment, and that's what this Bill will help do. Now, just as I changed my mind, I can hope the Governor will change his mind, and we can make Representative Bullock's Bill the vehicle to fund education in the State of Illinois more appropriately. And as Representative Leverenz did eloquently suggest, in fact, effectuate the intent of those who initially passed the Lottery. And for that reason, I would move for the adoption of Amendment #1 to House Bill 3162."

Speaker McPike: "Representative Braun."

Braun: "Thank you, Mr. Speaker, I have a parliamentary inquiry."

Speaker McPike: "State your inquiry."

Braun: "My inquiry is this Amendment... The Bill amends the Public Aid Code and relates to the public aid cost of living. This Amendment as I read only amends the Illinois

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Lottery Law, and I want to know whether or not that violates the single subject requirement?"

Speaker McPike: "The Parliamentarian will look at the Bill, and on that point, Representative Vinson."

Vinson: "Yes, Mr. Speaker, I would submit for the Parliamentarian's consideration the fact that the Bill does also amend the Illinois Lottery Law, states that in the title. I would also point out that what the Bill, the subject of the Bill is, is what we should do. The Bill directs the expenditure, the deposit, of Lottery proceeds, and that is, in fact, what the Amendment does. It directs the way in which Lottery proceeds are to be handled, and for that reason it's certainly germane and is certainly a single subject."

Speaker McPike: "Representative Braun, the Amendment is germane. It does not violate the single subject. Representative Vinson, has closed. The question is 'Shall Amendment #1 be adopted?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Representative Dunn, to explain his vote."

Dunn, J.: "Mr. Speaker, Ladies and Gentlemen of the House. I think we ought to just call this Amendment what it is - a thinly veiled attempt to disguise the administration's efforts to shortchange education. You can talk all day and all night and fool some of the public about putting educational funds in the Lottery... Lottery funds in the educational fund, but we know that's just a wash. The bottom line is how much are you going to spend to fund elementary and secondary education? We ought to be addressing that problem and not playing games and not using mirrors. And this is just part of a dodge them approach, and I think this Amendment ought to be soundly defeated."

Speaker McPike: "Representative Pangle, to explain his vote."

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Pangle: "Thank you, Mr. Speaker, I would like to ask Representative Vinson that if this Amendment should fail if he would join me on my House Bill which has over twenty-five Cosponsors, which is on Third Reading. I would like to ask for him to join me as a Cosponsor on the original Bill that went through Committee, went through Second Reading is now on Third Reading."

Speaker McPike: "Representative Hoffman, to explain his vote."

Hoffman: "Yes, Mr. Speaker, I would like to give a directive to you. I would appreciate it very much if you would remove the person who's masquerading as a Doorkeeper in Mr. Dunn's seat."

Speaker McPike: "Representative Braun, to explain her vote."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think we ought to be real honest about this Amendment. The concept of having the Lottery monies going to the schools is a good one as far as I'm concerned, and Representative Pangle, for your information, I voted for that concept, for that legislation and will vote for it again. The point is this Amendment is not intended to do that, this Amendment is a thinly veiled attempt to tube another important human issue in this state, which has to do with the interest and needs of poor people. We have an administration which has consistently under-funded and failed to subsidize the needs of poor people, who have failed to subsidize the needs of students in this state, and to have Democrats supporting this kind of an attempt to botch up this clean Bill, it seems to me is inappropriate. I would ask all of the colleagues on this side of the aisle, particularly, not to fall prey to what is a very obvious ploy by the Sponsor of this Amendment, to kill what would otherwise be a Bill...an important Bill on another subject all together. We will have an opportunity to deal

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with the school funding, and I think you know that - everybody here - that I have been an outspoken proponent for adequate funding for all the schools in Illinois. But to take the interest of the poor and to make this Bill unpassable in its present form, it seems to me to be a travesty that I would hope that no one, particularly on this side of the aisle, would fall prey to. So I would ask for some additional red votes on this Amendment."

Speaker McPike: "Representative Marzuki, to explain his vote. One minute."

Marzuki: "I will, of course, support the Bill which Representative Fangle has put before the House to earmark the Lottery funds for education, as I have in the past, in fact, I think I'm a Cosponsor. And the reason I oppose this Amendment is because it is in the wrong place, and the support for this Amendment should be transferred to support for that Bill."

Speaker McPike: "Have all voted who wish? Clerk will take the record. On this Amendment, there are 67 'ayes', 41 'nos'. The Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "The Sponsor requests that the Bill be kept on the Order of Second Reading. House Bill 3174, Representative Homer. Out of the record. House Bill 3177, Representative Keane. Out of the record. House Bill 3193, Representative Currie. Out of the record. 3194. Out of the record. 3195. Out of the record. House Bill 3218, Representative Greiman. Out of the record. House Bill 3221, Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3221, a Bill for an Act to amend the Unemployment Insurance Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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Clerk Leone: "Floor Amendment #1, Hoffman, amends House Bill 3221."

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

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 was suggested to the Bureau of Employment Securities by the Comptroller's Office. It's technical in nature. It clarifies that the funding for the two locally established accounts for the administration of the Wind Program shall come from appropriations made by the Illinois Department of Public Aid. The language of this Amendment, as was true with the Bill in its total, was suggested to the Bureau by the Comptroller's Office, and I would move for the adoption of Amendment #1."

Speaker McPike: "The Gentleman has moved for the adoption of Amendment #1. And on that, Representative Greiman."

Greiman: "I wonder if Mr. Hoffman could tell us whether this has been agreed by to by the various parties that have...have met? It's our understanding that they have not all signed off on it. That's what we're..."

Hoffman: "Well, it's my understanding that they have. If they haven't, I will be perfectly happy to..."

Greiman: Well, hold the Bill."

Hoffman: "Could we hold the Bill until we find that out?"

Greiman: "Sure, absolutely."

Hoffman: "Thank you."

Speaker McPike: "Take the Bill out of the record. House Bill 3229, Representative Bullock. Out of the record. House Bill 3231, Representative Cullerton. Out of the record. House Bill 3253, Representative Braun. Out of the record. On page sixteen of the Calendar, House Bills Third Reading next Bill. House Bill 2818, Representative Ropp. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2818, a Bill for an Act to amend the

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Boiler and Pressure Vessel Safety Act. Third Reading of the Bill."

Speaker McPike: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. House Bill 2818 attempts to correct a situation in which last year we passed a Bill that said that traction engine boilers shall be inspected every other year and all other boilers. The term that was added on in the Senate 'and all other' has caused some problems with the State Fire Marshal, and we're taking those three words out of this Bill. And I urge your support of this Amendment or this Bill."

Speaker McPike: "The Gentleman has moved for the passage of House Bill 2818. Is there any discussion? Being none, the question is 'Shall House Bill 2818 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 105 'ayes', no 'nays', none voting 'present'. House Bill 2818, having received the Constitutional Majority, is hereby declared passed. House Bill 2827, Representative Levin. Read the Bill, Mr. Clerk. Representative Jaffe, for what reason do you rise? Representative... Representative Jaffe, are you seeking recognition? Representative Mulcahey, are you seeking recognition? Your light is flashing on. Representative Levin. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2827, a Bill for an Act to amend the Public Aid Code, the Criminal Code, the Illinois Marriage and Dissolution of Marriage Act and the Uniform Child Custody Jurisdiction Act. Third Reading of the Bill."

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

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I will open on this Bill, and my hyphenated Joint

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Chief Sponsor, Representative Topinka, will close. House Bill 2827 deals with the problem of parental child snatching. This is a problem which I think has gotten a great deal of public focus not only nationally, but in our own state. It is estimated that every year there are approximately five thousand children in the state of Illinois who are abducted in this fashion, and the tragedy is the effect on the child. The terrible consequences of this kind of experience. We have laws at the present time which are unfortunately somewhat deficient, and what this legislation does is to attempt to deal with some of the loopholes, some of the problems that have made it difficult for law enforcement officials and the custodial parent to overcome this problem, to find the child, to deal with this tragic situation. Under the current law, for example, the police are required to wait seventy-two hours after they receive a report of an abduction before they can begin to investigate. The current law covers only violations of the...of custody orders. It doesn't cover violations of joint custody orders, other court orders or situations involving paternity - where paternity has not been established. It also... We also are currently not a part of the Federal Parent Locator Service. This legislation attempts to sensitively plug some of these loopholes, to strengthen our law on this subject, to make it more effective in terms of dealing with this tragic problem. It clarifies the offense of child abduction. So that violations of not only sole, but joint custody orders are covered. So that violations of other orders are covered. So that, if a spouse of an impunitive child who has not been adjudicated to be the father, absconds with the child, that is a violation. It narrows the definitions in the current law so that there is no...would be no requirement

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for the police to wait seventy-two hours before they can begin to investigate. And ironically, under the current law, if the police find the child, they cannot give the child back. You know, if the police find a missing truck, as we heard yesterday, they can return that truck to its rightful owner. This legislation clarifies that point so that a child can be returned. And finally, this legislation would hook us into the Federal Parent Locator Service pursuant to the rules and regulations required for access by the Federal Government, which means that it has to come through a law enforcement agency. The legislation passed out of Committee on an eleven to nothing vote, and I think it's an excellent Bill. There are very few Bills that I think are as exciting - that deal with such an important issue as this, and I urge your support of this legislation."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 2827. On that the Gentleman from Cook, Representative Jaffe."

Jaffe: "Representative Levin, as you know I have some real problems with this Bill, for tworeascns. One deals with the Parent Locator Service. I think to someextent that that Parent Locator Service, you know, invades privacy, and I think you keep a list of a lot of things in that particular service that are not really relevant nor should you keep. Would you go into what the Parent Locator Service actually is?"

Levin: "Yes, we are currently a participant in the Federal Parent Locator Service with respect to child support involving public aid. What the Parent Locator Service is is a mechanism, it's a computer hookup whereby law enforcement agencies would have access to federal information, for example, social security payments, unemployment payments.

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In order to be able to track down the location of a parent who has absconded with a child, the Department of Public Aid has indicated to me that it is their intention, even without this legislation, to hook us into that system as of July 1. What this Bill does is make clear that only a persons authorized under the federal rules and regulations may, in fact, hook into that system. So as far as the concern you may have, this legislation, I think actually provides greater protections because it makes clear that only those who are authorized under the federal rules and regulations may enter into that service. It is a long time coming, and I'm pleased that we are getting...becoming a part of it. This is something which is an important tool in finding the missing child, and it's..."

Jaffe: "If I could just cut you off because I would really like to get an answer to my question, not a filibuster. I think that basically there are more things that go with Parent Locater Service than that. For instance, if an individual just wants to write a letter to a state's attorney or something else to that effect, that goes into the Parent Locater Service does it not?"

Levin: "No, the purpose of the Parent Locater Service provides access to various computer records of the Federal Government. Whereby, there are payments being made and this type of thing where you can attempt to trace the location of the parent. It doesn't deal with letters. It deals with records, and the intention is to be able to use this information in order to identify where the parent has fled to."

Jaffe: "Well, let me ask you a question. I don't think that your answers are correct, but let me ask you this question. If..."

Levin: "There is a separate provision, Representative, on...which

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deals with registry of out-of-state judgements. That has nothing to do with the Parent Locator Service. That is under the Uniform of Child Custody Act. Is that what your talking about?"

Jaffe: "No, let me...even assuming that your definition is correct, which I don't think it is. If you have a situation... You know what your doing is your giving law enforcement agencies now the right to check into almost any record. You know you say social security numbers, et cetera, et cetera, of anyone. They really don't have to be convicted of a crime or anything. All there has to be is a allegation. Is that correct?"

Levin: "Okay. The...this would come up in a situation where there has been a complaint filed in terms of a...an abduction of a child under the specific terms of this legislation..."

Jaffe: "But there is a complaint filed, but there is no adjudication that anybody is guilty of anything."

Levin: "That's correct. That's generally true when..."

Jaffe: "Well, that's the point that I'm trying to make - is that you have a situation over here where someone is not guilty of anything at all, and there is a complaint filed which may or may not be valid. And all of a sudden at the Parent Locator System goes into effect, and people can be traced all over. Let me ask you another question concerning this Bill. And that deals with the Bill defines the child as a person under the age of eighteen and provides that the crime is committed, which is a Class 4 Felony, if the person commits the crime of child abduction. If a person intentionally conceals or detains or removes a child in the violation of a court order. There really is no defense in your Bill with regard to the child's wishes, is there?"

Levin: "Okay. That is correct. There is a...in the court

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proceeding, of course, the opportunity for the child's wishes to be heard by the court."

Jaffe: "Okay. I think that answers my question now, and that's exactly my point. My point is if you go into a divorce court at the present time, very often you have situations where you reach children who are either fourteen or sixteen years of age, and the court does take into consideration the wishes of those particular children. And very often you'll have a situation where say a boy is living with the mother and all of a sudden at age sixteen wants to now go live with the father, and the courts by and large will give consideration to that. And will usually let the boy go to live with the father, or you know, the girl live with the mother or visa versa. But then, nonetheless, the court takes that into consideration. In your Bill, if that particular thing happens and there is, in fact, no change in the court order, what happens is that the parent then is guilty of a Class 4 Felony, isn't that correct?"

Levin: "The... There is the opportunity to adjudicate it, that issue, to take the child's wishes into parenting court."

Jaffe: "There is no... In your Bill there is no defense, in your Bill for that type of situation, period. You know, I know that there's a chance to adjudicate it in the divorce courts, but under your Bill the... that person is guilty of a Class 4 Felony."

Levin: "To do otherwise, Representative, would put the child..."

Jaffe: "I'm not asking to do otherwise. That's correct, is it not? It's correct."

Levin: "The child..."

Jaffe: "Okay. Okay. If I may address the Bill, the problem..."

Speaker McPike: "Proceed."

Jaffe: "The problem that I have with the Bill is really twofold. One of them is that the problem of this child who now

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becomes sixteen years of age, and then decides that it wants to live with the other parent. And what you have in the civil courts, of course, is that the civil courts will say, okay, they will take into consideration that which the child wants. And usually will give custody to the parent that the child wants to go with when the child reaches the age of fifteen or sixteen. Under this Bill, if they do that and there hasn't been a prior court order, that person is guilty of a Class 4 Felony, period. And I think that really is a very harsh provision. I think it's a provision that ought to be dealt with. Secondly, I have problems with the Parent Locator Service because I think it's another invasion of privacy, and all of a sudden the person who is not convicted of anything, but merely because there is a complaint filed, all of a sudden all arms of the government go into...into operation trying to trace this person down and putting this person on all sorts of lists. I just don't think that that's fair, especially at this time of, you know...since we're in 1984 anyway. It would appear to me that these are two really bad defects in the Bill. I understand what the Sponsor is trying to get to, and I think that it's laudable purpose. However, in getting there I think that they've really trampled the rights usually of the parents, and also in these cases you have to understand that there is nothing more emotional than a fight over child custody. And when you have a fight over child custody, people do just about anything, and there are all sorts of complaints made. And I think your going to find all sorts of things happening with this Parent Locaters that is not told to you at this present time. We're are dealing in an area that is very emotional, and because it is very emotional, I think it ought to be very clear and ought not to infringe upon rights of all

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sorts of people. I think that this does, and I wish that the Sponsor would hold this on...gc back to Second and accept some Amendments. Because until he does that, I think the Bill is defective."

Speaker McPike: "Further discussion? Being none, Representative Levin, to close. Excuse me, Representative Levin, the Lady from Cook, Representative Topinka."

Topinka: "Yes, Ladies and Gentlemen of the House. I think this Bill addresses a real problem that is ongoing in Illinois as it is ongoing all over the United States, with the higher divorce rates and hence custody of children being a problem. When there is a court order and kidnapping does indeed take place, and kidnapping does indeed take place - that is the rightful term to be used. There is a problem, this Bill would tie us into the Federal Locator Service. It would alleviate some of the great consternation that goes on between now - divided families and would provide a method of getting them into resolution. And would provide a way of either getting these children back or getting the courts to adjudicate the situation in such a way that a resolution can come to pass. I'm very pleased to be on this with Representative Levin. I think he's done a lot of hard work with it, and I would advocate a 'yes' vote."

Speaker McPike: "The Lady has moved for passage of House Bill 2827. The question is 'Shall House Bill 2827 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Bill there are 96 'ayes', 6 'nos', 5 voting 'present'. House Bill 2827, having received the Constitutional Majority, is hereby declared passed. House Bill 2832, Representative Brummer. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2832, a Bill for an Act to amend the

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Revenue Act. Third Reading of the Bill."

Speaker McPike: "Representative Brummer."

Brummer: "Yes, Mr. Speaker, I am a hyphenated Sponsor on this together with Representative Hastert and Representative Winchester. I think Representative Hastert is not on the floor this morning, but he is aware that I was going to request, and in agreement with bringing this back to Second Reading for the purposes of an Amendment, and Representative Winchester is in agreement also. And I would ask leave to bring this back for the purpose of an Amendment."

Speaker McPike: "The Gentlemen asks leave to return House Bill 2832 to the Order of Second Reading for the purposes of an Amendment. Any objections? Hearing none, leave is granted."

Clerk Leone: "Amendment #1, Brummer, amends House Bill..."

Speaker McPike: "Representative Brummer, Amendment #1."

Brummer: "Yes, Amendment #1 addresses the issue of qualifications of supervisors of assessment. Currently in the statute it provides that supervisors of assessments be appointed. And it sets forth certain requirements with regard to those supervisors of assessment, namely two years of experience in real estate sales, assessments, finance or appraisals and passing a test administered by the Department of Revenue. In one or two counties in the state, through a referendum provision, the appointment of a supervisor of assessment has been changed to an election of a supervisor of assessment or is in the process of doing. This Amendment simply requires that beginning in January 1, 1985, any person filing a petition for nomination to be elected to; supervisor of assessment, or a county assessor, or who is a candidate for, or who is elected to such office - shall have the same qualifications as those set forth in

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Section 3(a) of the Act which are the current qualifications for the appointment of a supervisor of assessment. I would ask for a favorable vote."

Speaker McPike: "The Gentleman has moved for the adoption of Amendment #1. On that the Gentleman from St. Clair, Representative Flinn."

Flinn: "Well, Mr. Speaker, I heard the Sponsor of the Amendment explain what would happen to the elected assessor. And I would have to rise in opposition to the Amendment, simply because when you start making qualifications for filing office except for state's attorney or that sort of thing where they're required to be a lawyer, I think we're excluding an awful lot of people from running for assessor. I think that's up to the electors to decide whether or not to elect someone. I don't object to the portion of the appointed assessors... of supervisor of assessment, but in those two counties that elect them, I think we should not restrict anyone from running for office. And I would rise in opposition to the Amendment."

Speaker McPike: "The Gentleman from Knox, Representative McMaster."

McMaster: "Will the Sponsor yield?"

Speaker McPike: "He indicates he will."

McMaster: "Representative Brummer, as I understood Representative Flinn, there are two elected county supervisors of assessments in the state?"

Brummer: "I don't think there are any currently. There is at least one county that I'm aware of, and I think there may be an additional one... Currently the statute says that supervisors of assessment shall be appointed. The... In Shelby County specifically, and I think I have this scenario correct, under Article VII, Section 4(c) of the Illinois Constitution of 1970, it provides that each county

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shall elect a sheriff, county clerk and treasurer; and, may elect or appoint a coroner, recorder, assessor or auditor in such other officers as provided by law or by county ordinance. Further, that provision says that any office may be created or eliminated and the terms of office and the manner of selection changed by county wide referendum. What occurred in Shelby County, there was a petition filed and a countywide referendum to change the format from an appointment process to an elective process. There had been litigation regarding that that went up to the Appellate Court, I think. The Appellate Court decided that, yes that was an appropriate method of changing the methodology of selecting the supervisor of assessment; and of course, this will not impact. We specifically were careful to not impact any election this year, and it was designed not to because I think that would be unfair. But the purpose of this, of course we have certain requirements with regard to township assessors as I think everyone here is aware of, and multi-township assessors now have to meet in certain qualifications. Superintendent of schools, regional superintendent of schools have to meet certain qualifications. And it seems to me that we're going to have supervisor of assessment and impose a certain standard of qualification, they ought to meet those standards of qualifications whether they're elected or appointed. That's simply what this Bill does. It was requested by the Supervisor of Assessment Association, and I don't think there is a great deal of controversy about it."

McMaster: "Thank you, Mr. Brummer, that was rather a long answer. I will say this, perhaps the problem arises from a matter of semantics. What you're saying is supervisor...elective supervisor of assessments, and I believe that in the case the county would have liked someone in that position. They

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are termed a county assessor not a supervisor of assessments. Perhaps that's where the problem lies."

Brummer: "No, it's specifically the supervisor of assessment. That is not the problem in Shelby County. They specifically filed a petition to change the methodology of selecting the supervisor of assessment from an appointed one to an elected one. They put that issue on a referendum on the ballot. It passed, then there was some litigation regarding that. The courts decided, yes that was a valid method of changing the method of selecting the supervisor of assessment; and of course, we don't want...I don't have any quarrel with that at all. That's what the courts have decided, and I'm not suggesting that we ought to try to change that at all. I simply think we ought to have, as we do with superintendent, regional superintendent of schools and with township assessors, or multi-township assessors, they need to meet certain qualifications. And this is simply to see that those qualifications are there with regard to the supervisor of assessment, whether they're selected by appointment or Selection."

McMaster: "I have no great problem with your Bill, Dick, but I was a little bit concerned because I did not really know that there were two counties that were either electing a supervisor of assessments or in the process of doing it. Thank you."

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

Keane: "Yes, question of the Sponsor."

Speaker McPike: "Yes, Proceed."

Keane: "I talked to Representative Hastert about this Bill last night. Has he seen the Amendment? I know he's not here today, and if he has, is he agreeable to it?"

Brummer: "He has not seen the Amendment, the exact language of the Amendment. He had indicated he was in agreement with

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having the same requirements for an elected superintendent...supervisor of assessments as an appointed. He hasn't seen the language, but he..."

Keane: "So he agreed with the concept, but he hasn't seen the actual Amendment?"

Brummer: "Right."

Keane: "My second question is, would you reiterate your answer to Representative Flinn's situation where they do not have elected...where they have a different form?"

Brummer: "Well, the common form..."

Keane: "Your Bill would have an impact on his assessor."

Brummer: "The Bill will have no impact on appointed supervisors of assessment. They need to meet certain requirements. The reason that the statute is silent with regard to elected ones is because we never had elected ones. The statute really doesn't provide for elected ones but through the referendum provision in the Constitution..."

Keane: "We do have elected ones, and that's the problem. We have elected..."

Speaker McPike: "Representative Keane, are you..."

Keane: "Well, if the Sponsor of the Amendment would answer my last inquiry. We do... We do have...your Bill is impacting I think without your...I don't think you were trying to do it, but it is having a definite impact on some assessors in the state."

Brummer: "Well, it has an impact with regard to elected supervisors of assessment, so that they meet certain minimum requirements as to qualification for that office, as an appointed one - the same one that an appointed one does."

Keane: "Well, for those...for the reason that I have....I would have to oppose the Amendment on the basis that, I think what's happening here because of the situation in

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Representative Flinn's area, it's having unintended impact.

And for that reason I would have to oppose it."

Speaker McPike: "The Gentleman from Bond, Representative Slape."

Slape: "Will the Sponsor yield?"

Speaker McPike: "Yes, he will."

Slape: "Do you...getting back to the same problem. I don't want to keep going over it again, but do you distinguish between a person that is a supervisor of assessment as opposed to a person who is a county assessor? Is there any distinction?"

Brummer: "This has nothing to do with the county assessor, it has to do with the supervisor of assessment."

Slape: "Yes, but I mean is there...is there somewhere else in the statute then, where we deal with this countywide assessor. I mean, somehow or another you have to be impacting on a countywide assessor, and we're just getting into a war of semantics here. Some counties call him assessor, some call him supervisor of assessments."

Brummer: "Would you repeat your question please?"

Slape: "Well how do you distinguish between or what is the definition of a supervisor of assessment as opposed to county assessor that runs countywide for election?"

Brummer: "I'm not sure. I know there's a county assessor in Cook County."

Slape: "And St. Clair County. They run countywide or they're countywide officials. They run countywide and they're chief assessing official in the county."

Brummer: "And again what is your question? I do not understand your question."

Slape: "Well, I think what your doing, you know, is your addressing one specific problem but your impacting other counties, and what your doing is your prohibiting the electors in that county from having a choice. To the

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Amendment Mr. Speaker."

Speaker McPike: "Proceed."

Slape: "It seems what we're trying or what the Sponsor of this Amendment is trying to do is if you live in a county, we have in the statute of provision where if you're not satisfied with the way the supervisor of assessment is doing his job, you can go by the route of referendum and have it put on the ballot. And then the county can decide if you're going to have a... continue with an appointed supervisor assessment or if you're going to have a countywide elected assessment official - no matter what title you give it. And what we're doing here is we're saying if you don't like the guy that you got, and you get a referendum signed, or the Lady you got, and you get a referendum passed...petitions passed - you get it on the ballot. The only candidates you're going to have probably in your county is going to be the guy you're trying to get rid of. He's going to be the only one qualified to stand for office, and I...for that reason I stand opposed to the Amendment."

Speaker McPike: "The Gentleman from Hardin, Representative Winchester."

Winchester: "Would the Gentleman yield for a question?"

Speaker McPike: "Yes, indicates he will."

Winchester: "Representative Brummer, this does specifically apply to supervisor assessors. Is that correct?"

Brummer: "Well, that's what was intended. Quite frankly, on line thirteen of the Amendment, it refers also to county assessors, and I think that was a drafting error with regard to that. And I would...I would be willing to remove the...the county assessors from that."

Winchester: "Alright. Now, there is at least one county in the state that elects its supervisor of assessors. What you

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want to do is if more counties want to elect supervisor of assessments, then they...the supervisor of assessments has to...the person running for that elective office has to have the same qualifications as the person who is appointed to the office of supervisor of assessments, which there is certain specifications and qualifications that have to be met before they can be appointed. Is that correct?"

Brummer: "Right."

Winchester: "That's basically all you want to do except for the controversy with the county assessors."

Brummer: "Yes, the county assessors I do not think should have been included in this."

Winchester: "Well, do you think you can get leave to have that excluded from on the face of the Amendment?"

Brummer: "I guess my preference would be to attempt to have it taken out of the Senate rather than have a new Amendment drafted, if that's agreeable with Representative Flinn and Representative Slape. To eliminate the county assessor language in the Senate."

Winchester: "Well, then as...as Cosponsors of this Bill should we ask that it be held on Second Reading until you can get another Amendment?"

Brummer: "What I would like to do is ask leave of the Chair to amend on the face the words 'county'...'county assessor or' on line thirteen. I would like to strike 'county assessor or' on line thirteen."

Speaker McPike: "Representative Ewing."

Ewing: "Are we going to now start amending the Amendments on their face?"

Speaker McPike: "Well, he asked for leave."

Ewing: "Well, I think, you know, we should at least take that out of the record. One of the Chief-Sponsors..."

Speaker McPike: "Representative Brummer there is objection. You

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will have to file a new Amendment or proceed with this.
Representative Brummer."

Brummer: "Let's take it out of the record at the moment. Leave
it on Second Reading."

Speaker McPike: "Take the Bill out of the record. The Bill will
remain on Second Reading. House Bill 2883 (sic 2833),
Representative Slape. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2833, a Bill for an Act to amend the
Wildlife Code. Second Reading of the Bill. Amendment #1
was adopted... Third Reading of the Bill."

Speaker McPike: "Representative Slape, House Bill 2833."

Slape: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. Under House Bill 2833, the main Bill...what it does
it amends the Wildlife Code, and it provides starting
January 1, 1985, that the Department will not be able to
issue a trapping license to any person under the age of
eighteen, unless that person has completed a course in
trapper safety and ethics that will be offered by the
Department of Conservation. Presently, the Department does
offer a course in this subject, but it's on a voluntary
basis. And also there's Amendment #1 that 2833, that was
put on by Mr. Pangle yesterday which would allow the
Department of Conservation to lease a dam back to the city
of Kankakee. I'd ask for passage of House Bill 2833."

Speaker McPike: "The Gentleman has moved for passage of House
Bill 2833, and on that the Gentleman from Cook,
Representative Kulas."

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen. Will the
Sponsor yield for a question?"

Speaker McPike: "Yes, indicates he will."

Kulas: "What sort of trapping license would this affect?"

Slape: "Well, it would...there is really only one...one thing
described as a trapping license, and that's where the

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Department issues a license for people to set and bait trapping for the capture of fur animals."

Kulas: "Oh, just furry animals?"

Slape: "Well, that's... Yes, Sir."

Kulas: "Is that considered wildlife? Thank you."

Speaker McPike: "Representative Greiman."

Greiman: "The Gentleman would yield for a question?"

Speaker McPike: "Yes."

Greiman: "Representative Slape, there's an Amendment on this Bill?"

Slape: "Yes, Sir, House Amendment #1."

Greiman: "Did you address the Amendment at all?"

Slape: "Well I touched it. I would have to...you know...it deals with the City of Kankakee, and I would have to yield to Mr. Pangle because he is the Spcnsor of the Amendment. And he would be able to give you in depth research and answer any questions that your legal and logical mind would want to arise on this, yes."

Greiman: "Well, alright, may I ask, Representative Pangle?"

Speaker McPike: "Representative Pangle."

Greiman: "I noticed that, Representative Pangle, that Amendment #1 to this...to House Bill 2833 authorizes the Department of Conservation to lease certain properties to the City of Kankakee. Is that right?"

Pangle: "That's correct."

Greiman: "Now, in that on line twenty in the Amendment, it provides that all such leased property shall be deemed...deemed a part of the electric system of the City of Kankakee. Can you tell us what that means? What was the effected impact of all leased property being deemed part of the electric system of the city?"

Pangle: "The City of Kankakee is going to use the dam for a hydro-electric power providing the situation for the City

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of Kankakee."

Greiman: "Well does that mean, for example, at the end of the term that this state would owe some money if, for example, the facility was still left on the premises? I guess what I'm trying to say is what does it mean? Why is that in there? Why is that sentence in there? What does it mean?"

Pangle: "I really can't answer that."

Greiman: "Well... Do you... Let's put it this way then, is it your intention that it affects the right to the state in anyway at the termination of the lease, that... that then would just be surplusage, is that right?"

Pangle: "Well I would imagine that in the end of sixty years that they probably, if the hydro-electric plant were still in working order and so forth, that there would probably be another lease at that point, hopefully."

Greiman: "Well, but there might not. We might have different power sources, you know. It might not be."

Pangle: "That's very true, and I don't expect to be around at that point to see what would occur sixty years down the road, but I...you're correct. There might be other power sources at that point, and I don't know what the Department might do as far as that facility is concerned."

Greiman: "Well the issue that I'm trying to get, I think, at is that as far as your concerned you are not imposing any liability on the state for any facilities or the payment of any facilities at the end of the term. Is that right?"

Pangle: "That's correct."

Greiman: "Okay."

Speaker McPike: "The Gentleman from Hardin, Representative Winchester."

Winchester: "Thank you, Mr. Speaker. I hate to oppose the Amendment offered by Representative Pangle because the merits sound pretty good. I certainly hate to oppose the

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Bill because the Bill is supported by the Department of Conservation and many wildlife and trapper's association programs throughout the state, but the representatives of the Department of Conservation appear to be unaware of the intent of Amendment #1, and there could be some fairly serious problems with that Amendment. And I would hope maybe that the Sponsor of the Bill would just hold his Bill for a few moments until we can get some feedback from the Department of Conservation."

Speaker McPike: "Take the Bill out of the record, Mr. Clerk, at the request of the Sponsor. House Bill 2835, Representative Saltsman. Out of the record. House Bill 2836, Representative Panayotovitch. Out of the record. House Bill 2838, Representative Ronan. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2838, a Bill for an Act concerning procedures for the determination and reconsideration of disabilities. Third Reading of the Bill."

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

Ronan: "Thank you, Mr. Speaker, Members of the House. I'd like leave of the House to move the Bill back to Second Reading so that Representative Curran can offer an Amendment."

Speaker McPike: "The Gentleman asks leave for House Bill 2838 to be returned to the Order of Second Reading. Being no objections, the Bill is on Second Reading. Any Amendments, Mr. Clerk?"

Clerk O'Brien: "Amendment #2, Curran..."

Speaker McPike: "Amendment #2, Representative Curran."

Curran: "Thank you, Mr. Speaker. I'd like to withdraw Amendment #2."

Speaker McPike: "The Gentleman withdraws Amendment #2."

Clerk O'Brien: "Floor Amendment #3, Curran - Ronan..."

Speaker McPike: "Representative Curran, Amendment #3."

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Curran: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #3 has been added to protect my constituents. It's basically...largely a technical Amendment except in the construction Section of this Bill. I have seven hundred state employees who are in my district who deal with disability adjudications. This Amendment has been added to protect my constituents also who are disabled, and who might apply for disability. What this Amendment does is it clearly sets out that if we are inconsistent with the federal government regulations--that the provision of House Bill 2833 are null and void in those Sections where we are inconsistent with the federal regulations. This Amendment means that for any part of the Bill to be operative, it must be consistent with federal law and regulations. I'd like to make an additional comment. This Bill attempts to deal with the serious problem that a lot of us have in our offices, where people come to us in our casework and say to us that their social security disability has been cancelled. And I think some of us get the impression that there is some heartless state bureaucrat somewhere taking great glee and pleasure in giving these people tough times in their lives and in cancelling their social security disability. I think nothing can be further from the truth. I think the state employees who deal with this social security disability, and I've met several of them and talked to them, are some of the hardest working, most concerned state employees that we have. These people are working with tremendous handicaps in dealing with our constituents. The handicaps largely come, I think, in... by way of federal regulations which change from time to time, and especially federal regulations which have changed over the last few years. Again, what this Amendment does is make sure that where our

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law would be inconsistent with Federal Government if we pass it, that that part would be null and void. And that we are simply consistent with federal law and regulations, and I ask for a positive vote on Amendment #3."

Speaker McPike: "The Gentleman has moved for the adoption of Amendment #3. On that the Gentleman from Dewitt, Representative Vinson."

Vinson: "Yes, Representative, Amendment #3 is a lengthy Amendment. I wonder if the Sponsor would yield for a few questions? Mr. Speaker, would you turn the Sponsor on so he could answer?"

Speaker McPike: "Yes, Representative Curran. He's on."

Vinson: "Representative, I noticed that you're doing something to naturopathes in this Bill. Would you explain what your doing to them?"

Curran: "Taking them out. It's my understanding that the way that that word was spelled that they didn't exist. Simply taking those out."

Vinson: "Does the Bill have the effect of limiting what some profession can or cannot do?"

Curran: "No."

Vinson: "Is there something that naturopathes can do now, that they won't be able to do as a result of being taken out of this?"

Curran: "It doesn't deal with the scope of anybody's activity. It is my understanding that those are not licensed in this state. It would be totally inapplicable to having them involved."

Vinson: "Okay, now am I correct in my belief that AFSCME is against this Amendment?"

Curran: "Would you repeat your question?"

Vinson: "Am I correct in my belief that the American Federation of State County and Municipal Employees is against this

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Amendment?"

Curran: "I do not know."

Vinson: "What is the thrust of the Amendment? What is the thrust of the Amendment?"

Curran: "As far as I know, ASCME has expressed no opposition. Certainly they've expressed no opposition to me about this Amendment."

Vinson: "What is the thrust of the Amendment?"

Curran: "The thrust of the Amendment as I said is largely technical, however, the Section of the Amendment that applies most here is the Section which puts us consistent with federal laws and regulations. That is the Construction Section. It says that unless House Bill 2838 is consistent those provisions shall be null and void. What that means is that we're not going to have this program taken away from us, for example."

Vinson: "Is there a fiscal impact as a result of the Amendment? Mr. Speaker, while that question is being addressed, I would bring to the Chair's attention the fact that the rules provide that registered lobbyists may not be present on the floor of the House while the House is in Session."

Speaker McPike: "Mr. Doorman, those are the rules and if you would enforce those rules. Have you...a question of the Chair, Representative Vinson?"

Vinson: "No, I just wanted to bring that to your attention while the Gentleman was coming to the...getting to an answer to the question."

Speaker McPike: "Representative Curran."

Curran: "Question of the Speaker. Has there been a fiscal note required? Requested?"

Vinson: "I'm asking if there's a fiscal impact to the Amendment?"

Curran: "I do not believe so, not that I'm aware of."

Vinson: "I have no further questions."

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

Ronan: "Yeah, just to clarify a few points brought up by Representative Vinson. AFSCME does support the Amendment, number one. Number two, there is no fiscal impact to the Amendment."

Speaker McPike: "Further discussion? Being none, Representative Curran, to close."

Curran: "This Bill simply protects seven hundred of my constituents... This Amendment simply protects seven hundred of my constituents. I think these people are doing a fine job, and I think they've been hampered by some of the federal regs which have changed over a period of time, And given all of us the false impression that somehow they're cruel and heartless. This Amendment, I think, is a good addition, makes this Bill workable, makes it possible to keep this important program for all of your constituents and all my constituents in this state. And I ask for a 'aye' vote."

Speaker McPike: "The Gentleman has moved for the adoption of Amendment #3. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Representative Ronan."

Ronan: "Thank you, Mr. Speaker. I'd now move to have leave of the House to have the Bill heard right now."

Speaker McPike: "The Gentleman asks leave to hear the Bill on Third Reading at this time. Are there any objections? Hearing none, leave is granted. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2838, a Bill for an Act concerning procedures for the determination and reconsideration of disabilities. Third Reading of the Bill."

Speaker McPike: "Representative Ronan."

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Ronan: "Thank you, Mr. Speaker, Members of the House. House Bill 2838 is a very important piece of legislation that we're addressing today. Basically, what it does is it gives us as a legislative Body an opportunity to review the procedures that have been established in the state by the Federal Government and the Department of Rehabilitation Services concerning social security disability benefits. Since 1981, thousands of disabled Illinois residents have been wrongly denied federally funded disability benefits. It's very obvious for any Legislator who has a district office, that we've been deluged in the last couple of years with individuals from our area coming in and complaining about the harsh treatment that the Federal Government has established. Under the Reagan administration there's been a move to cut people out of this program, and we've got a situation where many needy people who deserve benefits are being denied them. Basically, what this legislation does is address the issue. I've worked extensively with the Department of Rehabilitation Services to come up with a compromise even though they can't support the Bill at this point, I think we've tried to address many of the issues that they brought before us. Basically, we got a situation where the Governor of this state - who's Republican, understands the problem, understands there's a need for a remedy and has criticized the Federal Government for their movement. We got the Attorney General who has done the same thing, and I think it's important that we as a legislative Body look at the issue, come in with a piece of legislation that will hopefully clarify the situation and at the same time help people who so desperately need these...this type of aid. I'll be glad to answer any questions concerning the legislation, and I got one piece of information. I'd like to read into the record from the

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Department of Rehabilitation Services just to clarify legislative intent. This is prepared by them. I'd like the record to show that it is the intent of this Legislature...of this legislation that the face to face conference described in Article III be the same step in the procedures as the face to face hearings mandated by federal law and not a separate step in addition to the federal hearings. That's for legislative intent."

Speaker Breslin: "The Gentleman moves for passage of House Bill 2838, and on that question is there any discussion? The Gentleman from Cook, Representative Preston."

Preston: "Thank you, Madam Speaker, and Ladies and Gentlemen of the House. I think this is a fantastic Bill. As Representative Ronan indicated, many of us in the House and in the Senate have received calls from our constituents who have been wrongfully and... wrongfully terminated from disability benefits for no reason whatsoever, not even for a poor reason, but for no reason, just terminated. Some of these individuals have conditions that defy description. I worked with the...one of the advocacy commissions to get people reinstated who were terminated from disability payments in conditions I won't horrify you with with description of. I'm not even sure if that's English, but this...a good Bill it certainly is needed now in order to give some relief to people who have been wrongfully terminated from disability benefits."

Speaker Breslin: "The Gentleman from Cook, Representative O'Connell."

O'Connell: "Thank you, Madam Speaker, Members of the House. I also rise in support of this measure. I have been somewhat appalled by some of the decisions that have been rendered by the social security administration as it relates to the question of whether a person is disabled. In my own

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district over the past few years, I have had cases of people with Lou Gehrig's Disease. People with cancer. People with very definite mental instabilities. Serious disabilities that are apparent on their face, That these individuals are indeed disabled, only to find that they are denied the disability payments-forcing these people to go through the lengthy appeal process only to be adjudicated that they are indeed disabled by an administrative law judge. I think the time has come for the state to revise its method of implementing the criteria that is set forth by Washington, D.C. We do have an involvement in this state. We do have a responsibility to do the best we can in implementing these criteria. Hopefully that the Federal Government will be changing its criteria, but in the mean time, the state has a responsibility too. And I laud its Sponsor, and I would support this measure."

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

Ronan: "Thank you, Madam Speaker. Just to close, I think everyone understands the issue. I've tried to work with the Department of Rehabilitation Services, and they've really gone out of their way to try to be helpful. Now the basic problem is that we've got a federal program that...and federal policy that's really not very clear at the present time. The Department of Rehabilitation Services has tried to work with the Federal Government to get clarification. The feds response was that it's going to take them five or six years to come in with the clarification that the state needs. My attitude is we don't have time to wait until the second term of the Mondale administration to get that clarification, and that's the reason we're going to have to move the Bill today. I move for its favorable passage."

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Speaker Breslin: "The question is 'Shall House Bill 2838 pass?'

All those in favor vote 'aye', all those opposed vote 'no'.
Voting is open. Have all voted who wish? Have all voted
who wish? The Clerk will take the record. Representative
Rice? Representative Rice?"

Rice: "My button...My button is not working."

Speaker Breslin: "The Gentleman asks to be recorded as voting
'aye'. On this question there are 103 voting 'aye', 4
voting 'no' and none voting present. This Bill, having
received the Constitutional Majority, is hereby declared
passed. House Bill 2853, Representative Olson. Out of the
record. House Bill 2857, Representative McMaster. Clerk,
read the Bill."

Clerk O'Brien: "House Bill 2857, a Bill for an Act to amend
Sections of the Township Law. Third Reading of the Bill."

Speaker Breslin: "Representative McMaster."

McMaster: "Thank you, Madam Speaker. Prior to the passage of the
Consolidated Elections Law, the township electors at their
various town meetings or special town meetings, the annual
or special town meetings, had several elective functions
which they still have. However, the Consolidated Elections
Law puts all of those functions under the county clerk.
The purpose of this piece of legislation is to return the
control of those elections and referendums held at annual
or special meetings to the hands of the township clerk,
where they rightfully belong. I would be glad to try to
answer any questions and hope for a 'yes' vote."

Speaker Breslin: "The Gentleman moves for passage of House Bill
2857, and on that question is there any discussion? Seeing
no discussion, the question is 'Shall House Bill 2857
pass?' All those in favor vote 'aye', all those opposed
vote 'no'. Voting is open. Have all voted who wish? Have
all voted who wish? The Clerk will take the record. On

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this question there are 105 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. With leave of the Assembly, we would like to go back to House Bill 2833 at the request of the Sponsor. It was just recently passed over. Representative Slape's Bill. House Bill 2833. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2833, a Bill for an Act in relation to state wildlife and resources. Third Reading of the Bill."

Speaker Breslin: "Representative Slape."

Slape: "Yes, thank you, Madam Speaker. We took the Bill out of the record just a moment ago, so we could make some clarifications with the Department of Conservation. It's my understanding now that they have no problems with the Bill, and if there is no further discussion, I just ask for a favorable Roll Call."

Speaker Breslin: "The Gentleman moves for passage of House Bill 2833, and on that question is there any discussion? Seeing no discussion, the question is 'Shall House Bill 2833 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 107 voting 'aye', none voting 'no' and 3 voting 'present'. This Bill, having received the necessary Constitutional Majority, is hereby declared passed. House Bill 2859, Representative Homer. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2859, a Bill for an Act to amend Sections of the Physical Fitness Service Act. Third Reading of the Bill."

Speaker Breslin: "Homer. Representative Homer."

Homer: "Thank you, Madam Speaker, leave to return to the Order of Second Reading, for the purpose of an Amendment."

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Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading. Hearing no objection, the Bill is on Second Reading."

Homer: "Thank you, Madam Speaker, Members of the House. Amendment #1...I'm sorry...I should let the Clerk..."

Clerk O'Brien: "Amendment #1, Homer, amends House Bill 2859 on page two and so forth."

Homer: "Thank you. Amendment #1 tightens up a portion of the original Bill under the... The Bill itself deals with the Physical Fitness Services Act, and the current law is that a individual has three days after signing the agreement to cancel the contract. The Bill itself has passed through Committee provided that the customer had an unlimited time to cancel the contract. It's felt that perhaps that is going a little bit to far, and hence the Amendment, which in fact would limit the cancellation time to thirty days. So it's an attempt to tighten the Bill. I would ask for your approval."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #1 to House Bill 2859, and on that question is there any discussion? Seeing no discussion, the question is 'Shall Amendment #1 to House Bill 2859 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Homer asks leave that this Bill be heard immediately. Does the Gentleman have leave? Hearing no objection, the Gentleman has leave. Representative Homer."

Homer: "Thank you, Madam Speaker. The Bill is amended...as amended basically does three things. First of all it expands or broadens the definition of what is included

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under the Physical Fitness Services Act to include; those centers which teach judo, karate, self-defense or weight reducing. The original Bill... The original law only included body-building, exercising, and figure development centers, and with the popularity of these new disciplines it's advisable to amend the Bill in such a way as to include those as protections as well. Secondly, it requires physical fitness centers to retain copies of any contracts with customers for three years. Currently there is no requirement that there be a retention of the contracts, and what's happened sometimes in the enforcement of these matters where there is an alleged breach is that neither the customer or the center has a copy of the contract or professes to have a copy, which makes enforcement very impossible. So this would require...simply require the center to retain a copy of the contract for three years, and basically those are the primary affects of the Bill as well as what the Amendment would do, and that's to simply allow a customer to opt out of a contract for thirty days providing that they would pay for the usage of the center to the date of cancellation. And the current laws, I indicated before is three days. I would ask for a favorable consideration."

Speaker Breslin: "The Gentleman moves for passage of House Bill 2859, and on that question the Lady from Marshall, Representative Koehler."

Koehler: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I would like to thank Representative Homer for his excellent explanation of the legislation, and...but I would have a question of the Sponsor. I see in our analysis that this legislation covers such things as body building, exercise, weight loss, figure development and physical fitness. But I do know that Representative Ropp

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is having some difficulty in his district with various lingerie peepshows, and I just wondered if this did anything to help him with his problem?"

Homer: "What specific problem is Representative Ropp having in those studios?"

Speaker Breslin: "Representative Ropp, asks for a moment of personal privilege."

Ropp: "That's right, Madam Speaker, I'm really personally not having any problems. There are things going on within my district that I'm sure some of you might be interested in, but certainly not I."

Speaker Breslin: "Representative O'Connell."

O'Connell: "Question of the Sponsor."

Speaker Breslin: "The Gentleman indicates he will yield to a question."

O'Connell: "The Amendment that you've just adopted, did it also provide that if within that thirty day period there is a cancellation, is there a certain amount of money that is withheld by that physical fitness center?"

Homer: "Yes, there is there would be.... The provision in the Amendment is that the center would be allowed to retain ten percent of the balance due or fifty dollars, whichever is less. So in other words, the customer would be assessed for any charges for which he had used the facility. In addition to which if he...if he chose to withdraw from the contract within those thirty days he would be assessed...could be assessed an additional fee of up to fifty dollars or ten percent whichever is less."

O'Connell: "So if an individual goes to a karate center and pays a thousand dollars-two days after he goes to the karate center decides that for whatever reason he does not wish to belong. He would pay a minimum of fifty dollars."

Homer: "He could pay fifty dollars in addition to. He could be

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assessed also for the actual time he used the facility. So if the center were... It was a year contract, and he used it for two days then the center would be allowed to prorate the two days against the year and deduct that from the thousand. In addition, they could assess up to an additional fifty dollars beyond that."

O'Connell: "Well if there is some misrepresentation on the part of the karate center in spite of that, the individuals would still have to pay for that one day or even one hour."

Homer: "Okay. I think the Sponsor raises a good point, but maybe it's important for legislative intent to clarify that point, that we're not attempting to impair the customer's right to recind a contract which is entered into without valid consideration or based upon misrepresentations of the service center. He would still under this Bill, have his full rights to recind that contract where it's entered into under those circumstances. This Bill would simply provide that where there were no misrepresentations that he would have an additional remedy, if he wished to withdraw he has the statutory right to breach, providing that he pays this fee."

O'Connell: "Okay. Now, you have...there are a number of exercise classes that's going on today. Would that be covered under this Bill? Aerobics. Exercise in any..."

Homer: "If it were... If it were a weight-reducing program, it certainly would be. I'm not sure aerobics qualifies in that regard. Although, I think aerobics is included in the present statute. It's my understanding that it would fall within that category known as exercising and figure development."

O'Connell: "I guess what I'm wondering...there's many bona fide exercise classes. Many people sign up for classes. They get into it--they find that they don't have to discipline to

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continue on. Should the legitimate exercise instructor or proprietor of the class be penalized by someone who wants to get in one day and decides to get out the next day through no fault of the exercise proprietor?"

Homer: "Well, I think you raise a legitimate point. The Bill itself attempts to address a problem that's arisen with regard to some of those centers which have used perhaps if not legally misleading, potentially misleading advertising and hard sell practices to bring in customers and lock them into a long term contract and under misconceptions, at least in the minds of the customer. And it's to address that problem which has arisen, but certainly it's not an attempt to infringe upon the rights of legitimate fitness centers."

O'Connell: "If I could simply address that issue. I think I can appreciate the intent of this Bill as it relates to misrepresentations and things of that nature, but there are a number, a growing number of legitimate exercise centers wherein people, through no reason of the exercise proprietor, decide to...that they can't hack it or they can't maintain the discipline to continue on. I just think that the Bill is open-ended enough where it could penalize the legitimate operator, and I would ask that if the Bill does pass that perhaps the Sponsor would tighten up the language of this Bill, to avoid the penalties that could definitely accrue to the legitimate operator."

Speaker Breslin: "The Gentleman from Cook, Representative Greiman, at Representative Cullerton's desk."

Greiman: "Thank you, I wonder if the Gentleman would yield for a question?"

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

Greiman: "Mr. Homer, it previously... under this Act the Attorney General was in power to waive the esgrow provisions. Is

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that correct?"

Homer: "Let me take just a moment to look at that provision once again."

Greiman: "Well, I would direct it on page four of the Bill, line twenty-five, etc. Have I stumped the experts or what is this?"

Homer: "It would appear, Representative Greiman, that you're correct. The Attorney General's empowered upon application, where the center furnishes evidence to the Attorney General their financial responsibility to waive the...to waive the escrow account. That is correct."

Greiman: "So this Bill then strips away some discretionary powers that the Attorney General now has. Is that right?"

Homer: "What it would do is..."

Greiman: "Are you sure you want to do that, Mr...."

Homer: "Since the Attorney General has proposed this legislation, I would submit this program."

Greiman: "Do you know if the Attorney...has the Attorney General exercised that discretion? Do you know in the past? Is that the reason?"

Homer: "I'm not sure why that's being stricken. What the Bill would do obviously, without the language in there, is absolutely make it mandatory that the center provide that escrow account so that in the event of a failure of the center that the customer would be protected. And it would take away the discretionary right to waive the escrow account."

Greiman: "Yes, but you don't know if the Attorney General has, in fact, exercised that discretion which we are now taking away from him. Is that right?"

Homer: "No, I don't."

Greiman: "Thank you."

Speaker Breslin: "There being no further discussion, the

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Gentleman from Fulton, Representative Homer, to close."

Homer: "Well, I think that we've thoroughly discussed the Bill and hopefully addressed some of the concerns that have been raised. Basically, the Bill is an attempt to simply modify what is the existing law, both in expanding the definition of what would be uncovered and what customers would be protected by the existing physical fitness center provisions in the current statutes. And it seems to be a reasonable compromise and attempt to protect the rights of the centers as well. Under current law the centers have to allow the customer out after three days, within three days, if the customer decides to back out of the agreement. This simply extends that time to thirty days, to give that customer a more reasonable opportunity to make certain that this is a contract that the customer wants to pursue. I think it's a reasonable Bill, and I would ask for your support."

Speaker Breslin: "The question is 'Shall House Bill 2859 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 101 voting 'aye', 6 voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2862, Representative Giglio. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2862, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

Speaker Breslin: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House...Madam Speaker, excuse me. House Bill 2862, amends the Election Code, and what it simply does is eliminates the requirement that a voter seeking an absentee ballot due to; a temporary physical handicap or handicapped,

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incapacitated person can apply for the absentee ballot without getting the card that has to be filled out by a practitioner or physician. What has happened is the handicapped people are singled out, whereby, they have to vote absentee ballot. They have to go get that piece of paper from the doctor not only causes undue hardship, but some doctors also charge a fee. So we're trying to eliminate that, and just because they have that immobility we want to make them feel they're just like any other person when it comes time to voting for an absentee ballot."

Speaker Breslin: "This Gentleman moves for the passage of House Bill 2862. And on that question the Gentleman from Cook, Representative Bowman."

Bowman: "Will the Gentleman yield for a question?"

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

Bowman: "Representative Giglio, at the present time we have a law in the books that says that a person who has a substantial or protracted infirmity, only needs to get one of these certificates every five years. Is that... Why is that law inadequate?"

Giglio: "Well, this law doesn't pertain to those people. Those people who you are talking about--the incapacitated ballot that have a permanent handicap, and they have the affidavit where there good and they're on the books for five or seven years. This does not apply to those people."

Bowman: "Okay. So this applies only to people whose conditions are temporary?"

Giglio: "That's correct."

Bowman: "Well, here's a problem that occurred in my neighborhood once, and I'd like to ask you to respond to it and to see what... if your Bill wouldn't aggravate a situation like this. We had a precinct happen in my neighborhood once,

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voted ten percent of his precinct by absentee ballot by reason of infirmity. The same doctor signed all the medical affidavits, and the guy was almost indicted for vote fraud. It was... We."

Giglio: "He should."

Bowman: "Well, it seems to me that the problem here is that we sort of open up the flood gates perhaps, to unscrupulous people who might want to get people to sign affidavits and then you know just take the ballots around to the people in their homes and vote them away from the polling place. I mean the polling place has protections against electioneering and things of that nature. Don't you think those protections are useful?"

Giglio: "Yes, they are and they would still be intact because the Bill does not alter the perjury nor the affidavit under penalty."

Bowman: "Yes, but that's still in effect. If they lie that their not incapacitated, they could actually be charged and prosecuted for filing... for an affidavit under the law that we have of perjury and penalties."

Giglio: "Yes, but you'd have to catch them first, and I think... anyway my point is that without the affidavit, it makes it extremely easy for, you know, precinct captain or precinct committeeman to simply order up a whole batch or arrange to have a whole batch of absentee ballots sent out to people, and then go into their homes and mark the ballots for them or help them mark the ballots, in ways that they would not be entitled to do if the person in question had to come to the polling place and vote in person. That is my concern, Representative."

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

Vinson: "Yes, Madam Speaker, the... it's my understanding that

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there was an agreement. Representative Olson is the Republican Spokesman on the Elections Committee, and he is currently attending an acid rain conference that the state is hosting. And it's my understanding that there was an agreement that election Bills would not be called until he returned."

Speaker Breslin: "Representative Giglio, that was a question of the Sponsor."

Giglio: "Fine. Fine, no problem. I'd be happy to hold it."

Speaker Breslin: "Out of the record."

Vinson: "Thank you."

Speaker Breslin: "House Bill 2865, Representative Satterthwaite. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2865, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House, last year we passed Public Act 83-543, which now makes it a requirement that university employees become a part of the pension system from the beginning of their employment. We have found that this is going to work an unexpected hardship on two categories of employees - those people who would not normally be long-term employees of the university anyway, and so we are asking, by House Bill 2865, that we give an option to these two categories of employees to decide whether or not they want to participate in the retirement system. These employees who would be given this option are the residents in medical training or post-doctoral research associates, and I would ask that the Legislature support me in passing this piece of legislation. Be happy to try to answer any questions."

Speaker Breslin: "The Lady has moved for passage of House Bill 2865, and on that question, the Gentleman from Cook,

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Representative Greiman at Representative Cullerton's desk."

Greiman: "Representative Satterthwaite, I wonder if you'd yield for a question."

Speaker Breslin: "The Lady will yield to a question."

Greiman: "When the... If the post-doctoral associate or the intern elects to stay on in the university system, can they... will we find a Bill next year to buy time back, or something like that, or... "

Satterthwaite: "They already have the authority, if they remain in the employment of the university, to purchase the time for which they were employed but did not choose to participate. However, I think it's not very likely that very many of these employees would be staying on for permanent employment."

Greiman: "Well, okay. Let's just make it... so we make it clear, though, because the Bill excepts them from participation, so that... so that... "

Satterthwaite: "It excepts them from mandatory participation."

Greiman: "Yes. Well... Right. They can, clearly, if they care to, come in. The question is whether they can come in later on and pick up the pension time. You are suggesting that the meaning of this is that an employee who is not under the Act on a mandatory basis as a condition for employment, can later on, if they change the character of their employment, go back, pay for the credit and have that credit added on. Is that right?"

Satterthwaite: "With interest charges, yes."

Greiman: "Well, whatever the formula might be."

Satterthwaite: "Yes."

Greiman: "They can do that. Okay."

Speaker Breslin: "The Gentleman from DeKalb, Representative Countryman."

Countryman: "Madam Chairman, (sic-Speaker) Ladies and Gentlemen

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of the House. I rise in opposition to this Bill. I rise in opposition because of this reason: The Bill gives an option to these people either to participate or not to participate. I think if they really want to be out of this system, then let's exclude them totally and not give them the option. I believe the option creates an unfair burden on the State Universities' Retirement System. There are certain survivor's benefits that they're entitled to if they're part of the system. Those benefits they're paying for, and they're entitled to it if they're in there. It's a pretty good system. The argument made in Committee was that they don't stay on. Well they get their money back if they don't stay on. I don't have any problem with excluding these medical residents if, in fact, they all become excluded, but to give them the option means that in essence, they get the best of both worlds, and I think it's inappropriate, and I would urge a 'no' vote on this Bill."

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

Terzich: "Well, as Representative Countryman stated, that the last year we did pass legislation to include all people eligible under the State University (sic - Universities') Retirement System because they also receive federal monies that were put into the retirement system. The Pension Laws Commission did disapprove this because of the fact that they do receive survivor and disability benefits, and at the same time, that any contributions that they do make into the system, if they leave, would be refunded to them at the same time, and it also leaves it open that if they didn't elect to contribute now, that they could come back at a later date, which is not necessarily fair either. I don't think that we should disrupt our pension system at the present time. I don't believe that the Bill even came

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from the State Retirement University System (sic - State Universities' Retirement System), and therefore, I would urge a 'no' vote on 25... "

Speaker Breslin: "There being no further discussion, the Lady from Champaign, Representative Satterthwaite, to close."

Satterthwaite: "Madam Speaker and Members of the House, I would like to point out that it was my legislation last year that makes it a requirement that people become participants in the University Retirement System from the beginning of their employment. The purpose of that law was, in fact, as Representative Terzich had said, to capture federal dollars that otherwise would be escaping from the system. I don't believe, however, that we ever intended that that should impose a very large burden upon the university systems. And what will happen if we don't make these exceptions or allow these classifications to make the exception, is that we will have to provide state funding to put into the retirement system for these temporary employees, something in excess of a million dollars to cover their share of the Retirement System Program. These residents, then would, in fact, withdraw from the System later and get that money returned to them. If we were to continue to make it mandatory for them, particularly, the University Hospital in the City of Chicago would have difficulty complying with that Act, and it is only for that reason that I am suggesting that although I think the Bill did a good job last year in providing for more people coming into the system, we are now seeing that for these two categories of people it is a hardship on the Universities' and the Hospital Systems. And so for that reason, I would ask you that I be permitted to revise the law that I passed last year. We will still find that large numbers of employees are brought into the system under the Act that passed last

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year, and the Retirement Systems will still be in better shape than they were previous to that legislation, and I would urge your support of the measure."

Speaker Breslin: "The question is, 'Shall House Bill 2865 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from DeWitt, Representative Vinson, to explain his vote."

Vinson: "Yes, Madam Speaker, I would urge a 'no' vote on this Bill. Many people try to broaden the system to bring people in on a special interest basis. This is an attempt to narrow the system and take people out on a special interest basis. All we end up doing with that point is raising the cost enormously on the participants who are left there and creating a very unfavorable experience factor for such a system, so I would urge a 'no' vote."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? This is final passage. Have all voted who wish? Representative Bowman, one minute to explain his vote."

Bowman: "Mr. Speaker... Madam Speaker, I urge an 'aye' vote, because this is optional. We are simply... It is not mandatory. We are simply providing options in the system, and I don't understand what all the fuss is about. I urge an 'aye' vote for this permissive legislation."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 54 voting 'aye', 42 voting 'no', and 11 voting 'present'. Representative Satterthwaite."

Satterthwaite: "Would you poll the absentees, please?"

Speaker Breslin: "Mr. Clerk, please poll the absentees."

Clerk O'Brien: "Poll of the Absentees. Earnes. Capparelli. Cullerton. DiPrima. Hastert. Krska. Laurino. Olson. Ryder. Taylor. Vitek. No further."

Speaker Breslin: "The Gentleman from Cook, Representative

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Preston, wishes to change his vote from 'no' to 'aye'. Representative Richmond wishes to change his vote from 'present' to 'aye'. Representative Curran wishes to change his vote from... wishes to vote 'aye'. Representative Stuffle wishes to vote 'aye'. Representative O'Connell wishes to change his vote from 'present' to 'aye'. Representative Doyle wishes to change his vote from 'present' to 'aye'. Representative Saltsman wishes to change his vote from 'no' to 'aye'. Is everyone recorded that wishes to be recorded? Representative Christensen wishes to go from 'present' to 'aye'. On this Bill, there are 62 voting 'aye', 40 voting 'no' and 6 voting 'present'. This Bill, having received the necessary Constitutional Majority, is hereby declared passed. House Bill 2869, Representative Kirkland. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2869, a Bill for an Act to amend Sections of the Mental Health and Developmental Disabilities Confidentiality Act. Third Reading of the Bill."

Speaker Breslin: "Representative Kirkland."

Kirkland: "Madam Speaker and Members of the House, this Bill addresses two recommendations made by the Illinois Criminal Justice Information Authority in their March 30, 1984, report to the General Assembly on missing young adults. These are different recommendations, incidently, than were addressed in Doris Karpel's Bill a couple of days ago. As the Bill is amended, it has at this point, no opposition that I know of, after being reviewed by the Illinois Psychiatric Society, the Department of Mental Health and Developmental Disabilities, the Criminal Justice Information Authority, and the ISBA has indicated they will not actively oppose it at this point. This Bill amends Section 812.2... Well, it amends, as you stated, the

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Confidentiality Act and addresses problems of locating walkaways from mental health facilities and then locating missing persons outside the facilities who are suspected of having gone into the facility. As to walkaways, the Bill directs mental health facility directors to provide law enforcement officials with, in addition to identifying information as currently allowed and defined in the statute, such other information that is unrelated to the diagnosis, treatment or evaluation of the recipient's - that is, the patient's - mental or physical health, which would aid the law enforcement agency in locating, apprehending the recipient and returning him to the facility. This does not apply to voluntary patients. As to missing persons, the Bill amends the law by providing that when a law enforcement official has a missing person report and requests of a mental health facility director whether that person missing is a resident of the facility, the director of the facility shall give identifying information as necessary to confirm or deny the missing person's presence in the facility. He must get the written permission of a voluntary patient, however, before giving 'info' regarding that type of patient - voluntary admittee. He, further - that is, the director of the facility - may further notify the law enforcement officials if the missing person is admitted subsequent to the request. This Bill was on the Agreed Bill List to come out of Human Services Committee, and again, I know of no opposition and ask for the Assembly's support."

Speaker Breslin: "The Gentleman moves for passage of House Bill 2869, and on that question, the Gentleman from Cook, Representative Leverenz."

Leverenz: "With regard to the part of a peace officer going to a mental health center and asking, 'Is John Doe there?', what

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do they have to furnish the superintendent?"

Kirkland: "I... I believe, under the Bill, they'd have to furnish him with proof that they have a missing person report - that they've received a report. It doesn't say they have to show them the report, but it's implied that a missing person report has to have been made."

Leverenz: "What if that person just was a voluntary admittee and didn't want anyone to know that they were there?"

Kirkland: "That person, according to the specific wording of the Bill, would simply not give his permission for that information to be given out, and then it could not be given out. In other words, the voluntary patient has to give his permission in writing to the director for the director to give information out about him."

Leverenz: "But an involuntary?"

Kirkland: "Involuntary - he can give out that information or judicially admit it."

Leverenz: "And could you explain the walkaways briefly again then, also?"

Kirkland: "Yeah. The walkaway... Just a moment. The walkaway... The Bill directs the mental health facility director to provide the law enforcement officials with... The current law is identifying information, and that is described again in the current law as; name, address, age, nearest relative and physical description, and this then says such further information other than mental health type information, which is again pulled right out of the statute, that will aid law enforcement peoples in apprehending... tracking down the walkaway. The report gave a couple of examples. One is, what his previous walk... that patient's previous walkaway experience might be, where he might go. Not just a nearest relative, but relatives he's friendly with, or something, and just to aid law enforcement in tracking

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walkaways down."

Leverenz: "Are we then putting an executive order in law on walkaways? Don't they... Does not the mental health center provide that information on walkaways, currently, to local police agencies?"

Kirkland: "The current law restricts the mental health facility from giving... to giving identifying information, which is a term that's defined as I just described, in this Section of the statute."

Leverenz: "So, they can give a name. John Dce walked away."

Kirkland: "Right. But, I mean... "

Leverenz: "Now... Now they can give an actual description? Identifying information, like 'tattoo on upper left arm'?"

Kirkland: "Well, let's see. Name, address, age... "

Leverenz: "I don't quite understand. I'm just saying, I think they already do this."

Kirkland: "I don't think so. Or at least, I don't think it's clear that they can, and neither did the Criminal Justice Authority."

Leverenz: "And they're doing it under an executive order, but..."

Kirkland: "That, I don't know. The Criminal Justice Authority report did not indicate that."

Leverenz: "I think you'll find that the Legislative Investigating Commission would be in support of your Bill also, because it came from their containment report on the mental health centers in Illinois. It's a good Bill. Vote green."

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

Levin: "Would the Gentleman yield for a question?"

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

Levin: "Okay. What kind of facilities are we talking about? Let me indicate what I'm looking for. Are we talking about facilities like Mantino, or are we talking about facilities that conclude (sic - include) the kind of facilities that

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exist in uptown - private nursing homes that have psychiatric patients?"

Kirkland: "Over here, Representative I believe it's just referring to... well... developmental disability or mental health facility is defined in Section 1-107 or 1-114. Frankly, I don't know how extensive that is except I believe it's state institutions - mental health and developmental disability institutions. I don't believe that it goes beyond that."

Levin: "Okay. And so, that would not include..."

Kirkland: "Twenty-three institutions."

Levin: "That would not include the private nursing homes that handle psychiatric patients?"

Kirkland: "That's correct."

Levin: "Thank you."

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

Kirkland: "I'd just ask for support."

Speaker Breslin: "The question is, 'Shall House Bill 2869 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 105 voting 'aye', 1 voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2871, Representative Kirkland. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2871, a Bill for an Act to amend Sections of the Code of Civil Procedure. Third Reading of the Bill."

Speaker Breslin: "Representative Kirkland."

Kirkland: "Alright. This is a Bill that, as I indicated on Second Reading, we have redrafted some, to try to get it in a form that balances the rights between landlord and

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tenant. It addresses the issue of what affect partial or full payments of past due rent have on either a five or more day notice that the lease will be terminated unless the rent is brought current, and then, the further situation of when that time has passed, and suit has been filed, and then if payment is made toward rent. The Bill provides that when... when this notice is served under the Forcible Entry Statute, it must tell the tenant in specific wording on the notice - and I say specific wording described in the Bill - that full payment only will make the notice invalid unless the landlord agrees in writing that the lease will be continued in exchange for partial payment. It... It also says that if suit is filed, payment toward the back due rent won't invalidate the suit."

Speaker Breslin: "The Gentleman moves for passage of House Bill 2871. And on that question is there any discussion? The Gentleman from Cook, Representative Bowman."

Bowman: "Will the Gentleman yield for a question?."

Kirkland: "Sure."

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

Bowman: "Thanks. The... At the present time, the law is that the landlord can either sue or accept back rent in payment of the debt. Now, doesn't your legislation permit the landlord to both accept the payment for rent that is due and owing and then sue, too?"

Kirkland: "No. If he accepts the full rent during the notice period, then the notice is invalidated, and if he wants to start a new suit, he has to wait until the rent is behind again because he's brought it current, and then serve another five day notice."

Bowman: "So the answer to my question, actually, is 'yes', that they can both sue and take a rental payment?"

Kirkland: "Well, you... you can always... if the rent gets

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behind, you can always start the procedure by serving the notice, and then if the notice says pay up in five or more... you know, five days or more, if you make the notice that way, or else we'll terminate the lease... you know, the lease will be terminated. So you can always sue if a situation develops where the rent's behind."

Bowman: "Well, but... "

Kirkland: "If the notice is served, and then, within the notice period, the full... the back due rent that's called for in the notice is paid up, that notice becomes invalid, and of course you have to have a... you have to go through the notice period before the suit can be filed."

Bowman: "Okay. And if the... the back due rent is only partially paid up, then what is the... the outcome?"

Kirkland: "Alright. That's what this Bill hopefully clarifies, and that is... and I think the law is not terribly clear now as to what that situation is. That's why I started this Bill. If... This Bill directs that if there's not the wording in the... that the bill direct should be on the notice, then partial payment will invalidate the notice, and then he has to serve... you know, he has to serve a new notice."

Bowman: "Okay."

Kirkland: "Now, he didn't... you know, when the rent was only partially paid, the notice wasn't otherwise satisfied, but he has to serve a new notice and say, 'You're now behind in rent' some lesser amount, and that period has to go by, and then... and then you can go on with suit."

Bowman: "Well, why... Why don't we just... I mean, we use form leases in the state. Why don't we just add this wording to the form leases. I mean, why don't you just terminate the lease rather than taking the person to court and suing?"

Kirkland: "I'm not... I suppose... I'm not sure what you're

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getting at, frankly, but I think that... you know, I... I think a tenant at least have a better chance of reading a notice than he would have of reading a long, full lease, and this tells the tenant in clear terms, I think, with a lot of drafting here, that what the situation is when he makes a partial payment. If... The landlord has to... according to the wording, the landlord has to provide in writing that partial payment will extend the lease, and if he doesn't put that in writing, then the tenant knows by the wording of the notice that partial payment won't extend the lease. You see, the reason I put the Bill in is you have landlords who serve a five day notice. The guy is... person is months behind in rent. They want to make a payment. You know, there's confusion whether the landlord can accept the payment and not have to start his process all over. This... This attempts to clarify that situation and bring some clarification into the law and some balance."

Bowman: "Okay. Well, thank you. To the Bill, Madam Speaker."

Speaker Breslin: "You have only a few minutes."

Bowman: "I will be brief. I think that the Gentleman, I'm sure is well intentioned, but it disturbs me that we will have one set of laws for what happens under full payment, another set of laws for what happens under partial payment, and that it seems to me that this legislation is overkill, and for that reason, I urge rejection of the Bill."

Speaker Breslin: "The Gentleman from Cook, Representative Greiman in Representative Cullerton's chair."

Greiman: "Thank you, Mr. (sic - Madam) Speaker. Will the Gentleman yield for a question?"

Speaker Breslin: "The Gentleman will yield."

Greiman: "Mr. Kirkland, I tried to follow the questioning of the last speaker, and it was with some difficulty. Is it the

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common law of Illinois that where a tenant receives a five day notice, pays a portion of the rent that is due, it is accepted by the landlord, that that would vitiate that notice. Is that right? That notice would be for naught. Null and void."

Kirkland: "I think the law is... I think the case law is unclear on it. If it's leaning in a direction, I'd say yes, that it invalidates the notice."

Greiman: "So that a landlord who wishes to get possession under the present common law can choose to get possession of the premises if he wants to and sue for the rent, or he can choose to take the rent, take the partial payment, and then he has a tenant, understanding that he can then serve the guy with a new five day notice for the balance of the rent due and owing."

Kirkland: "That's correct."

Greiman: "Okay. Alright. To the Bill, then."

Speaker Breslin: "Proceed."

Greiman: "In... If that is the state of the common law, then I think if it ain't broken, we oughtn't to fix it, if that's the state of the common law. If that's not the state of the common law, we are indeed ignoring the power imbalance between landlords and certainly residential tenants who are... residential who have a difficult time in making their rent from time to time. We are... We are resolving this confusion, if there is confusion, in the... in favor of the landlord, and we are suggesting that the landlord somehow should be held to... have to come forward. And why not the other way? Why not that the landlord must reserve that in writing when he accepts partial payment? We could turn it around just as easily and recognize that landlords are generally more sophisticated - although not necessarily - but generally more sophisticated, and let the landlord

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have that concern. That would be another way of handling this problem. And no less fair, certainly, no less fair. I think that this problem should be studied more, if indeed, it is a problem. If the common law of Illinois is not clear, we should study that. We should come to a conclusion. It seems to me that this is not well balanced, that this does not provide us with the kind of remedy that Representative Kirkland is... seeks to address in this Bill. I am going to vote 'present' on this Bill because I think there may be a problem, and I'm certainly going to vote 'present' and not give this Bill my affirmative vote. I think it should be defeated."

Speaker Breslin: "The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Madam Speaker. Will the Spncsor yield?"

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

Countryman: "Does this apply to a 10 day notice?"

Kirkland: "It's in the forcible Section of the statute, and that Section refers to five or more day notice."

Countryman: "So it would apply to both the five and the 10 day notice. Is that correct?"

Kirkland: "Yes, under that wording of the statute."

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

Kirkland: "Yeah. A couple of responses. Number one, you come to this situation when the tenant is accused of not paying his rent, so you can talk about balancing, but you have a situation where the landlord is trying to get rid of somebody who hasn't paid their rent. Also, to clarify a bit, this law... this wording states that partial payment will invalidate the notice unless the notice states on its face, tells the tenant that partial payment will not invalidate the notice, that partial payment will be

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accepted in exchange for extending the lease. So I think it does draw a reasonable balance and clarifies... clarifies the law. And I'd just add one other thing. You want to talk about common law, how many, you know, tenants know common law, let alone being able to pick up some statutory law, so... "

Speaker Breslin: "The question is, 'Shall House Bill 2871 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 89 voting 'aye', 13 voting 'no', and 6 voting 'present'. This Bill, having received the necessary Constitutional Majority, is hereby declared passed. House Bill 2873, Representative Nash. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2873, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill."

Speaker Breslin: "Representative Nash."

Nash: "Madam Speaker and Ladies and Gentlemen of the House. House Bill 2873 is one of a series of Bills that was filed by... recommended by the Gang Crimes Commission. What this Bill does is, it requires the Division of Criminal Investigation of the Department of Law Enforcement to maintain a computerized record available to Illinois peace officers of organizations and gangs and their convicted members engaged in criminal activity. I worked this Bill out with the Department of Law Enforcement, and they have no objection."

Speaker Breslin: "The Gentleman moves for passage of House Bill 2873, and on that question, the Gentleman from Cook, Representative Jaffe."

Jaffe: "I just want to make certain things clear. I don't know

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which one of these gang crimes Bills this actually is.
What... What... have you defined 'gang'?"

Nash: "All it does, it says that they can supply a record of convicted gang members."

Jaffe: "Yeah, but what... what is a... what is a gang? I mean, is being a Member of the General Assembly. Is that being a member of a gang? I don't know what the definition is under the Bill, and I think that it's sort of vague, unless... "

Nash: "It's defined in the Bill by, 'Being engaged in the violation of criminal laws in this state'. 'Gangs' is defined."

Jaffe: "Well, but what makes you a member of a gang? Do you actually have to be convicted of something with somebody, or do you have to just be associated with somebody?"

Nash: "You have to be convicted of criminal activity."

Jaffe: "With someone? In other words, if I belong to an association... "

Nash: "You have to wear glasses and have a beard."

Jaffe: "If Matijevich and I belong to an association together, if someone in that association is convicted of a crime."

Nash: "If one of you has a beard and wears glasses, it would be."

Jaffe: "Well, I... the problem that I have with it is, I don't know what a gang is, and until that can be answered, I'm going to have to vote 'aye' because I would like to know, you know, who they're keeping records on. I think you could come to a situation where you may be keeping records on everybody. You know... "

Nash: "It's specified... It's specified of convicted gang members, people who are engaged in criminal activity."

Jaffe: "Yeah, but I still don't know what a gang is, and I don't know what defines a gang or who belongs to a gang. It may be that the entire General Assembly is a gang, and if one

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Member is convicted, well maybe they can keep records on everybody. So until that's defined, I'm going to have to vote 'present'."

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

Bowman: "Yes, thank you, Madam Speaker. I'd like to put Representative Jaffe's mind to rest. The Amendment - House Amendment #2 - to the Bill, provides that the lists shall be kept on convicted... persons convicted of crimes, so that the person who is not convicted of a crime would not be on the list, so the definition of the gang is not critical for appearance on the list at all. It... What is... What defines whether a person gets on the list or isn't on the list is simply whether they are convicted of a crime, and I think we do keep records of convictions. A person is indeed innocent until proven guilty, but these are people who have been proven guilty. So I want to assure Representative Jaffe that the Bill will not... should not offend his civil liberties sensibilities."

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

McAuliffe: "Mr. Speaker, Ladies and Gentlemen of the House, I would rise in support of Senator Nash's Bill. This is a Bill that came out of the Gang Crimes Commission, and we had hearings in Chicago, and we had some hearings in the suburbs. And if Representative Jaffe doesn't know what a gang is, I'm sure we could drop him off at the corner of North Avenue and Damon in Chicago, and he'd make the acquaintance of some gang members very, very soon."

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

Braun: "You know, the fact that this Bill came out of Gang Crimes frankly does not impress me a whole lot, and I don't mean to cast aspersions on anybody, but as a practical matter, I

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want you to really think about what you're doing. In areas like the area I represent from Chicago, where you do have gangs, if you have a list that's available of somebody that's been convicted of possession of a weapon, which most of these guys do, teenagers and the like, possession of a weapon, driving wrong, or whatever. If you create a list, all you're doing is creating a hit list for the opposition gang to come and start picking people off with. It's just that simple. As a practical matter, what you're doing is providing yet another tool for further intimidation. You're opening up, with the definition of law that doesn't have a definition. We don't know how a gang is defined. I know one when I see one, but you don't know how a gang is defined. And if you create a list that is available in such a way, all you're doing, by virtue of that list, is taking these young people, by and large, and not so young in some cases, and putting them in a concrete form and identifying them as a Disciple or a Black Lone Ranger or whatever, and holding... and really, setting the community up for even more violence. I don't understand how it is that somebody would come up with an idea like this that is, inevitably, I think, Representative McAuliffe, we've discussed these things. I think it's just going to be another situation in which you, the police, are going to have a harder time because now these guys will have yet another weapon, so you are arming them with a weapon to escalate gang warfare in the city, and it's just... it just seems to me just an inappropriate way to go. I suggest a 'no' vote on this bad Bill."

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

Leverenz: "Will the Gentleman yield?"

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

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Leverenz: "The Bill would provide lists of people would be collected. Is that correct?"

Nash: "No, all the Bill provides is information that the Chicago Police Department, for example, gets on gangs. That's passed on to Illinois Law Enforcement - Department of Illinois Law Enforcement. It's passed down to the police chiefs and sheriffs in the small cities and towns of Illinois, because these gangs are moving out of Chicago and starting organizing all over the state."

Leverenz: "Would any lists be made and then distributed, as the previous speaker suggested?"

Nash: "No, lists will not be made, but when information is brought... "

Leverenz: "You're telling me that the Lady is wrong?"

Nash: "Yeah, the Lady is wrong because these gang members cannot these lists unless they're police officers."

Leverenz: "Well, let me tell you something about your town. How would these lists or pieces of information be distributed?"

Nash: "They will only be available to peace officers, which means police chiefs in the cities in Illinois, sheriffs, state's attorneys, et cetera, et cetera."

Leverenz: "And what information might be documented about an individual? That he'd become a gang member?"

Nash: "The information, generally, that will be distributed if this legislation passes, is information... "

Leverenz: "Well, let's say the person's name is John Smith, and what would they know about him? It would say, 'John Smith is an active member', or an active member and not has his dues paid up, or what?"

Nash: "No. If he is a convicted... If he has been convicted, then he would be on any lists that might be formed."

Leverenz: "Only if he were convicted, would it ever show up on the list?"

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Nash: "Yes. Correct."

Leverenz: "And that was amended in the Bill. So in actuality, what you are distributing, then, is documented, convicted information that was disclosed in a court trial somewhere."

Nash: "That's correct."

Leverenz: "And, would this information be available under the Freedom of Information Act?"

Nash: "It sure would. All we're doing is making it easier for the police chiefs and sheriffs in the small towns to get this information without going and looking for it."

Leverenz: "If it's available under the Freedom of Information Act, it is available to everyone. Earlier, you indicated it would only be available to law enforcement officials. Which is it? The answer, Representative Nash, is that you were incorrect, that it's available under the Freedom of Information Act, and it is only be available to law enforcement officials. Is that correct?"

Nash: "Okay. All we're doing with this Bill - we're complicating it now - all we're doing is... the Department of Law Enforcement, when it has information on these convicted members is, they do this already. Just pass it on to the other law enforcement officers in the State of Illinois. It's very simple."

Leverenz: "If we do it already, what is the purpose of the Bill?"

Nash: "They don't do it for the gangs. It's just... We have a problem where these gang members are going in other cities in Illinois, and they're organizing. They're getting out of jail, and they start organizing. They're starting in grammar school. The gang members range from ages six to 63. It came out in our hearings. We had a police chief from DuPage County who released a gang member from his jail, but he didn't know he was a gang member until he found this information out... a convicted gang member in

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one of our commission hearings."

Leverenz: "Then it would be good for the law enforcement people in my area to have this? Then I'm for it."

Nash: "Yes, it would be."

Speaker Breslin: "The Gentleman from Cook, Representative O'Connell."

O'Connell: "Thank you, Madam Speaker. Just as a point of clarification, the question was raised as to whether this information would be available pursuant to the Freedom of Information Act. I would submit that the Freedom of Information Act has certain exemptions, and one of those exemptions is information that is utilized by law enforcement agencies, so I would suggest that this information would not be available pursuant to the Freedom of Information Act."

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

Ronan: "Thank you, Madam Speaker and Members of the House. I, too, rise in support of this legislation. Let's stop kidding ourselves. Representatives who represent certain parts of the City of Chicago and certain suburban communities have seen the documented growth of gang activity in the Cook County area. It's there. It's a fact of life. What we've got to do is give the police departments an opportunity to have the tools available to go after these hard-core gang members. The situation on arson, murder, extortion, witness intimidation, victim intimidation, it's documented evidence. It goes on day in and day out in the City of Chicago. It goes on in my district. It goes on in my district. It goes on in many of the districts in the city. It's also been documented by the Chicago Tribune and Sun-Times that there is a tremendous influx of gang activity in the surrounding communities of Cook County - Evanston, Maywood, Harvey.

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You've got hard-core gang members reaching out and expanding their power base in order to do the one thing they want to do, which is to get money to control the drug traffic that they're so interested in. This is an opportunity for us in the General Assembly to give another tool to police departments in the city and in surrounding suburban communities to do something about this horrendous rise in gang crime activity. I'll be glad to join with Representative Jaffe. He and I can go through Humboldt Park any time he wants to, and it will be very easy for him to spot gang activity and gang membership. It's a shame that he lives in an ideal world. I happen to represent a district that's filled with a lot of goofy people, and we've got to do something to protect the folks in my district who pay their taxes and have been terrorized by gangs. That's the reason I support the legislation. I urge other Members to... to have a little compassion on the decent people in the City of Chicago."

Speaker Breslin: "Members are reminded not to use other Members' names in debate. Representative Jaffe, on a point of personal privilege."

Jaffe: "I would just say to Representative Roman that if he moved out of the neighborhood, the amount of goofy people would go down."

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

Alexander: "Thank you. Will the Sponsor yield?"

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

Alexander: "Thank you. Representative Nash, are you aware that in the Circuit Courts throughout the state, that all individuals convicted appear on a conviction listing. Okay. Well, they do. Are you aware that those persons convicted or incarcerated into the Department of

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Corrections or the Cook County jails, that their name would appear on a list as a convicted person? Yes. Are you aware that the state's attorney who prosecute the case or the public defender who defends the case in the court room also compiles lists of convictions? Okay. Are you aware that the police department or the officer assigned to the case when it progresses through the court system, reports back to his supervisors that there was or there was not a conviction in the case, and that record is also maintained. Alright, fine. Now, question to you. What is a gang? Would I be a gang member if I received a conviction? Could I be classified... What would classify me as a gang member?"

Nash: "A gang is the people who are in our neighborhoods in Chicago who are going throughout the state who are distributing the drugs, mugging the people, intimidating the shop owners for protection, killing each other off and so on and so forth... again our annual report when it's distributed to you next week."

Alexander: "Okay. I'm a loner. I don't need anybody. I go out there, and I mug you, or I rob you. Am I a gang or a gang member?"

Nash: "No. No."

Alexander: "Okay. I rise in opposition to this Bill because the very information that the Representative is trying to seek is already being generated in several places throughout the state. And in the instance where a police chief or official released an individual without... without knowing that he was purportedly or allegedly a gang member. Shame, shame. He should have checked the records, and he could have very easily have found out what the prior status of that person was. I am opposed to this Bill."

Speaker Breslin: "The Gentleman from DuPage, Representative

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McCracken."

McCracken: "I move the previous question."

Speaker Breslin: "The Gentleman moves the previous question. Is there any opposition? All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the previous question is put. The Gentleman from Cook, Representative Nash, to close."

Nash: "Madam Speaker, Ladies and Gentlemen of the House, this is a people's piece of legislation. I ask for an 'aye' vote."

Speaker Breslin: "The question is, 'Shall House Bill 2873 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 93 voting 'aye', 12 voting 'no', and 1 voting 'present'. This Bill, having received the necessary Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we have passed four Bills in the last hour. We have many Bills to go. House Bill 2875. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2875, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative White."

White: "Mr. (sic - Madam) Speaker and Ladies and Gentlemen of the House, House Bill 2875 requires the study of parenting education for students enrolled in public schools in grades six through eight. The Bill provides for the requirement not to be imposed until after July 1, 1986, and that the requirements... that the required study shall be conducted within regularly taught classes, and that the program will be determined by the local school board. This Bill is sponsored by the Commission on Children. It does not cost any money to the State of Illinois. This is one program that is mandated, but the dollars from the Federal

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Government will follow the program."

Speaker Breslin: "The Gentleman..."

White: "This program... or, this Bill is sponsored or supported by the Illinois Department of Children and Family Services, the Illinois Department of Public Health, the Illinois Education Association, the Illinois Federation of Teachers, the March of Dimes, the Illinois PTA, the Illinois Caucus on Teenage Pregnancy, the Association of Young Children, Social Service Task Force of Project Life, the Illinois Home Economics Association, the Family Resource Coalition of Illinois, Child Care Association of Illinois, the Illinois Council on Youth, the Illinois Association of Family and Service Agencies. Catholic Charities has taken a neutral position on this Bill. So has the State Board of Education and the Illinois School Boards. I ask for favorable consideration on this piece of legislation."

Speaker Breslin: "The Gentleman moves for passage of House Bill 2875, and on that question, the Lady from DuPage, Representative Nelson."

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

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

Nelson: "Thank you. Representative White, we have a number of mandates already on the books that we asked local school districts to provide to their students. Do you have any idea what number mandate this would be?"

White: "No, I don't."

Nelson: "You recognize the fact that we have a daily phys ed mandate, a driver ed mandate, a bilingual mandate, and a special education mandate at the present time. Is that correct?"

White: "That is correct, but as I said earlier, the State Board of Education and Illinois Association of School Boards have

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taken a neutral position on this piece of legislation, and this course will be taught within the home economics, health, social science departments."

Nelson: "What is a parenting course?"

White: "Well, that program will be designed by the local school boards. It was designed to help our young people become parents if and when they become parents. Basically, to teach the young people nutrition, child care, how to be a good person, interpersonal relationships, how to become a better... a good person as a youngster, and if and when they become a child, they will know how to better handle their children. This is all designed to reduce child abuse and to save lives."

Nelson: "Are they going to teach child care without having infants and small children to practice on?"

White: "Well, let me say this. No, not really, but you see, I teach at the 'Schull' Elementary School in Cabrini Green, and we have 10 young ladies who have become pregnant under the age of 14. This Bill has nothing, really, to do with sex education. I talked with the high official in the State Board of Education, and they assured me that this Bill had nothing to do with sex education, and they will not have any small children to work on within the school."

Nelson: "Is it possible, under your Bill, to proficiency out if I am a young person and can prove that I have knowledge of child care because of my babysitting experience? Can I proficiency out of parenting education?"

White: "No, I don't think you can. You see, I'm glad you mentioned babysitting because if you are a parent, and you decide that you want this young lady to be your babysitter, certainly you would hope that through her education or through her training in school, it would help her to be a better babysitter."

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Nelson: "How long do you envision this course to take?"

White: "Well... "

Nelson: "Is it a year's course?"

White: "Well, it's not a course. It is within the regular taught courses within the school - home economics, science, health and p.e."

Nelson: "Last year, we passed a core curriculum mandate that said in... before graduation from high school, our young people must take history, science, language arts, math, and then there were some other choices offered, but at the same time, we also require that students take safety education, health education and consumer education. Under which one of those courses would you recommend that this parenting education fall?"

White: "Fall within the courses that I just described - health, science, home economics and p.e."

Nelson: "So if there are students... "

White: "Let's get it straight. We're not just... We're not coming up with a new course. What will be taught will be determined by the local school board, and it will be integrated into health, home economics - those courses that are being taught on a regular basis. All they'll do is maybe spend a few moments saying, 'By the way, in order for you to prepare your food, certainly you must wash your hands and clean underneath your fingernails,' et cetera, et cetera. In the course of p.e., they would certainly concentrate on teaching the youngster first aid, and who knows, maybe one day you may be in a restaurant, and here this kid comes along and provides you with some needed service. Artificial resuscitation or what have you-CPR."

Nelson: "Representative White, I think you misunderstand me. I certainly do not object to, you know, the idea of people being better parents, I simply object to the fact that we

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are imposing another mandate on local school districts."

White: "What's more important, mandating something on to the the school boards or helping our young people to grow tall and straight and to become not only good individuals, but become good parents as well, if and when they become a parent?"

Nelson: "I think young people... well, I don't want to get into a dialogue. What is one is already a high school age person and a parent? Are they required to take this course?"

White: "Yes. This is also... Like I said before, if they are enrolled in a home economics program, they will take the course. If they're in health, again, they will become involved in this course - p.e., and there's one more. I can't think of what the other one is... science."

Nelson: "What if one is a high school parent and takes the course and flunks the course?"

White: "It's not a course. Again, this is only a part of one of the courses that I just described to you a few moments ago."

Nelson: "Well, to the Bill, Madam Speaker. I certainly do not object to our young people in this state growing strong and straight and knowing the responsibilities of full parenthood. That's not my objection whatsoever. I have no objection to sex education in our public schools. I do object... "

White: "This is not sex education."

Nelson: "I do object to, as the General Assembly, imposing further mandates on local high school districts while at the same time we require; a core curriculum, safety education, health education, consumer education, physical education, driver education, bilingual education and special education. We simply are not leaving enough room for the best and the brightest kids who want to take

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college prep courses and who may wish to take a full four years of language arts, a full four years of history, of science, of math, and of a foreign language. There's no room left in their school day for this kind of a course when we keep adding these requirements, and therefore, I am opposed to this particular Bill, even though I understand the purpose and believe that the Sponsor of the Bill is well intended."

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

Pullen: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, I, too, believe that the Gentleman is well intended, but that this Bill should be opposed for many of the same reasons as just given by the Lady from Cook and for a few more. The Gentleman has cited four courses - home economics, health, physical education and science - as the place where this instruction would take place, but that's not what the Bill says. It doesn't designate particular courses where this would take place. It requires that parenting education is taught within appropriate courses as determined by the local board of education. Now, I'll admit that that's better than the way the Bill was first introduced, which would be within regularly taught courses - that could be within any course in the curriculum. But really, it can be within any course in the curriculum, as the Bill is. There was a law passed by Congress in 1978 called the Protection of Pupils' Rights Act, and it deals - and it is still on the books - it deals with giving the parents the right to withdraw their children from courses in which those children are asked to participate in discussions involving the family relationships in their homes. Well, it's pretty hard for parents to do that, if those items are being inserted in the curriculum in regularly taught courses, and if the parents don't know

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that that's what's going on because it's incidental to the course, not the purpose of the course. Indeed, this particular Bill includes, as part of the parenting education, family relationships. And I would like you to think about who we're talking about, here. We're not talking about 17 and 18 year olds who may be preparing for going out^o into the world and becoming parents. This includes all children in sixth grade and seventh grade and eighth grade. Think of the sixth and seventh and eighth graders that you know. Are those children ready to take on parenting education, classes in child care and child development? Quite frankly, I think for most of them it's going to be completely useless, because they are not at a stage in their own development where they're ready for that kind of education, nor where they need that kind of education. Now it might be that there are some communities where children need to be taught about how to become parents, and maybe the school boards in those communities would want to put courses of that sort in, but this is a mandate for all the school children in Illinois. Think about your own children. Think about how they were or how they are at the sixth, seventh, eighth grade levels. Are they really ready to learn about child development, family relationships and parenting skills, or ought we to be helping them not to become parents too soon? I urge you to defeat this Bill."

Speaker Breslin: "The Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you, Madam Speaker. I rise on a point of personal privilege. I believe the Committee Report indicates that I voted in favor of this in Committee. This was passed as an entire group, all of which were used in a Roll Call. I simply wish the record to reflect that it was my intention,

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and it's so indicated to the Chair, to vote against the Bill in Committee, and I would ask the record to so reflect. Thank you, Madam."

Speaker Breslin: "Your remarks will be reflected in the record. Representative McClaine... Excuse me, Representative Ropp from McLean."

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

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

Ropp: "Representative White, I somewhat support your general idea. I think that we need more kinds of education that young people are in a time of learning that they need these kinds of things. My question to you is, is there any cost? And I didn't understand that at the beginning, in this mandated program."

White: "There is no cost to the State of Illinois. The federal program through the home economics department funds this program."

Ropp: "Okay. In the area of parenting, is it your understanding that vocational concerns and future employment is also a part of parenting, and would that be included?"

White: "There's noise on the floor behind me. Could you re... "

Ropp: "Yeah. The question is, under the broad term of 'parenting education', is it to be understood that vocational future employment in some vocation would also be included in the broad term of 'parenting'."

White: "No. No, let me go back again. If this Bill becomes law, the local school boards will be able to determine what should be taught, and in response to Representative Pullen, I can answer her as well, that the local school board will determine in which courses this program will be taught. I gave out some suggested areas. I said health and science, et cetera. Those were only suggested areas."

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Ropp: "I guess... I'm not sure that you need to pick out particular areas of course instruction. I think it is of concern that nearly every teacher, no matter what field of endeavor that teacher is involved in, may want to consider some concerns relative to parenting and to the future and the importance of why they're teaching or why they're taking that particular course. I think all too often, kids go to school with no plan of their future in a particular vocation, as well as in the area of being a parent. The other and final question - I don't see how you can consider the term 'parenting' without including some kind of sex education, and you seem to somewhat back off on that whenever anyone talks about sex education. It has been long understood that parenting certainly has a very strong root in sex education, and this is something that you might want to deal with, since I think this is a problem that a lot of kids have in these early areas. And if... And if we think that people are not of an age to learn this, I would suggest that probably these kids are, in many areas, far ahead of the teacher."

White: "Well, I could not... Well, speak for yourself, Representative. But nevertheless, again, in response to your question or your statement, the local school boards again will determine what is to be taught. As I said earlier, I spoke with the representative of the Illinois State Board of Education, and he said that in no way can this Bill be interpreted as a sex education Bill. All this Bill is designed to do is to help these young people to learn how to live and hopefully, if and when they become parents, they will be better equipped to raise their children. Right now, we have a large number of cases before us, and the Department of Children and Family Services has indicated that to me, and resulted... as..."

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because of cases of child abuse, and we think... seem to think that if we can learn how to raise our young people tall and straight, that we can alleviate a lot of these problems."

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

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

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

White: "Yes, thank you. I very seldom take time of the House, so please support me at this moment. I think that if we are sincerely concerned about our young people, that we should support this fine piece of legislation, even though there are... we have a lot of parents in our society who profess to know how to rear their children in a proper way. If you read in the papers, you will see where there are numerous cases of child abuse, primarily because of teenage pregnancy, and these young people come into this world as children themselves, and yet, not know how to properly rear their children. I would ask that you consider our young people when you vote, and I hope that you will give this piece of legislation... "

Speaker Breslin: "The question is, 'Shall House Bill 2875 pass?'"

All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Gentleman from Cook, Representative White, to explain his vote."

White: "No. I... Once I get the necessary number of votes, I would like to put this Bill on Postponed Consideration."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 49 voting 'aye', 53 voting 'no', and 7 voting 'present'. The Sponsor

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requests leave that this Bill be put on Interim Study. This Bill will be... Excuse me. On Postponed Consideration. Excuse me. This Bill is therefore on the Order of Postponed Consideration. House Bill 2876, Representative Ropp. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2876, a Bill for an Act relating to the levying of... or imposing taxes. Third Reading of the Bill."

Speaker Breslin: "Representative Ropp."

Ropp: "Thank you, Madam Speaker and Members of the House. House Bill 2876 is a Bill that deals with special service areas, and under that area, deals specifically with weather modification. When we passed this Bill a couple of years ago, we stated that after a referendum, a levy could be taxed in the amount of 15 cents per acre to cover the cost for weather modification. In my county, the tax assessor and the clerk and the treasurer and everyone says that in their computer system, it is impossible to break out 15 cents per acre, and that it should be changed to an ad valorem tax of .05% of the assessed valuation of farmland, and this amount equals the 15 cents per acre. It just is easier to compute and put on a tax bill. This all goes out and is voted on by referendum after the county board has stated that it can go on some final ballot. We are attempting, in this area, to make it easier for computers to compute this, and the intent of the legislation is to be considered under farmland, the land, the buildings and the homestead, and all of this will equate to the same amount of money which 15 cents per acre addressed. We also have taken from the current statute, the disconnection procedure because it is also covered in another area under special service areas. I would welcome any questions... and move for its passage."

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Speaker Breslin: "The Gentleman moves for the passage of House Bill 2876, and on that question, the Gentleman from Cook, Representative Greiman."

Greiman: "Thank you. I wonder if the Gentleman will yield for a question."

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

Greiman: "Mr. Ropp, if I understand this correctly, we are changing the taxing power from 15 cents an acre, which is presently not used, is that right? Or difficult to... to actually impose? Is that right?"

Ropp: "That is correct. Fact is, there is no county in the State of Illinois that has voted on this Bill at the present time."

Greiman: "So that... Okay. So that we will then be imposing a tax of .05% on the assessed valuation of the farmland? Is that right?"

Ropp: "That is correct."

Greiman: "So the essence of this, then, is to lay upon farms of Illinois, a tax. We are, in fact, providing them with a new property tax."

Ropp: "That is somewhat incorrect because under the current law, it's 15 cents per acre. We're already... "

Greiman: "Fifteen cents per acre, but no county assesses it, and now, we're giving them a formula that will indeed provide them with a tax on their property that they have not previously had. You know, you said that's not exactly correct. A tax is like being a little bit pregnant. You know, either it's there or it's not."

Ropp: "No, that's not true because you had to, first of all... "

Greiman: "As to pregnancy or taxation? Go ahead. I'm sorry."

Ropp: "Certain things have to take place before you can become pregnant, and that's what we're attempting to address, here. The fact here is that, under the current law, it is

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15 cents per acre. This has to be approved by the landowners within the... a particular county, and we're just changing that method from 15 cents per acre to .05% per assessed valuation. We're just changing the method. It still has to be voted on by a referendum throughout a county that finally has agreed to put it on a ballot."

Greiman: "Right. Well... "

Ropp: "It's not an increase... "

Greiman: "I would certainly suggest that that probably is true, what the Gentleman has just said, that indeed, there would have to be a process before it could be levied, but that it is a tax which is not now levied, and this is not a question. This is to the Bill. It is clearly true, so it is in a sense, in essence, a property tax."

Speaker Breslin: "The Gentleman from Lake, Representative Pierce."

Pierce: "Would the Gentleman yield for a question?"

Speaker Breslin: "The Gentleman will."

Pierce: "Being something of a city or suburban boy, I have a question. Now, in my town if someone doesn't pay their water bill, the city can turn off the water. Now, in your weather modification special district, if someone doesn't pay their weather modification tax, can you turn off the rain somehow and keep them from getting the benefit of the water?"

Ropp: "No, I don't think we're going to turn off any rain. The... If you don't pay your tax - and this would be on the total bill anyway - I don't think people just pay a portion of their tax. They don't pay school tax or the road tax and not pay the sum total. This would be the sum total. If a portion or all of it is not paid, then the penalties or interest would be added on just as they are currently being done under any other form of tax."

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Pierce: "One more question. Now, say that this district has geographical boundaries. Is that right? Now, what happens on the weather modification special district if the rain falls outside the boundaries? Is there any way you can force those people to annex to your district so they pay their fair amount? They're getting the benefit of the rain and not paying anything. Is that the American way?"

Ropp: "No... "

Pierce: "I've heard of taxation without representation, but I never heard of benefits without taxation."

Ropp: "It is somewhat of a scientific process, and what actually happens is that when conditions are right for rain to fall in an area, the cloud seeders then go... let's say, I'm not exactly sure exactly how many miles, but, let's say 10 miles prior to the movement of the clouds into your area, they are then seeded with a particular kind of a chemical in which moisture forms on these drops. As the clouds begin to move, those drops pick up moisture - those particles - and fall within that particular area that has... is attempting to increase the amount of moisture. Normally then, rain would not be lessened in some other county. It would not be increased. It's kind of like if you're running on a bombing run, you know, you drop your bomb before the target because the movement of the plane and everything, you know, finally hits the target, and that's about what happens in a cloud seeding process."

Pierce: "Okay. Well, it might work. I'll support the Bill. I think you would be just as well off with 'Webber Boerchers' Chief Illiniwek' doing a rain dance, but if you want to try and tax yourself, that's your business, and I'll support your Bill."

Speaker Breslin: "The Gentleman... "

Ropp: "Webber's getting older and doesn't... isn't able to get

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around the counties as quickly as he once did."

Speaker Breslin: "The Gentleman from Effingham, Representative Brummer."

Brummer: "Yes. I move the previous question."

Speaker Breslin: "That's unnecessary, Representative Brummer. The Gentleman... There being no further discussion, the Gentleman from McLean, Representative Ropp, to close."

Ropp: "Madam Speaker, I urge a favorable vote on House Bill... "

Speaker Breslin: "The question is, 'Shall House Bill 2876 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 100 voting 'aye', none voting 'no', and 5 voting 'present'. Representative Vinson asks to be voted 'aye'. On this Bill, there are 100... Representative Erunsvoold wishes to be voted 'aye'. On this Bill, there are 102 voting 'aye', none voting 'no', and 5 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2877, Representative LeFlore.

Out of the record. House Bill 2878, Representative Madigan. Out of the record. House Bill 2884, Representative Hicks. Out of the record. House Bill 2885, Representative Hicks. Clerk, read the Bill."

Clerk Leone: "House Bill 2885, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "Representative Hicks."

Hicks: "Yes, Madam Speaker, Ladies and Gentlemen of the House, House Bill 2885 is a very simple Bill. It amends the Illinois Pension Code. It simply takes care of the surviving spouse on the Downstate Teachers' Retirement Fund and makes modifications in a housekeeping chores audit. It's a very simple Bill, and there's really no impact to it. I'd ask for an 'aye' vote."

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Speaker Breslin: "The Gentleman moves for passage of House Bill 2885. And on that question, is there any discussion? Seeing... The Lady from Cook, Representative Braun."

Braun: "Question of the Sponsor. This only applies to the downstate teachers?"

Hicks: "Yes, Ma'am."

Braun: "Okay. Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall House Bill 2885 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 110 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2888, Representative Cullerton. Out of the record. House Bill 2891, Representative Madigan - Capparelli. Out of the record. House Bill 2899, Representative Bullock - Vinson. Clerk, read the Bill."

Clerk Leone: "House Bill 2899, a Bill for an Act to amend the Illinois Pension... The Illinois Public Aid Code. Third Reading of the Bill."

Speaker Breslin: "Representative Bullock."

Bullock: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 2899 is an attempt on the part of the Sponsor and the Joint Sponsors to amend the Public Aid Code in relationship to Medicaid reimbursements for nursing home care. Essentially, this legislation is similar to that proposed by the Illinois Health Care Association in the spring of last year. The fact of the matter is, nursing home rates accelerated under our FY '83 and '84 when the... Governor first declared the Medicaid cost containment initiatives. This legislation attempts, in some measure, to essentially do four things. Under the

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area of support service component, as it relates to the rates for laundry and dietary and utility costs, et cetera. On July 1st of this year, the ceiling for general services under the reimbursement formula would be increased from the current 60 percentile to the 70 percentile. Moreover, we're asking, with this legislation, for full reimbursement for real estate taxes which can be adjusted annually by calendar year in which they were paid and allow the industry to recover that cost. Thirdly, we hope to raise the amount to be paid for utility costs to the 90 percentile of those costs that are usual and customary in similar facilities. And finally, we are requiring consideration, under this legislation, for the cost recovery for employee benefits and their prerequisites for employment. Essentially, Madam Speaker and Ladies and Gentlemen of the House, that is, in fact, what the legislation does. I know of no opposition. I would certainly, respectfully urge an 'aye' vote. This matter, on many occasions has been before the appropriate agency of the Department of Public Aid and so forth. As a matter of fact, the Department has conducted various sample studies showing that the Illinois system permits some of this cost recovery. I'd be glad to answer any questions that may be presented, and I would urge an 'aye' vote."

Speaker Breslin: "The Gentleman moves for passage of House Bill 2899. And on that question, the Lady from Cook, Representative Topinka."

Topinka: "Yes, if I may ask the Sponsor a question."

Speaker Breslin: "The Gentleman indicates he will yield to a question."

Topinka: "What would the cost to the state be on this?"

Bullock: "Madam Speaker, I have been asked by an appropriate person to ask that this Bill be taken out of the record."

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Speaker Breslin: "Cut of the record. House Bill 2908, Representative McGann. Clerk, read the Bill."

Clerk Leone: "House Bill 2908, a Bill for an Act relating to the prevention of developmental disabilities. Third Reading of the Bill."

Speaker Breslin: "Representative McGann."

McGann: "Thank you, Madam Speaker and Members of the Assembly. This is one of a package of three Bills which were posed by this House by the... by the House Committee on High Risk Infants and Newborns, in accordance with the House Resolution 435. The Committee conducted hearings throughout the state, consulted with various authorities regarding the need to improve the care and treatment of seriously ill and disabled newborns in Illinois. This Bill is consistent with the testimony of the Perinatal Association and all others involved, with much thanks must be extended for their fine cooperative work. The Bill has been amended. It's been approved by the Hospital Association, Nurses' Association, Pro-Life. It is a step in the right direction to show that the State of Illinois is deeply concerned about their little infants with born disabilities. Look to them before birth to maybe prevent that disability. This is one of those three Bills that's going to do it. I hope that we'll have, as we have had throughout this Committee, the total support of both sides of the aisle. I ask support of this Bill."

Speaker Breslin: "The Gentleman moves for the passage of House Bill 2908. On that question, is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 2908 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 108 voting 'aye', 2 voting 'no', and 1 voting

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'present'. The Gentleman from DeWitt, Representative Vinson, asks to be voted 'aye' instead of 'no'. There are therefore 109 voting 'aye'... Representative Wait asks for the same leave. There are therefore 110 voting 'aye', none voting 'no', and 1 voting 'present'. This Bill, having received the necessary Constitutional Majority, is hereby declared passed. House Bill 2909. Clerk, read the Bill."

Clerk Leone: "House Bill 2909, a Bill for an Act to amend the Hospital Licensing Act. Third Reading of the Bill."

Speaker Breslin: "Representative McGann."

McGann: "Madam Chairman (sic-Speaker) and Members of the Assembly, this is the second Bill of the package of three. This Bill is a very simple Bill. It amends the Licensing Act, provides that within one year, all hospitals must comply with standards of perinatal care established by the Department of Public Health, which are consistent with requirements of the Developmental Disabilities Prevention Law governing the state's perinatal care system. This Bill came about because we have found that there are many - under the voluntary plan presently - there are many hospitals that chose not to belong to the perinatal group. As a result, the help that can be given the little infants is not there because they are not in tuned with exactly the modern treatments. This Bill requires them to belong and therefore, this, once again, has been accepted by the Hospital Association, Medical Association, Perinatal Association, and those nurses' associations concerned. So, I'd ask your support. Rather than go into further details, I'll be happy to answer any questions."

Speaker Breslin: "The Gentleman moves for the passage of House Bill 2909, and on that question, is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 2909 pass?' All those in favor vote 'aye', all those

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opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 103 voting 'aye', 2 voting 'no', and 5 voting 'present'. Representative Karpel wishes to be voting 'aye'. There are therefore 104 voting 'aye', 2 voting 'no', and 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2910. Clerk, read the Bill."

Clerk Leone: "House Bill 2910, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Third Reading of the Bill."

Speaker Breslin: "Representative McGann."

McGann: "...Members of the Assembly, I'd ask leave to have this Bill returned to Second Reading to put a #5 Amendment on it."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading. Hearing no objection, the Gentleman has leave. Clerk, read the Bill."

Clerk Leone: "Amendment #5 amends House Bill 2910."

McGann: "Madam Chairman (sic-speaker) and Members of the Assembly, this Amendment #5 to House Bill 2910 is just a language change. It was requested by the Hospital Association and in concurrence with all those involved with the Committee. It was felt as though that we should have this language change. I'd ask support."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #5 to House Bill 2910, and on that question, is there any discussion? The Lady from DuPage, Representative Nelson."

Nelson: "Question of the Sponsor, Madam Speaker."

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

Nelson: "Would you please tell us, Representative McGann, what

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the language change is? What is it... What was it originally and what are we changing it to?"

McGann: "Well, actually, Representative Nelson, was a long paragraph from line seven through line 24. What we did was we took line eight... pardon me, we took line 19... previous line 19 through 24 and put it up at line eight through 13. This was the language change. They felt as though in this sequence it would be better accepted by the Hospital Association."

Nelson: "Representative McGann, instead of referring to line numbers, could you tell me what the language is? I mean, what does it say?"

McGann: "Oh, fine. Alright. Presently now, in the proposed Amendment - I'll answer it that way, if I may, Representative Nelson - on line eight it states here that 'Withholds or denies nourishment or medically indicated treatment, including food or care, denied solely on the basis of the present or anticipated mental or physical impairment, as determined by a physician, acting alone or in consultation with other physicians or otherwise.' And then we move down to line 19, and we see it states, 'A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care, as provided under Section 4 of this Act.'"

Nelson: "So, therefore, Representative McGann, if I am not a Christian Scientist, that is, I do not depend upon spiritual means through prayer alone, for the treatment and cure of disease, but I do wish to withhold a particular course of treatment for my severely handicapped child, I no longer have that choice? That choice, in other words,

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resides solely with a physician acting alone or in consultation with other physicians. Is that correct?"

McGann: "That I... First of all, I'd like to say, Representative Nelson, this is... this was part of the original Act, this wording. It has just been defined a little bit closer in regards to the Christian Science influence. That is all it is, basically."

Nelson: "What I'm asking you is whether or not you are taking power away from parents to determine their child's course of treatment?"

McGann: "We are not taking away any power that was not considered before. We are not taking any power away from the parent. All we are doing is rewording a... part of the paragraph in order to comply with the request of the Christian Science people and also the fact we changed the paragraph to the end because the Hospital Association preferred that... that part of the paragraph to the end. Excuse me."

Nelson: "But the ultimate authority, under your Amendment, is the authority of the physician, correct?"

McGann: "No, the ultimate authority remains with the parent."

Nelson: "But that parent is labeled a parent who has neglected..."

McGann: "Are you... Are you thinking... Excuse me. Excuse me, Representative Nelson. Are you speaking of a scenario where the parent wants to deny treatment or the physician wants to deny treatment?"

Nelson: "I'm speaking of the case in the child that was born on Long Island, where the parents, after an agonizing consultation with physicians and their spiritual advisors decided that they did not want extraordinary measures and surgery for their very, very severely handicapped child. And they asked that that treatment not be given to the child, and the government chose in that case to intervene."

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I believe that that is an inappropriate intervention by government into people's private decisions, and that is why I'm opposed to your Amendment."

Speaker Breslin: "The Gentleman from Macon, Representative Dunn. The Gentleman from DuPage, Representative McCracken. We'll come back to you, Representative Dunn."

McCracken: "Well, I'm in favor of this Amendment, and I'm in favor of this Bill. If we can tell adults, rational adults to wear seatbelts, we can tell them not to let their children die. That's proper government use of its power. Let's vote for this thing."

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

Dunn, J.: "I'm a little confused about the impact of the Amendment. If the Amendment is adopted, who will make decisions with regard to treatment or nontreatment of a child?"

McGann: "Representative Dunn..."

Speaker Breslin: "Yes, proceed, Representative McGann."

McGann: "Thank you. It's... there is no change in who is making the decision at that time. It's still going to rest with the parent and the physician in consultation with them or other neonatologists that are... have the expertise in advising the parent on the road they should follow. It's not taking anything away from their authority as they had before. All it is is defining where there is neglect, that there is... then we can step in."

Dunn, J.: "Well, does... there are questions about who determines neglect, but it seems to me that the Amendment says that the decision about treating or nontreating will be made exclusively by the physician. Am I wrong about that?"

McGann: "Would you repeat that, Representative?"

Dunn, J.: "Okay, as I read the Amendment, it looks to me like the decision about treating or nontreating will be made solely

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and exclusively by a physician. Am I right or wrong about that?"

McGann: "Representative Dunn, I believe that the physician, and of course I believe it's defined elsewhere, that this physician must have some expertise in the field. He would be making the decision with the help of the parents. The parents have always got the right... if he's making a decision negative to their thoughts, they always have the right then to..."

Dunn, J.: "I'm having trouble hearing, Mr. Speaker."

McGann: "They would always have the right then to have other physicians come in and consultate on the issue."

Dunn, J.: "I think the Amendment does refer to one or more physicians, but the key question I have is whether... whether this is exclusively within the control of the physician, and I do read the Amendment that way. I may not be right, and I'd like to know whether that is so or not."

McGann: "There is no... Representative Dunn, there is no change in the parent's right. Medically speaking, the physician has the decision making power invested with him as far as his background. If the parent is not satisfied, as I repeated before, then we can... they have the right to consultate with other doctors, which is the... most of the hospital review committees that they have presently, the one doctor does not make the decision alone."

Dunn, J.: "Well, I guess what's critical to me is I happen to be a parent, and if any of my children, at any stage of their life, while they live with my family, are to be treated, I want something to say about it. And consultation is one thing, and the right to decide is another. And if this Amendment says that parents will be deprived of a right to make decisions about what happens to a small child born to them, I have very serious concerns about... about this

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Amendment. But I don't know whether that's so or not. I just... I read it that way, that the parents' rights will be taken away from them. I may not be right. I don't know."

McGann: "Well, and I don't agree with you, Representative Dunn, and I am a parent also, and sometimes that's why I get myself involved in these areas because I have such great concern for our little ones. And that was the purpose here that we were trying to cover every area to try and protect the neglected child or the little infant that has a disability in development... problem. And the..."

Dunn, J.: "Madam Speaker, that... may I speak to the Amendment?"

Speaker Breslin: "Proceed, Representative."

Dunn, J.: "I don't want to prolong this debate any longer, but we are dealing with a very serious problem that happens to some newborn infants and parents who bring those particular children into the world. And I think before we rush to judgment here, we ought to make exactly certain what we are doing. I'm still confused and I cannot support the Amendment or the Bill, if this Amendment gets on it this way."

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

McGann: "Thank you, Madam Speaker and Members of the Assembly. As I stated originally, this language change was asked for by the Illinois' Hospital Association in concurrence with the Medical Society and the Nurses' Association. These are the persons that are... that have an expertise in the field. We, as lay persons, Legislators, take their advice, for the most part, when we know that it's going to be in the end result, the bottom line, beneficial, as in this case, to the child, which has an anticipated mental or physical impairment. It does not take anything away from

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the authority of the parent, but in conjunction with the help of the physician or other physicians, they will be able to set the best course for that little infant. They... The infant is protected, the parent is protected, and we are leaving the job to the parents and the physician. I ask your support of this final Amendment to House Bill 2910 in order to complete this package."

Speaker Breslin: "The question is, 'Shall Amendment #5 to House Bill 2910 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. Representative McAuliffe wants to be voted 'aye' as does Representative Zwick. Representative Barger wants to be voted 'aye'. Representative Zwick wants to be voted 'no'. There are, therefore, 64 voting 'aye', and 14 voting 'no', and 19 voting 'present'. And the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. The Gentleman asks leave for immediate consideration of this Bill. Does the Gentleman have leave? There are objections. Representative McGann, you can move to suspend the rule for immediate consideration. However, it will require 71 votes. Do you wish to do so?"

McGann: "Yes, Madam Speaker. I move to suspend the rule."

Speaker Breslin: "The Gentleman moves to suspend the rule and allow immediate consideration of this House Bill 2910. And on that question, the Lady from DuPage, Representative Nelson."

Nelson: "Thank you very much, Madam Speaker. Ladies and Gentlemen of the House, I rise in opposition to that Motion because I think that this is an important Bill and requires that you take a look at the Amendment that we just adopted

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before you vote either in favor or against it. As I read this Amendment, it would make parents neglectful. It would force the state to enter in not only in the case of newborn infants who are severely handicapped, but also in the case where there has been an automobile accident, and a child may be brain damaged with no hope of recovery and those organ transplants would be..."

Speaker Breslin: "The Gentleman from St. Claire, Representative Flinn, for what reason do you rise?"

Flinn: "Well, Madam Speaker, I believe she is speaking to the Bill. She can either object or not object and she has objected and that's enough."

Speaker Breslin: "Representative, the Motion is debatable. Please bring your remarks to a close, Representative Nelson."

Nelson: "I think that the implications of this Amendment are serious and I would ask you to vote 'no' so that we might have time to look them over and not rush to judgment."

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

Pullen: "Thank you, Madam Speaker. Actually, this Amendment changed the Bill very little, and the purpose for the rule for time to be left between consideration of an Amendment and the Bill is so that if a Bill is substantially changed, people will have an opportunity to reflect on that. This Bill has not be substantially changed. The Amendment was a minor change. Most of the Amendment reflected precisely what was in the Bill to begin with. We are just coming off a debate on much of the substance of the Bill. The Amendment itself is now the Bill. The House knows what it is we are talking about, and it seems to me that the Gentleman's Motion is entirely in order and ought to be supported, if for no other reason than procedural reasons. I urge an 'aye' vote on the Motion."

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Speaker Breslin: "The question is, 'Shall this Bill be heard immediately?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 78 voting 'aye', 15 voting 'no', and 3 voting 'present', and the Motion carries. Representative McGann, on the Bill."

McGann: "Thank you, Madam Speaker and Members of the Assembly. I certainly appreciate your support on that last vote. This is the final Bill of the package, 2910. We've amended this Bill, as been just stated, for five Amendments, in order to have the Bill come out refined and acceptable to all those that are really truly concerned about the neglected, the abused child, the child that is born with a developmental disability, in order to be able to bring about a state that says we really truly care for our neglected ones. This final Bill... it has the duties... it adds the members and duties to the Statewide Citizens Committee on Child Abuse. It enhances the Perinatal Group, the Association, the hospitals that are involved. It clarifies the definition of a neglected child. It includes any handicapped newborn infant child who is being discriminately denied food. It reiterates that a child will not be considered neglected or abused for the sole reason, as we stated. It permits the Department of Family and Service to designate other medical specialists in addition to the perinatal coordinator, to review suspected cases of medical neglect involving newborns or infant children. I think we have pretty well wrapped it up. It also states that we are going to have the need for money, which this Assembly, just two days ago, appropriated to enhance the perinatal system in the State of Illinois to make sure that we never have a 'Baby Doe' situation occurring in the state again, and that all these

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little ones will be taken care of. So once again, I'm calling upon your support in behalf of all those little infants throughout this great state. Please support this final Bill. Thank you."

Speaker Breslin: "The Gentleman moves for the adoption... the passage of House Bill 2910, and on that question, the Lady from DuPage, Representative Nelson."

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

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

Nelson: "Representative McGann, you have been talking about high risk newborns and infants, but in your Amendment which became the Bill, I see no reference to newborns. Would this cover any child from birth through age 21 or 18?"

McGann: "I am, Madam... Representative Nelson, as the Amendment that you are referring to, the last Amendment, is that what you are referring to? It says neglected child means any child, any child."

Nelson: "The reason that I ask you that question is that one of the concerns that I have with this piece of legislation, besides the imposition in the parents' decision and privacy, is that I feel it may impede the organ transplant program in this state and in this nation. Because, what I would like to ask you is, if we are saying that parents become neglectful parents if certain medically indicated treatment is denied on the basis of anticipated physical impairment, then are we not saying that a child who is severely brain damaged in an automobile accident and for whom there is no chance of recovery other than to be, perhaps, a vegetable for a few more years could not be ruled at some time brain dead and those organs used by another child?"

McGann: "I personally don't think that your statement really is relevant to this Bill at all. I think we are drifting

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away, way out from it."

Nelson: "You said before in your earlier testimony that where there is neglect, then we can come in."

McGann: "We are speaking in neglect in regards to... in regards to the well-being of the child including adequate food, clothing and shelter. The child's well-being. That's what we are looking at in this Amendment. We are not looking at that 17 or 18 year-old that had an unfortunate accident and is near death and the brain can be transplanted. We are not getting into that at all in this Amendment. We are talking about a child."

Nelson: "To the Bill, Madam Speaker."

Speaker Breslin: "Proceed."

Nelson: "I understand Representative McGann's concerns with newborns, and I certainly believe that we should do all in our power, especially with the advances in medical science, to ensure that handicapped youngsters have the very best of care and have a chance for a nearly normal productive life. But I am worried about those cases which I have read extensively about, where the parent or parents of this very, very severely damaged newborn chooses to give that baby just nourishment and other care or extensive surgery, years and years of surgery is withheld. My concern is for that parent who has gone through an agonizing decision. And for the state to come in and say to that parent, 'You do not have that decision making power,' I believe is wrong. And that's why I am opposed to passage of House Bill 2910."

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

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

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

Braun: "Representative McGann, the Bill refers to child. Is there a time... Is there any age limit designated in this

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legislation? That is to say, does it apply to children up until the age of emancipation, 18 or are we talking only about newborns or what?"

McGann: "No, I would say that actually the definition with child on the lower end, no limitation, but 18 on the... under the current law that exists now, and I think it also states that in the Bill."

Braun: "So then the Bill then does not just apply to the 'Baby Does' of the world, but would apply to a teenager injured in a car accident, right?"

McGann: "That is correct."

Braun: "Thank you. No further question."

Speaker Breslin: "The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Will the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Satterthwaite: "Representative McGann, we have been talking about those... We have been talking about the circumstances under which you would feel that it was inappropriate for withdrawal of services. Are there any provisions under this legislation that would allow, by some decision making process, to withhold life supports?"

McGann: "Madam, Representative Satterthwaite, no, that is... that would not take place. Also, we might point out... if I may... could I just answer..."

Satterthwaite: "Now, well, let me follow up. Does that mean... Does that mean then that if there is a child who has been deemed to be brain dead, for whom there is no medical assurance of any kind of recovery, that we would have to keep that child on extraordinary life support systems forever?"

McGann: "No, where the medical determination is that the individual is dead, a report would be filed... possibly

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with a report. The authorities would certainly concur with that decision. I might add, if I may, Representative..."

Braun: "With what decision? What authorities would concur with what decision?"

McGann: "The Department of Children and Family Services."

Braun: "Would concur with a decision by whom?"

McGann: "With the... probably with the case we are really directing possibly through to the perinatal center, the perinatal... the hospital, that member of that association."

Braun: "The Bill provides a procedure by which medical personnel can determine that extraordinarily... extraordinary life support systems are no longer advisable."

McGann: "That is correct."

Braun: "And at that point, those supports can be withdrawn without any liability incurred by the parent or by the physicians?"

McGann: "If medically indicated, that is correct."

Braun: "Thank you."

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

Terzich: "Yes, I have a question of the Sponsor. After listening to all this debate, who plays God in this matter? Who... Who is the one that makes the determinations?"

McGann: "Who makes the final determination?"

Terzich: "Yeah."

McGann: "I would say it would be finally with the expertise of the neonatologist, the... in the case of, we'll say, of the developmental disability child, the parent and those in consultation. I might add in answering your question, in one of our hearings that we had down in Breese, Illinois, a Father 'Neumeir' gave testimony in regards to extraordinary care, and his belief, and a theological acceptance of his

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belief was that when you go to consider extraordinary care, you consider the social, financial problems that are involved in extraordinary care. So I am sure that if it was in a hospital and the person was of Catholic religion that the priest would be taking that into consideration and his advice to those concerned, because a lot of the hospitals today have a clergyman on their review committees that are existing. So God still plays God. He is the only one that can decide the death or life of any one of us, but at the same time we have to have a practical approach to the issue. And I think that those in command at that time will be making the proper decision."

Terzich: "Well, since that's the case... Well, what's the penalty or the forgiveness provision of this Bill. I mean if someone makes a mistake, you know, that they made the wrong decision, what happens to these people?"

McGann: "I don't believe we have outlined a definite penalty here in the Bill itself, at least..."

Terzich: "But there is some decision making in the Bill and if you make the wrong decision, what penalty do you get?"

McGann: "Well, I'm assured that if the wrong decision was made, the Department of Children and Family Services legal part would be taking the case beyond and certainly satisfying the justifiable problems that would exist on behalf of the next of kin, I'm sure."

Terzich: "One other question. On the neglected child or... what happens if a child is born with a, you know, bad kidney or bad liver and he needs a transplant and, you know, the insurance doesn't cover it and the parent don't wants it, is that a neglected child? How would you handle something like that? Would the state be responsible or who would be responsible to make sure that child is not neglected because he may die because he doesn't have a kidney or a

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heart transplant or a liver transplant? What happens in a case like that?"

McGann: "In answer to your question, Representative, I would set a scenario that if the case of the bad kidney that needed the transplant be reported to, in this case, like the perinatal center, and upon that report, they would act. And I'm sure after investigation, if their finances were not there, they would not be turned away, that the state would be picking up, just as they are presently picking up quite a few dollars in the state to protect and care for our little infants, which I'm proud to say they are doing presently, without any legislation."

Terzich: "Thank you."

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

Woodyard: "Madam Speaker, I believe we have just gone down to one Bill an hour now. I move the previous question."

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

McGann: "Thank you, Madam Speaker and Members of the Assembly. I want to thank you for all the support you have given, all the support that was given by this fine Committee, and I know that you are going to do the right thing now. I'm just going to quote from our great, late Mayor, Richard J. Daley, when he was approached on another subject, the subject of abortion. And he stated, 'I'd rather have the kids on my knee than on my conscience.' Give me a vote, please."

Speaker Breslin: "The question is 'Shall House Bill 2910 pass?'"

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All those in favor vote 'aye', all those opposed vote 'no'.
Voting is open. The Gentleman from Cook, Representative
O'Connell, to explain his vote."

O'Connell: "Thank you, Madam Speaker. Just to add some intent to
this question, I don't believe that this Bill is addressing
the brain dead child who is being supported on life support
system or extraordinary medical treatment. The Bill and
the Amendment which became the Bill, clearly addresses the
fact that it is in the determination of the physician
acting alone or in consultation with other physicians as to
whether it's in the person's well-being to receive that
treatment. I think it follows that if someone is brain
dead, the question of his well-being, of being kept alive
on those life support systems, would clearly not be in that
person's well-being. So I think the Bill is addressing the
high risk infant situation, and as to the examples given of
the older children who are involved in an accident being
kept alive on life supports, I don't think is included in
this Bill."

Speaker Breslin: "Have all voted who wish? The Clerk will take
the record. On this question, there are 66 voting 'aye', 9
voting 'no' and 26 voting 'present'. This Bill, having
received the necessary Constitutional Majority, is hereby
declared passed. House Bill 2916, Representative Terzich.
Clerk, read the Bill."

Clerk Leone: "House Bill 2916, a Bill for an Act to amend the
Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "Representative Terzich."

Terzich: "Thank you, Madam Speaker, Ladies and Gentlemen of the
House. House bill 2916, extends the prudent man investment
rule to the Chicago Retirement Systems which is presently
enjoyed by all of the other state systems. Amendment #1
excluded the downstate police and fire as well as the

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Chicago school teachers system and the Bill will now cover the Chicago police, fire fighters, Chicago municipal, Chicago park district, Chicago laborers and Chicago sanitary district in the Cook County Pension System. It simply applies the prudent man rule to the investments. There is no cost to the system and should increase their earnings and I would appreciate your support."

Speaker Breslin: "The Gentleman moves for the passage of House Bill 2916, and on that question, the Gentleman from Vermilion, Representative Stuffle."

Stuffle: "Yes, would the Sponsor yield to a question?"

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

Stuffle: "Representative Terzich..."

Terzich: "Yes."

Stuffle: "What's the effect of changing the portion of the Bill that deals with the downstate teachers? Why is that amended since the... you amend the part that deals with the fiduciary responsibilities of the trustees of that system?"

Terzich: "The systems that are affected, we did inquire that it did cause problems with the downstate police and fire pension systems because of the small size so they were taken out. And also it was requested from the teachers' system that they also be excluded."

Stuffle: "Downstate teachers are still in the Bill, aren't they?"

Terzich: "Well, yes. They did not have any objections to the Bill."

Stuffle: "My question is why did you change their thing at all since you already indicated the other systems outside of Chicago already have a prudent man rule in their investment authority. That's the second question, and let me ask the third one at the same time because they fit together. You changed the fiduciary responsibility section on investments in the downstate teachers' system, but you didn't change

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the specific investments of the downstate system. Why?"

Terzich: "Representative, I don't have the Bill in front of me on that. I would check that out and if there is any requirements on the Amendment with the system that we would make that adjustment."

Stuffle: "To the Bill. My concern is that, number one, there has been some question about the application to the downstate teacher system. There is some question about applicability of your Amendment because it does not use the same language per se in the fiduciary Section of 16-179, which I believe it is, that is currently contained in the investment Section that articulates the specific investments in 16. I don't know why on one hand you would need to amend 16 at all for downstate teachers if they already have authority, which they do, which is limited, and on the other hand, if you don't need to, why isn't the language exactly the same that's in the investment part that you now put in the fiduciary part? Simply put, I don't see why they are in the Bill at all."

Speaker Breslin: "The Gentleman... Is that a question, Representative Stuffle?"

Terzich: "Well, here again..."

Speaker Breslin: "That's not a question, Representative. Have you closed? The Gentleman from DeWitt, Representative Vinson."

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

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

Vinson: "Representative, is Amendment #1 on the Bill?"

Terzich: "Yes, it is."

Vinson: "Okay. Now, as I understand Amendment #1, it creates an authorized investment list for the downstate... for the Chicago teachers, the downstate fire fighters and the downstate police... police officers retirement systems?"

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Terzich: "It excluded them from the... from the Bill."

Vinson: "In other words, you are saying that the language in Amendment #1..."

Terzich: "Yes."

Vinson: "... which appears on its face to create an authorized investment list, in fact, just reenacts the list which is currently in statute?"

Terzich: "That... That's correct. With the adoption of Amendment #1, the following systems will be allowed who are not currently allowed to put investment assets under the reasonable and prudent man rule and that would be the Chicago police, Chicago fire fighters, Chicago municipal, Chicago park district, Chicago laborers, Chicago sanitary district and the Cook County system."

Vinson: "Those are... Those are under a prudent man rule if the Bill passes? Correct?"

Terzich: "That's correct."

Vinson: "Okay, now the Chicago teachers, the downstate fire fighters and the downstate police officers would not be affected?"

Terzich: "That's correct."

Vinson: "They would have the same investment authority that they currently have?"

Terzich: "That's right."

Vinson: "How about the downstate teachers?"

Terzich: "Again, that this Bill, from my understanding is that it does not affect the downstate teachers. Representative Vinson, as I mentioned to you that if there was any objections from these systems with regard to that, we'd pull them out, but I haven't... I haven't had any objections from the downstate teachers which I don't believe are included in the Bill. They are not in the Bill."

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Vinson: "Thank you."

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

Friedrich: "Would the Sponsor yield?"

Speaker Breslin: "The Gentleman indicates he will."

Friedrich: "My analysis says that this provides an unusual risk.

A small return is not a breach of fiduciary duty. Now, is that part of the prudent man rule? The thing... it looks to me return is not a breach of fiduciary duty. Now, is that part of the prudent man rule? The thing... it looks to me as if you are opening up the gate for wide open investments by the board. Is that the intent of this?"

Terzich: "No, it's to expand the investment opportunities to take advantage of the current investment opportunities that are available in the market. We did pass this similar type of legislation last year for all of the state supported systems and it has proven favorable. The prudent man rule would still be applied, that they can still continue under their same investment portfolios or expand... expand it."

Friedrich: "It does not limit them to the list, approved list though?"

Terzich: "I didn't hear that, Representative."

Friedrich: "It doesn't limit them to the approved list?"

Terzich: "That's correct."

Friedrich: "Well, to the Bill. Madam Speaker and Members of the House, I know that when we had high interest rates the high flyers were going here and there for investments, even the... some of the funds we have here in the state, and they found out that a good steady 11.6 percent wasn't as bad as they thought it was. In fact, they have lost their socks in some of those. I think if we are going to be protecting pension funds we ought to have a little closer handle on it than this does because this says literally,

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the board can invest in high risk things. They are not responsible for return or losses, and I think that's... I think that's the wrong direction for pension plans. I think most pension people under a pension plan want to be sure the money is there when they get there and they don't want to be... have people playing games with it."

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

Terzich: "Yes, Mr. (sic - Madam) Speaker, Ladies and Gentlemen of the House, on the contrary that all of these systems are involved, they have investment houses. The smallest system involved is 130 million dollars up to 1.4 billion dollars. It has... to me has been proven to be an extremely favorable situation by putting in a prudent man rule, which is currently going throughout the United States to take advantage of these investment opportunities and get a higher rate of return. We haven't seen any abuses of this particular provision and certainly that these systems should be given an opportunity to increase their funding and provide better benefits to their retirees. And I would urge your support."

Speaker Breslin: "The question is, 'Shall House Bill 2916 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? This is final passage. Have all voted who wish? The Clerk will take the record. On this question there are 62 voting 'aye', 37 voting 'no', and 9 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2921, Representative Matijevec. Clerk, read the Bill."

Clerk Leone: "House Bill 2921, a Bill for an Act to amend the Comptroller Merit Employment Code. Third Reading of the Bill."

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Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House, the Comptroller is the only constitutional officer who has a Director of his Department of Personnel other than the Governor's Office with a salary that is set by statute. As a result, the Comptroller's Personnel Director does not receive the annual increase that other agency personnel directors or constitutional officer directors receive. This Bill, House Bill 2921, would raise in the Constitution the... in the statute rather, the salary from \$35,000 to \$45,000. It reflects an increase, an annual increase of 4.5 percent, and I believe that in order for us to be fair and equitable as with other directors of personnel for constitutional officers that we should, therefore, be responsible and support House Bill 2921, and I do ask for your support."

Speaker Breslin: "The Gentleman moves for passage of House Bill 2921. And on that question, is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 2921 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 78 voting 'aye', 21 voting 'no', and 10 voting 'present'. This Bill, having received the necessary Constitutional Majority, is hereby declared passed. House Bill 2923, Representative Terzich. Clerk, read the Bill."

Clerk Leone: "House Bill 2923, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "Representative Terzich."

Terzich: "Yes, Madam Speaker, Ladies and Gentlemen of the House, House Bill 2923 amends the General Assembly Retirement System, and those of you who may or may not know, I am a trustee of the General Assembly Retirement System, and this

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Bill comes from the Board of Trustees. And the Bill affects the survivors of the General Assembly Retirement System. It does not cover active Members. It's only applicable to survivors. The Bill provides that upon death of an annuitant the annuity shall be paid to... for the entire month of the death and the survivors' benefits will commence immediately on the first day of the next month. It also provides that the deceased age of the survivor by which that person may remarry and still receive benefits from age 55 to age 50. And it also establishes an automatic three percent annual increase in the survivors' benefits and... under the Bill. As you may or may not know that many of the pension systems do provide for minimum survivor benefits that are continuously annually increased. This has never been done with the General Assembly Retirement System so the survivors and widows have not had any adjustment in their survivors' benefits and some of them are at substantially low amounts. What the Bill will do now is apply a three percent annual increase, which is similar to the post-retirement benefit that we become eligible for starting at age 60. This Bill has been approved by the Members of the General Assembly Retirement System. I'll be more than happy to answer any questions. We do pay the highest rate of contribution in the State of Illinois at 11 and a half percent. If anybody has any questions, I'll be more than happy to answer them."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2923. And on that question, is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 2923 pass?' Excuse me. Representative Greiman has a question. Representative Greiman."

Greiman: "Is it my understanding, Mr. Terzich... Oh, would the Gentleman yield for a question?"

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

Greiman: "Isn't it a fact that no other system, Mr. Terzich, has the automatic annual increase at three percent?"

Terzich: "That's correct."

Greiman: "So we would be forging ahead in new ground, untraveled ground in providing..."

Terzich: "Where did I get... Where did I get what? I didn't get anything. Where did I get what?"

Greiman: "Who said you got anything?"

Terzich: "Well, that's what you said, 'Where did I get that?'"

Greiman: "No, I said we would be forging ahead, forging ahead on new ground. Is that right? Is that right?"

Terzich: "Oh. I'm sorry. Alright."

Greiman: "So we would be providing ourselves with a three percent annual increase for survivors, and no one else has that. Is that right?"

Terzich: "The... No other system has it is correct, but at the same time, as I mentioned that other systems do have minimum benefits which are annually increased."

Greiman: "But not this... not this one."

Terzich: "That's correct."

Greiman: "Are there any other systems that would allow the survivor to retire at this age, at 50... the survivor to receive money at that time?"

Terzich: "There... This does not allow survivors to receive money at any given time..."

Greiman: "No, on the remarriage."

Terzich: "This is on the remarriage that it would apply. That they would not lose their pension benefits if they remarried after age 50 rather than 55."

Greiman: "So is there any system that has anyone who is of... surviving spouse of such tender years as this system would provide us?"

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Terzich: "There are... are not any other systems that are also paying 11 and a half percent."

Greiman: "No, I asked you a question. Are we forging ahead, new ground?"

Terzich: "We are amending that particular article, yes."

Greiman: "New ground. So on this Bill then we have... We will be voting ourselves new..."

Terzich: "We... We are not voting ourselves anything. It's the survivors' benefits."

Greiman: "Well, many of us feel kindly toward those survivors, I suppose."

Terzich: "I'm glad to hear that."

Greiman: "So if it's our family, we are taking care then of our family and increasing us... our rate and the age of retirement ahead of any other system around. That's what we are doing here, is that right?"

Terzich: "No."

Greiman: "No. Well, to the Bill or to something, I guess. I asked you both those questions. You answered yes and now it's no. I'd like to take this out of the record to discuss it, but you indicated you didn't want to."

Terzich: "That's correct."

Greiman: "And I think we should consider what we are doing. We are voting ourselves a fringe benefit, and certainly that's something we should consider in a measured way. I'm going to vote 'present' on it. I've never voted against pension things or salary things for the General Assembly, but I think we ought to consider our benefits in sort of a package sense."

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

Terzich: "As I mentioned, Ladies and Gentlemen of the House, this Bill originated after a discussion with the Members, both

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from the House and the Senate, including Leadership, that are Members of the General Assembly Retirement System. That our system... we do pay the highest amount. These are problems that are inherent to our system. The three percent post-retirement is something new, and that is something that is going to be coming along the way because of the survivors have no ways or no means to have their retirement benefits or survivors' benefits adjusted because of inflation and this has caused serious problems. That the amount that the Pension Laws Commission did not necessarily disapprove this particular feature because of the fact that you are providing some increments which necessarily have to be addressed. All of the other systems in the State of Illinois, whether they are teachers, police, fire, any of them have come up and said we need to increase the benefits for our poor widows and our poor survivors. We increase their minimums. We increase them \$50 a hundred. We increase them to 350. We increase them 100 percent, 200 percent, no contributions or anything of this nature. That these are the problems, that I'm addressing this as a trustee of the General Assembly Retirement System. We do pay the highest rate in the state and probably the highest rate of any state in the United States of 11 and a half percent for our pension benefits. We are contributing a sufficient amount of money to address the problems of our survivors, and I would appreciate your support."

Speaker Breslin: "The question is, 'Shall House Bill 2923 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? This is final passage. Have all voted who wish? The Clerk will take the record. On this question there are 30 voting 'aye', 61 voting 'no', and 18 voting 'present'.

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Representative Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, just as a point of personal privilege, you know, I don't like to sponsor this type of legislation, but I do want you to know that I said this came from our own retirement system, and I think that you should have given it at least a little better consideration than the laughing and the hacking going around because it is addressing and I didn't pick this out of my hat. It's not a special interest Bill. It's something that came from our own system and I'm a little bit appalled at the vote."

Speaker Breslin: "This Bill, having failed to receive the necessary Majority, is hereby declared lost. House Bill 2926, Representative Davis. Clerk, read the Bill."

Clerk Leone: "House Bill 2926, a Bill for an Act to amend the Secretary of State Merit Employment Code. Third Reading of the Bill."

Speaker Breslin: "Representative Davis."

Davis: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 2926 was amended on Tuesday to include a small salary increase for the Merit Commission of the Secretary of State's Office. Since its inception, it has done exemplary work, in my opinion. There is a three member Merit Commission Board and the salary increase takes... is a net impact to the state of \$7,500 a year, a very small increase indeed. And I recommend the Bill for your approval and I heartily hope you endorse it and give me an 'aye' vote."

Speaker Breslin: "The Gentleman has moved for the adoption of House Bill 2926, and on that question, is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 2926 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted

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who wish? The Clerk will take the record. On this question there are 74 voting 'aye', 27 voting 'no', and 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 21... 2931, Representative Zwick. Out of the record. House Bill 2933. Out of the record. House Bill 2934, Representative McAuliffe. Clerk, read the Bill."

Clerk Lecne: "House Bill 2934, a Bill for an Act to amend an Act relating to the identification and use of motor vehicles of the state. Third Reading of the Bill."

Speaker Breslin: "Representative McAuliffe."

McAuliffe: "Mr. (sic Madam Speaker) and Ladies and Gentlemen of the House, this Bill would merely allow the Secretary of State's police to use fictitious licenseplates when they are conducting undercover investigations, as the state Police can do now."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2934. On that question is there any discussion? Gentleman from Macon, Representative Dunn."

Dunn, J.: "Can we have some examples of what types of subject matters are involved in undercover investigations by the Secretary of State?"

McAuliffe: "Secretary of State's Office investigates chop shops, junk yards and things like that. Fictitious drivers' licenses, people who print phony drivers' licenses, manufacture phony titles, that's the type of investigative work they'd like to be able to use these plates on."

Dunn, J.: "Is there any provision in the law that will limit the number of these licenses or are all Secretary of State vehicles eligible for this treatment?"

McAuliffe: "I think they'd only use it in... on unmarked squad cars that they use on these undercover investigations. I... probably they wouldn't use more than five or ten in

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the whole state. I really couldn't answer how many
though."

Dunn, J.: "There is... There is no limitation on it at this..."

McAuliffe: "Yes."

Dunn, J.: "Thank you."

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

Bowman: "Will the Gentleman yield for a question?"

Speaker Breslin: "The synopsis is really not very descriptive and
as I understand it, the legislature will say that if
someone gets a license plate number and calls the Secretary
of State's Office, under this Bill, the information about
ownership and registration will not be given out?"

McAuliffe: "Well, the way it works with the Chicago Police
Department, they have the cars registered to fictitious
addresses or fictitious companies. So if you found a
undercover car or unmarked squad car and you ran it through
the computer, it would come up with an address because
otherwise you would know it was a police car. They will
give you an address and fictitious name and a fictitious
address."

Bowman: "Okay, that's the way it works for the Chicago Police
Department. Are you saying that the same thing would be
true in the case of the Secretary of State if this Bill
were to pass?"

McAuliffe: "Well, I imagine it would. I really couldn't tell you
for sure. I imagine that's how they will do it. I know
they won't put in there that it's issued to the police
department though."

Bowman: "Okay, now is the legislation like this already in effect
for the state police?"

McAuliffe: "I think it is. I couldn't tell you the truth. Yeah,
Representative Nash said it is. They are doing this now,

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but they just want to legalize what they are doing."

Bowman: "Oh, okay. Well I wouldn't want the Secretary of State to break the law, so I'm happy to support this legislation."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the Gentleman from Cook, Representative McAuliffe, to close."

McAuliffe: "Simply ask for a favorable Roll Call."

Speaker Breslin: "The question is, 'Shall House Bill 2934 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Have all voted who wish? Voting is open. The Clerk will take the record. On this question there are 108 voting 'aye', none voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2937, Representative Tate. Clerk, read the Bill."

Clerk Leone: "House Bill 2937, a Bill for an Act to amend an Act in relationship to the Office of Secretary of State. Third Reading of the Bill."

Speaker Breslin: "Representative Tate."

Tate: "Mr. Speaker and Ladies and Gentlemen of the House, House Bill 2937 allows the Secretary of State to designate someone other than himself to serve as a member and a chairman of the Secretary of State Travel Control Board. Almost all of the other executive officers also have this privilege, and it shouldn't be a controversial Bill. I ask for a favorable Roll Call."

Speaker Breslin: "The Gentleman moves for passage of House Bill 2937, and on that question, is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 2937 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question

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there are 105 voting 'aye', none voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2939, Representative Hower. Cut of the record. House Bill 2950, Representative Brummer. Clerk, read the Bill."

Clerk Leone: "House Bill 2950, a Bill for an Act to amend an Act in relationship to employees and their personnel records. Third Reading of the Bill."

Speaker Breslin: "Representative Brummer."

Brunner: "Thank you, Madam Chairman... Speaker. 2950 makes a exemption with regard to the employee access to personnel records. Legislation that we passed last year - it was introduced at the request of the National Federation of Independent Businesses. It provides the same level of exemption as amended, as did the employee right to know legislation sponsored by Representative McPike, I guess, two years ago or last year. It is applicable to employers that have twenty or more employees or five or more full time employees in this state. The provisions of the access to the personnel records, among other things, indicates that if there are records they must be retained until one year after the employee leaves employment. If, for example, there is a long term employee of 30 or 40 years, that would mean that, potentially, the written application for employment taken 30 or 40 years ago would need to be retained. That's the reason for the introduction of the Bill. I would be glad to respond to any questions."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 2950, and on that question, is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 2950 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question

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there are 90 voting 'aye', 10 voting 'no', and 4 voting 'present'. This Bill, having received the necessary Constitutional Majority, is hereby declared passed. House Bill 2960, Representative Alexander. Out of the record. House Bill 2961, Representative Keane. Out of the record. House Bill 2971, Representative McGann. Clerk, read the Bill."

Clerk Leone: "House Bill 2971, a Bill for an Act to amend the Bingo License and Tax Act. Third Reading of the Bill."

Speaker Breslin: "Representative McGann."

McGann: "Thank you, Madam Chairman (sic-Speaker) Members of the Assembly. House Bill 2971, which was amended in Committee, which is the Bill, is asking that the tax returns filed pursuant to this Act shall not be confidential and shall be available for public inspection. May I explain, in the City of Chicago, the intent of the Bingo Bill is being forgotten about in many areas. What is happening is that these large bingo palaces, they will contract with some numerous not-for-profit organizations. They will reward them with piddlings and will take and pocket the rest of these monies that are derived from the bingo. What this Bill is going to do in conjunction with the Department of Revenue... that these returns can be made available and where there are abuses proper action would take place. It's a good Bill. It's a protection of those not-for-profit organizations that are trying to make it, especially in the areas of the schools in the City of Chicago, the parochial schools which depend largely upon bingo in order for them to exist and to keep their schools running. On the other side of the coin, if we don't give them some help in an area where they can lock into these abuses, we are going to find that we are going to have a lot more closed, and we are going to find that what is

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going to happen is a greater... burden, a greater burden is going to be placed upon the Board of Education of the City of Chicago. I ask your support for this Bill. I think it's a step in the right direction to control these bingo palaces."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2971, and on that question is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 2971 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 104 voting 'aye', none voting 'no', and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2972, Representative Terzich. Clerk, read the Bill."

Clerk Leone: "House Bill 2972, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2972, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Breslin: "Representative Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2972 will increase the cost of school bus drivers' permits from two dollars to four dollars. The current fee has been in existence since 1973, and simply can no longer cover the cost of the rapidly expanding training programs that they fund. The... For example, in 1971, the Cook County...400 bus driver permits were on file. In 1983, this amount has gone up to 6,700. The fee increase proposed by this Bill would provide for the needed expansions that would guarantee... self-sufficiency of this program cost to the general public. The Bill came out of Committee 16 to nothing. The additional cost for the entire thing would be \$13,000. And I would appreciate your

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support."

Speaker Breslin: "The Gentleman moves for the passage of House Bill 2972, and on that question is there any discussion? The Gentleman from Cook, Representative Levin."

Levin: "Would the Representative yield for a question?"

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

Levin: "Yeah, we had a situation. I... You know, my district is on the north side of Chicago and we have the Disney School, which is a magnet school in the area. And there are a lot of buses that congregate there - must be 20, 25 buses - and there were... a few weeks back, on a spot inspection, there was found that the bus drivers... some of them were in pretty bad shape, in terms of their condition, drinking, this type of thing. Do these programs do anything about... in terms of that kind of problem?"

Terzich: "The programs, from what I understand, are directly related to the training of the bus drivers and the issuance of permits. And what it does is it has with bus drivers training. It provides, currently, the federal dollars. It costs \$60 to \$63 for the initial eight hour training courses. And that's... basically it's a training course. It doesn't have nothing to do with the certification of the buses."

Levin: "Okay, I'm talking about the bus drivers. They were in an inebriated state."

Terzich: "I can't hear you, Representative."

Levin: "I was talking about the bus drivers."

Terzich: "Yes."

Levin: "They were found to be in an inebriated state. The bus drivers that drive the kids. You know, they should not have been driving. And I'm wondering if this... any part of what you are talking about here, provides training to these bus drivers or supervision or policing of what they

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dc."

Terzich: "Well from what I understand is that they have training films and what have you. I don't think that they necessarily have hearings as far as the revocation of driving permits or whether it's the Secretary of State or who has that. I really don't know."

Levin: "Maybe we need to work on something."

Terzich: "Not for four dollars."

Levin: "No, okay."

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

Terzich: "Well, like I said that to continue this program, the training program, that there has not been any adjustment since 1973, and inflation and everything, this is a very, very small amount for a four dollar annual fee. And I would appreciate your support."

Speaker Breslin: "The question is, 'Shall House Bill 2972 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 105 voting 'aye', 4 voting 'no', and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2986, Representative Bannig. Cut of the record. House Bill 2992, Representative Levin. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2992, a Bill for an Act to amend Sections of an Act in relation to vending facilities. Third Reading of the Bill."

Speaker Breslin: "House... Representative Levin."

Levin: "Thank you, Madam Speaker, ladies and Gentlemen of the House. This Bill involves the Blind Vendors Program administered by the Department of Rehabilitative Services."

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If you go downstairs in the rotunda, behind the column, is a news stand which is run by Fred. That news stand is part of the Blind Vendors Program. If you take the tunnel to the Stratton Building, in the basement of the Stratton Building is another news stand. That news stand also is a part of the Blind Vendors Program. Recently, I was in Wheaton at the new court house facility there. And in the basement of that facility is a cafeteria which is also operated by blind vendors under the Blind Vendors Program. This program allows blind persons to participate in our economic system as independent businessmen. Recently, we had some rules and regs in connection with this program that came before the Joint Committee on Administrative Rules, and one of the things that came out of those discussions is that there are no objective criteria used right now... required to be used, in terms of who can have these various facilities, these locations. What this legislation does is two things, as amended. One, it requires... where there is a vacancy, in terms of a location, all of the blind vendors who are certified to participate in the program should be notified. And secondly, it requires that the Department promulgate objective criteria in terms of placement. The Bill has been amended. The purpose of the Bill is so that the people that are in the program, the blind persons, are treated as the business professionals that they are, not subject to any kind of arbitrary criteria, so that they and everybody else knows what the standards are. As amended in Committee, the Department withdrew their opposition and filed a slip in favor of the Bill. It is supported in addition by the Illinois Council of the Blind and the National Federation of the Blind. At this point, as amended, I know of no opposition and I urge your support."

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Speaker Breslin: "The Gentleman moves for passage of House Bill 2992, and on that question, the Gentleman from St. Clair, Representative Flinn."

Flinn: "Well, Madam Speaker, I just rise to support the Bill because the blind people, in some instances, have been treated by the State of Illinois as second class citizens. I think it's high time that we do, indeed, treat them as business people, those people who are afforded the opportunity to run vending stands rather than second class citizens or someone who is other than handicapped, that we should treat them as we do all other citizens. I support the Bill. I ask for an 'aye' vote."

Speaker Breslin: "The question is, 'Shall House Bill 2992 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 107 voting 'aye', 4 voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2994, Representative Peterson. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2994, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Breslin: "Representative Peterson."

Peterson: "Thank you, Madam Speaker and Members of the House. House Bill 2994 has had contributions from the industry, Secretary of State's Office and the Motor Vehicles Laws Commission. As the result of a two year study on several categories of truck licenses that were eliminated effective July 1st of '83, one of those categories was the L plate which permitted a gross weight of 36 pounds. Unfortunately, this weight category included most of the inner city buses such as Greyhound, Crown, etc., and these

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buses will gross between 34 and 35,000 pounds. Since the category was eliminated for 36,000 pounds, they were required to go up to the 40,000 pound class or take a chance and register the buses at a lower 32,000 pound category. And, of course, this would be when they were... if they were weighed and had less than a full load of passengers. So because of this elimination of the 36,000 weight category, the I plate, the bus operators were left in this dilemma, violate the law in anticipation that they would not be caught or pay an additional \$288 for weight they cannot possibly use. It was, therefore, agreed by the aforementioned groups that the I plate be reinstated at a commensurate fee of \$784. This certainly will enhance the road fund because if we do not address this issue, it is my understanding that the buses can legally register in another jurisdiction and use our highways on a reciprocal agreement with no cost to the bus operators. So the Amendments that we are looking for is to institute the 50,000 to 64,000 pound fee would be \$960, which is the current rate, and if you went up to the next category, it would only be \$916, which would be less. This would... pardon me. This would be in regard to farm plate schedule, which is another part of the Bill, which was also a problem with the... overlooked when we addressed this last year. This change in the farm plate fee would increase the 64,000 to 73,000 pound category from 916 to \$1000 and this has been supported by the Farm Bureau. It's imperative we act on this Bill to forestall any of our inner city bus carriers from registering their currently licensed buses in other states, and subsequently, this would result in a loss of money to our road fund. And I would appreciate your affirmative vote on this Bill."

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

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House Bill 2994, and on that question, the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you. Will the Gentleman yield?"

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

Mautino: "Representative, I heard you mention in your presentation the L plate provisions that were eliminated when the fee schedule went in place last Session, correct?"

Peterson: "Correct."

Mautino: "This legislation would allow for that L plate to be reinstated at 40,000 pounds?"

Peterson: "No, this would create a new category, the L plate, which would be 32 and 36,000 pounds."

Mautino: "Alright. That is the highest possible plate and individual can purchase next to a semi-tractor trailer plate, is that not correct?"

Peterson: "I assume, otherwise you would go up to the... let's see what the weight is."

Mautino: "40,000."

Peterson: "36 to 40,000. They are in the 40,000 class now. It would drop them back to the 32 - 36,000 pound class."

Mautino: "My concern is this, and I will lay it right out to you. Can I still buy a 40,000 pound plate truck if your legislation is adopted? Truck plate."

Peterson: "It's my understanding you still can do that, Representative."

Speaker Breslin: "The Gentleman from Mclean, Representative Ropp."

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

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

Ropp: "Yes, would you just reiterate what you stated relative to farm truck fees?"

Peterson: "Yes, under the legislation we passed last year, unfortunately, in 50,000 to 64,000 pound rate for farm

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trucks, we had a rate of \$960. If you jumped up to the next weight class, 64 to 73,000 pounds, you paid less money. You paid \$916. This was an error in the legislation. This is correcting that error. So the fee would be 960 for the first class and changed the \$916 to \$1000. And this was agreed and is supported by the Farm Bureau."

Ropp: "Thank you."

Speaker Breslin: "There being no further discussion, the Gentleman... Representative Peterson is recognized to close."

Peterson: "Thank you, Madam Speaker. I think this Bill has been discussed thoroughly and I would just ask for an affirmative vote."

Speaker Breslin: "The question is, 'Shall House Bill 2994 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 111 voting 'aye', none voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3001, Representative Preston. Out of the record. House Bill 3024, Representative Turner. Representative Turner. Out of the record. House Bill 3027, Representative Churchill. Clerk, read the Bill."

Clerk Legne: "House Bill 3027, a Bill for an Act authorizing the Department of Conservation to convey certain real properties. Third Reading of the Bill."

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Bill would authorize the Department of Conservation to convey a very small portion of property to constituents of mine. Unfortunately, the property

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underlies one third of the house of my constituents. There was an error in the original deed which conveyed the land and it should not have conveyed the land under the people's house. This Bill would help to correct that situation. I would ask for a positive vote."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 3027, and on that question is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 3027 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 110 voting 'aye', none voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3031, Representative Currie. Representative Currie. Clerk, read the Bill."

Clerk Leone: "House Bill 3031, a Bill for an Act to amend the Civil Administrative Code. Third Reading of the Bill."

Speaker Breslin: "Representative Currie."

Currie: "Thank you, Madam Speaker and Members of the House. House Bill 3031 is a fairly straightforward and simple Bill. It merely requires hearings in the Department of Commerce and Community Affairs on proposed distribution of Federal Job Partnership Training Act Funds that are available for discretionary use by the state, and it also provides for hearings in the local service delivery areas that are funneled many of the other funds that come to us from the Federal Job Training Partnership Act."

Speaker Breslin: "The Lady has moved for passage of House Bill 3031, and on that question is there any discussion? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Will the Lady yield for a question?"

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

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Vinson: "Representative, it's my understanding that the Illinois State Chamber of Commerce is opposed to you legislation. Can you explain to me why that would be?"

Currie: "Certainly not, Representative Vinson. I had no idea that the State Chamber of Commerce would oppose this good Bill. Perhaps you would like to address your question to the State Chamber."

Vinson: "Now, as I understood, we... isn't this the Bill that we adopted the Amendment to yesterday?"

Currie: "Yes, and, in fact, as I remember, you withdrew a request for a fiscal note that was..."

Vinson: "That's... That's what I was thinking."

Currie: "Yes, this is the... The Amendment was drafted in conjunction with the Department of Commerce and Community Affairs. That Department, like myself, thinks this is a good proposal, sensible, will aid the public with respect to our decisions and local service delivery decisions about the use of these federal block grant dollars."

Vinson: "Now, in the discussion yesterday, I had the impression that the Department was required to hold these hearings. As I read the Amendment, isn't it the service areas that are actually holding the hearings?"

Currie: "It is both, Representative Vinson. What the Department does is hearings with respect... and before the point at which they have to... the Governor introduces his budget so there is no... no problem with the funding schedule. But the Department is required to hold a hearing before the Governor's budget is made up on those funds that are discretionary within the Department."

Vinson: "Okay. Now, the service areas themselves are required to hold hearings under this too?"

Currie: "Under this Amendment, yes."

Vinson: "Would you explain what those service areas are? I

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mean... I don't want an exhaustive list of them, but what kind of institutions are they?"

Currie: "There are 26... the state is divided, in fact, into 26 service delivery areas and each of those areas receives funding on the basis of federal formulas for expenditures for job training and educational activities. The service delivery areas are governed by a private industry council. That council is responsible for distribution and it would be that council that would be holding the hearings that are prescribed under House Bill 3031."

Vinson: "Okay, now, the... there is also a requirement, as I recall, someplace in the Bill for the allocation of funds to in some way reflect census data or something of that sort?"

Currie: "I think you are thinking of another Bill, Representative Vinson. There is no... no language on that topic in House Bill 3031."

Vinson: "Okay. Is that also true for the service delivery areas. They have to hold hearings, but there is no requirements that affect how they distribute the money?"

Currie: "The Bill is straightforward and simple. It only deals with public hearings in the Department of Commerce and Community Affairs and by the service delivery areas."

Vinson: "Doesn't seem to me to be a bad Bill."

Currie: "I think it's pretty good."

Speaker Breslin: "The Gentleman from McLean, Representative Ropp."

Ropp: "Madam Speaker, would the Sponsor yield?"

Speaker Breslin: "She indicates she will yield to a question."

Ropp: "I guess I am a little bit unclear. After they have the hearings, what are they supposed to do?"

Currie: "I think the point of the hearings, Representative Ropp, is so that they can take testimony from concerned members

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of the public about the decisions that they will make with respect to distribution of the funds. The Department's hearings are really with respect to the discretionary funds that come not to the state as a pass through to the local service delivery areas, but particularly under the Title III, the dollars that are available for use... discretionary use by the state itself."

Ropp: "I think... are you on the block grant?"

Currie: "Advisory Committee? I am."

Ropp: "Both of us are on that. What... What... I think we are in the process of doing the same thing. Don't we? Don't we also study the..."

Currie: "We came... the... our Block Grant Advisory Committee met a few weeks ago, as you remember, and did establish a set of recommendations for the General Assembly. I believe that one of our recommendations included public hearings. This Bill was introduced before that meeting and it does not include all of the recommendations from the Advisory Committee on block grants. But, yes, public hearings were certainly an issue we were concerned about."

Ropp: "Okay, in other words, this is a part of what we were attempting to deal with."

Currie: "It was introduced before the Committee. It came from different sources, but certainly it's focused on one of the issues that we raised in the Block Grant Advisory Committee."

Ropp: "Okay, thank you."

Speaker Breslin: "The lady from Cook, Representative Braun."

Braun: "Madam Speaker, thank you very much. The proposals in this legislation have been debated and considered in the Block Grant Committee, and I think are good solid proposals for the operation of the JPTA program in Illinois. However, just to clarify for the record, this Bill is not

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one of the recommendations of that Commission and the Body should be clear that there are a series of recommendations will be forthcoming. This Bill is not one of them, but probably should have been. There is our Commission secretary walking across the front of the chamber right now. And I would think that it certainly comports with the spirit of the discussions before that Commission, but is not contained in an official recommendation at this time."

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

Currie: "Thank you, Madam Speaker, Members of the House. It's a straightforward proposition. Public hearings in the Department of Commerce and Community Affairs, public hearings in the service delivery areas so that the public might have some opportunity to present its views on the question how we spend federal block grant dollars under the Job Training Partnership Act. I urge your support."

Speaker Breslin: "The question is, 'Shall House Bill 3031 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 103 voting 'aye', 6 voting 'no', and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3032. Clerk, read the Bill."

Clerk Lecne: "House Bill 3032, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "Excuse me. Representative Daniels, for what reason do you rise?"

Daniels: "Madam Speaker, if I might have your attention just for one moment. I'd like to introduce a visiting dignitary. The Gentleman on my left is Senator David Nething who is the Majority Leader of the North Dakota Senate, as well as the Vice President of the National Conference of State

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Legislators, and I would hope that you would join me in welcoming Senator Nething from North Dakota. He's here for the acid rain conference and welcome, and with your permission, I'd like for him to say hello to you, if that's alright."

Speaker Breslin: "Senator Nething from North Dakota."

Senator Nething: "Thank you very much. I'm not going to take much of your time. I want to bring you greetings from the President of the National Conference of State Legislatures. We appreciate the involvement that Illinois has in our conference, both through your House Members and your Senate Members, and we look forward to that continued support. Thank you for recognizing me today."

Speaker Breslin: "Thank you, Senator. Representative Curran, on House Bill 3032."

Curran: "Thank you, Madam Speaker. House Bill 3032 amends the Downstate Teachers Retirement Article to allow a retired member to revoke a reversionary annuity at any time. For a little background, when a retiring member elects a reversionary annuity, he's basically purchasing life insurance. He's taking out insurance against the contingency that he predisposes his spouse. And if he does so, the insurance is paid off in the form of a reversionary annuity to the spouse. The price for the insurance is a reduced annuity to the member during his lifetime. However, under this Bill, the member can elect (sic - elect) to revoke such a reversionary annuity and thus, if the reversionary beneficiary predeceases the member, then the... then the member would be able to revoke that reversionary annuity and receive the unreduced pension. It's... This Bill is supported by the teachers and by the Teachers' Retirement System. I ask for an 'aye' vote."

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

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House Bill 3032, and on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Representative... Madam Speaker, would the Gentleman yield for a question?"

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

Vinson: "Representative, my concern regarding this Bill is whether you are creating unintended tax consequences. Now, it's my recollection that under the Internal Revenue Statutes that a non... that a reversicary annuity which where the... where the gift cannot be revoked results in a situation where there can be no taxation at death. If it is a revokable situation, I believe you create a tax consequence because it's not a completed gift, in essence. Are you inadvertently placing the participant to make such a... an... gift in a position where they are going to face unintended tax consequences and these benefits are going to be taxable now, even though they don't enjoy them?"

Curran: "The representative from the Teachers' Retirement System here with me, tells me that the answer to that is no."

Vinson: "Okay. Thank you."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the Gentleman from Sangamon, Representative Curran, to close."

Curran: "I simply ask for a 'yes' vote."

Speaker Breslin: "The question is, 'Shall House Bill 3032 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 104 voting 'aye', 3 voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3033, Representative Olson-Yourell, or Countryman. Out the record. House Bill 3034, Representative Greiman.

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3034, forest preserve districts. Clerk, read the Bill."

Clerk Lecne: "House Bill 3034, a Bill for an Act to amend an Act relating to forest preserve districts in certain counties. Third Reading of the Bill."

Speaker Breslin: "Representative Greiman."

Greiman: "Thank you, Speaker, Ladies and Gentlemen of the House. This Bill is put in at the request of the Forest Preserve of Cook County, and it takes cognizance of the increase in inflation, the cost of materials that have been...both government agencies and increases from four thousand to ten thousand the expenditures that can be made by the Forest Preserve District, and this is, by the way, the Cook...you know, the Cook County Forest Preserve, so we're talking about a large forest preserve. And it also authorizes transfers from one appropriation of the fund to another of the same fund without affecting the total as long as the board does it at any meeting. I would ask that you give it your favorable vote."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 3034. And on that question, is there any discussion? Seeing no discussion, the question is, 'Shall House Bill 3034 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 80 voting 'aye', 28 voting 'no', and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3035. Clerk, read the Bill."

Clerk Lecne: "House Bill 3035, a Bill for an Act to amend an Act in relationship to certain county law libraries. Third Reading of the Bill."

Speaker Breslin: "Representative Greiman."

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

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the House. This Bill is at the request of the Cook County Board. And it provide... It amends the Cook County Law Library Act that allows the County to raise the fee for the...for law library use from four dollars to seven dollars. Now there is not an increase in the fee itself, it's just an authorization or authority given to the Board to make that decision at a later time. I'm advised that they need these funds to keep the law library going at a low cost in the maintenance of a law library like other costs have accelerated significantly, and accordingly, I would ask for a favorable Roll Call."

Speaker Matijevich: "Representative Greiman has moved for the passage of House Bill 3035. On that, the Gentleman from Cook, Representative Harris. Dave Harris."

Harris: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Matijevich: "He indicates he will. Proceed."

Harris: "Representative Greiman, does this apply only to the Cook County Law Library?"

Greiman: "I...I'm checking that right now. I can't tell from looking at the Act. I just don't know if this is limited, although I assume that it probably is because it relates to the Public Building Commission Act which is Cook County, so I suspect it only relates to Cook County. That's my guess from looking at it, but I, you know, I wouldn't want to mislead you and tell you that I know for sure."

Harris: "Your intent is that it only applies to Cook County?"

Greiman: "That... those were the interested parties, and I suspect this Act applies to them."

Harris: "Thank you."

Speaker Matijevich: "Representative Greiman to close."

Greiman: "Thank you."

Speaker Matijevich: "Representative Greiman has moved for the

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passage of House Bill 3035. Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 110 'ayes', no 'nays', and House Bill 3035, having received a Constitutional Majority, is hereby declared passed. House Bill 3036, Breslin. The Clerk will read the Bill."

Clerk Leone: "House Bill 3036, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Matijevich: "The Lady from LaSalle, Representative Peg Breslin."

Breslin: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill amends the Environmental Protection Act by providing that the state's attorney or the Attorney General may, in cases where he prevails, be awarded costs and reasonable attorney's fees. This is a proposal which is fairly similar to other federal environmental statutes which provide that litigation cost be ordered to persons who prevail in environmental enforcement cases against polluters. This authority encourages aggressive action by the Attorney General and the state's attorneys in enforcing hazardous waste litigation. And I would be happy to answer any questions."

Speaker Matijevich: "Will be at ease for one moment. The Gentleman from DeWitt, Representative Vinson, for what purpose do you rise?"

Vinson: "Mr. Speaker, I had the impression that we were going to deal with these on Special Order of Business."

Speaker Matijevich: "That's why we are at ease for a moment. We're talking to the Sponsor right now. We're going to proceed for a moment. Were you through with your opening? Representative Breslin has moved for the passage of House Bill 3036. The Gentleman from DeWitt, Representative

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Vinson."

Vinson: "Well, Mr. Speaker, Ladies and Gentlemen of the Assembly, I think that this is a shocking situation. The Speaker announces a Special Order of Business, where we can systematically deal with all of these. Where the Body has the opportunity to see what the entire thrust of this package is, and a Member of the Speaker's own leadership refuses to hold a Bill. Now, Mr. Speaker, to the merits of the Bill. What this Bill provides is that the state's attorney or the Attorney General, may in a case where he has prevailed, be awarded cost and reasonable attorney's fees under the Environmental Protection Act. I would point out to Members of the Assembly, that they are always proceeding the Attorney General and the state's attorney are always proceeding on these cases with the benefit of public funds to finance their cases. What business has asked in response to this particular Bill is for a simple equity in the case where the Attorney General or the state's attorney proceeds and loses, where court finds a that the Attorney General and the state's attorney are wrong. Why shouldn't business be awarded attorneys fees?"

Speaker Matijevich: "Could I interrupt for one moment? Representative Breslin has her light on. For what purpose do you seek recognition, Representative Breslin?"

Breslin: "Out of the record."

Speaker Matijevich: "Out of the record. House Bill 3037 out of the record. House Bill 3039 out of the record. 3040 out of the record. 3042 out of the record. 3043 out of the record. 3044 out of the record. 3055 (sic 3045) out of the record. 3046 out of the record. House Bill 3050, Representative Flinn. Representative Vinson, for what purpose do you seek recognition?"

Vinson: "I didn't understand what you said in the process of

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getting to 3050, and I just... I just like to hear what those words were. If they were, in deed, words."

Speaker Matijevich: "They are Croatian for... out of the record. Representative Flinn."

Clerk Leone: "House Bill 3050, a Bill for an Act to amend an Act in relationship to the rate of interest and other charges relating to the sale on credit and lending of money. Third Reading of the Bill."

Speaker Matijevich: "One moment. Representative Keane, for what purpose do you seek recognition?"

Keane: "I didn't ask for my Bill to be taken out of the record. I want to roll with House Bill 3037."

Speaker Matijevich: "Well, it's too late. We're passed that."

Keane: "It's not too late. No one talked to me about taking the Bill out of the record, and I want it to be heard."

Speaker Matijevich: "Well, we're on House Bill 3050 and we'll return to you later. House Bill 3050, Representative Flinn."

Flinn: "Well thank you, Mr. Speaker. I hope we don't get in a war until I get done here, and I'd like to join the war but not until my Bills are passed. House Bill 3050 does five things, it deletes the twenty-five cents per transaction cap and the twenty dollar cap on annual fees for revolving credit arrangements and two, it eliminates the fifteen dollar minimum charge on installment loans of three hundred dollars or more and is repayable in six months or more. Three, it eliminates the five dollar maximum on the service charge of loans of eight hundred dollar or less; and four, it eliminates the current five percent or five dollar maximum on delinquency charge for installment instead of the... instead it substitutes a five percent or fifteen dollar minimum charge for installment. A five dollar maximum delinquent charge has proven inadequate because of

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larger loans and consequently, the higher monthly installments. It eliminates the twenty-five thousand dollar maximum loans made under the Section 4(a) of the law of the installment loan rate. In most instances, House Bill 3050 would allow the fees associated with revolving credit be contracted for, because we found with deregulation of interest rates both the lender and the debtor benefit from deregulations. So I would ask for your 'aye' vote."

Speaker Matijevich: "Representative Flinn has moved for the passage of House Bill 3050. On that, the Gentleman from Cook, Representative Jaffe. Aaron Jaffe."

Jaffe: "Monroe, let me ask you a few questions about it. I'm just looking at this for the first time. I...I... What you're in essence saying is you eliminate and you remove the fifteen dollar limit on a minimum charge which may be collected on loans over three hundred dollar. Well, what do you put in its place, nothing?"

Flinn: "Mr. Speaker."

Speaker Matijevich: "Representative Flinn."

Flinn: "Yes, what you do is you let the law of supply and demand take over. The competitiveness will take care of the rate that should be established. We've done this in interest rates and it has worked very well."

Jaffe: "Yeah. It really worked very well in interest rates in the State of Illinois that's why people, you know, have problems with mortgages and everything else to that effect, and what does this actually deal with? Just the... Which transaction does this deal with?"

Flinn: "Well..."

Jaffe: "Does it deal with all installment loans, is that what you're saying."

Flinn: "It deals with the revolving credit. Most credit extended

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arepaid off monthly."

Jaffe: "Are you talking about credit cards and stuff like that?"

Flinn: "I can't hear you."

Jaffe: "Are you talking about credit cards?"

Flinn: "Yes."

Jaffe: "Well, you know, I really don't know what... Well to the Bill, Mr. Speaker. I took an application for one of the credit cards the other day and was looking on the chart that showed you what the interest rates were charged in different states. It seems that Illinois charge is actually the highest interest state in the entire Union, without any doubt. If you take a look at the tables, you will find that we are paying the highest interest rates on those revolving charges of any state in the Union. It seems that other states get along with far less than we do but in this state, it seems that all the credit people and all the bankers really run the state, rather than the legislature. I really think it's about time that we stop giving the bankers and the credit people everything that they wanted. I think that if we pass a Bill like this, we add insult to injury because at the present time, they have everything anyway and not only will we be the highest state in Union, we'll be the highest plus. I think it's a travesty if this General Assembly goes out and passes this type of Bill. You may be interested in the bankers, but understand that your people in your districts, you know, who are paying these bills, and if you really represent the people in your district, you'll vote 'no' on this particular Bill."

Speaker Matijevich: "Representative Flinn to close."

Flinn: "Well I think it's been pretty well explained, both sides of the issue. I would ask for a favorable vote."

Speaker Matijevich: "Representative Flinn has moved for the

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passage of House Bill 3050. The question is, 'Shall House Bill 3050 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Giorgi, you didn't vote yourself. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 76 'ayes', 60 'nays', and House Bill 3050, having received the Constitutional Majority, is hereby declared passed. House Bill 3052, Braun. The Clerk will read the Bill."

Clerk Leone: "House Bill 3052, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Matijevich: "The Lady from Cook, Carol Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. This is a fairly non controversial provision that provides... that is a step toward the reunification of the School District in Chicago. And it calls for the chief financial officer of the Finance Authority to report to both, the Board and to the General Superintendent. Right now, it only reports to the General...to the Board, I'm sorry, and this would include both Members so that we can have some systematic reporting of financial information and the like, within the school system."

Speaker Matijevich: "Representative Braun has moved for the passage of House Bill 3052. One moment, the machine is out of order. The Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes. Mr. Speaker, will the Lady yield for a question?"

Speaker Matijevich: "She indicates she will. Proceed."

Vinson: "Who is the chief financial officer of the Chicago Board of Education, Representative?"

Braun: "It's an individual who reports to Mr. Van 'Gorcum'."

Vinson: "I beg your pardon."

Braun: "An individual who reports to Mr. Van 'Gorcum'. I don't

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know his name."

Vinson: "The position is currently filled?"

Braun: "Yes. Yes."

Vinson: "I'm advised by staff..."

Braun: "Are you sure?"

Vinson: "...That that position has been vacant for better than a year."

Braun: "Oops. No. Sorry. Sorry. I've been... I've been corrected. I've been corrected. Apparently, the position is not filled."

Vinson: "Wasn't... My recollection is that the reporting relationship that you're seeking to change was established in response to the fiscal crisis that the Board went through some years ago."

Braun: "Right."

Vinson: "And what is the purpose for changing that arrangement at this time?"

Braun: "Well, Mr. Van 'Gorcum' and everybody else who is working with the school system is looking toward a reunification of the system, that is to say so that we don't have this kind of bifurcated structure. And again, this is not a controversial provision... proposal. It does not harm any interests that are presently involved here, except that it suggests that with regard to, particularly financial reports, that the Superintendent should get them also. That's all."

Vinson: "The... In essence, what we're hearing is that the financial problems have been resolved at this stage that required the special remedies..."

Braun: "Well in this regard, in regard to the kind of... Of course, the financial problems aren't resolved. We're still working on that, and we're trying to get the money to run the school system, but we are looking to a

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reunification of this system so that...that there can be some comprehensive, consistent, systematic sensible kind of resolution or approach to dealing with the financial problems and...of the school system."

Vinson: "I'm advised by Representative Nelson that the Bill that was introduced was amended to have a joint reporting responsibility."

Braun: "Exactly."

Vinson: "And that's the posture of it right now?"

Braun: "Right."

Vinson: "Thank you."

Braun: "It's a nice Bill."

Speaker Matijevich: "The Lady from DuPage, Representative Diana Nelson."

Nelson: "Thank you very much, Mr. Speaker, ladies and gentlemen of the House. I think the Bill as amended is a very good idea. It does as the Sponsor says, work toward a reunification of the system. Their report is shared with the Board and with the General Superintendent, and they both need that information. And I would urge an 'aye' vote."

Speaker Matijevich: "Representative Braun to close."

Braun: "We are working diligently to try to get the school system in Chicago back on its feet, and your vote in support of this legislation would help that. Thank you."

Speaker Matijevich: "Representative Braun has moved for the passage of House Bill 3052. The question is, 'Shall House Bill 3052 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 108 'ayes', no 'nays', and House Bill 3052, having received the Constitutional Majority, is hereby declared passed. House Bill 3055, Representative

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Flinn. The Clerk will read the Bill."

Clerk Leone: "House Bill 3055, a Bill for an Act to amend an Act in relationship to the rate of interest. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from St. Clair, Representative Monroe Flinn, on House Bill 3055."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, this Bill will allow lenders to offer a variable rate of loans to consumers. Presently, the limited variable rate lending is authorized by... for revolving credit arrangement. However, in such situation a lender must notify the debtor at least thirty days in advance for any increase for the amount of the rate of interest. The... This is the only type of variable rate lending authorized in the State of Illinois. The thirty day notice requirement has proved to be an extremely burdensome for the debtor and the lender alike. The notice required has made the lenders reluctant to decrease a rate of interest rate, and the market forces indicate that the difficulty involved in increasing the rate at a later date. I would ask for your support of this Bill and will try to answer any questions from Representative Jaffe or anybody else."

Speaker Matijevich: "Representative Flinn has moved for the passage of House Bill 3055. On that, the Gentleman from Cook, Representative Aaron Jaffe."

Jaffe: "Yes. I don't serve on Financial Institutions anymore, so there is no negative votes that come out of that Committee anymore, I suppose. Monroe, I'm looking...and I... I'm not familiar with the Bill, but I'm looking at the digest over here. It says, amends the General Interest Act to provide that a state bank may contract to receive and collect any charges in any amount and provide for any change in the

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rate of interest during the term of a written contract. Is that still in the Bill?"

Flinn: "One moment, please. We've... we have, if I could answer your question, we have put in it can be changed periodically rather than just once."

Jaffe: "I don't understand what that means. Could you explain that further? What does that mean?"

Flinn: "Well, the original Bill provided that it could only be changed once, and this provides for a variable change."

Jaffe: "Okay. So you're saying that they can change it, you know, every week. Is that right?"

Flinn: "It's only when the... Amendment #2, I think, was put on by Representative Zwick would... could be changed when the borrower agrees, only. In other words, the borrower must agree to the change. That's Amendment #2."

Jaffe: "Well Amendment #2 as I read it, and the things that state it is lawful for a borrower to agree with a state bank to provide for the stated services, but it doesn't say anything about how often the rate can change, but you're in essence saying that the change can happen, you know, almost anytime. I mean it doesn't have to be once. It could be once a week. It could be three times a day or anything else. Isn't that correct?"

Flinn: "Well, ever how often is necessary providing that the borrower agrees."

Jaffe: "Well... Okay, but the borrowers are very often, you know, really over the rack when they're coming in for credit. They really go in accordance whatever the bank really will give them in many instances. So basically what you're saying is if they want the money, they're going to have to agree to a contract that says that they can change almost weekly, hourly, every thirty minutes or anything else if that's what the bank really wants. That's in

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essence what you have. And..."

Flinn: "Well, if I may answer that, I don't whether that was a question, Representative Jaffe."

Jaffe: "I don't think it was a question. It was sort of a rhetorical question and I'll say that you'll respond to it in your answer. I just think that this Bill, again, goes a little bit to far and the fact that it came out of Committee 19 to nothing. I think...says something for the Financial Institutions Committee. The Bill should be defeated."

Flinn: "Well, this is not a Harold Katz's Committee, you know."

Speaker Matijevich: "Representative Flinn to close."

Jaffe: "If we only had Harold Katz back, and if he sat on the Financial Institutions Committee, it wouldn't be 19 to 1."

Flinn: "Well, Mr. Speaker, in my closing remarks to Representative Jaffe's statement, all we're doing is putting the interest rate at a variable level which is the same as the cost of the money. The cost of the money goes up and down. We read every day about the cost of interest going up or going down in the last few years, and what this is doing is tying the the interest rate to the borrower."

Unknown: "God bless Mayor Daley."

Flinn: "Yes, and I ask for a favorable vote."

Speaker Matijevich: "Representative Flinn has moved for the passage of House Bill 3055."

Unknown: "Harold Washington for Governor."

Speaker Matijevich: "3055. Those in favor signify by voting 'aye', those opposed by voting 'no'."

Unknown: "McGann created heaven and earth in six days."

Speaker Matijevich: Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 76 'ayes', 18 'nays', 11 answering 'present'. And the House Bill 3055, having received the Constitutional Majority, is

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hereby declared passed. House Bill 3056, Ryder. The Clerk will read the Bill."

Clerk Leone: "House Bill 3056, a Bill for an Act to amend the Secretary of State Merit Employment Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Morgan, Representative Tom Ryder."

Ryder: "Mr. Speaker, I would ask leave to go to Second Reading for the purposes of an Amendment."

Speaker Matijevich: "The Gentleman asks leave to return House Bill 3056 to the Order of Second Reading for the purpose of an Amendment. Does he have leave? Leave, and the Bill is on Second Reading. Are there any Amendments?"

Clerk Leone: "Floor Amendment #1, Ryder, amends House Bill 3056 on page one and so forth."

Speaker Matijevich: "The Gentleman from Morgan, Representative Ryder."

Ryder: "Mr. Speaker, The Amendment #1 simply makes an effective date upon becoming law."

Speaker Matijevich: "Representative Ryder moves for the adoption of Amendment #1. All in favor say 'aye', opposed 'nay', and Amendment #1 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Matijevich: "Third Reading."

Ryder: "Mr. Speaker, I ask leave..."

Speaker Matijevich: "The Gentleman asks leave for immediate consideration of House Bill 3056 on Third Reading. Does he have leave? Leave. The Bill is on Third Reading. The Clerk will read the Bill."

Clerk Leone: "House Bill 3056, a Bill for an Act to amend Sections of the Secretary of State Merit Employment Code. Third Reading of the Bill."

Speaker Matijevich: "Representative Ryder."

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Ryder: "Mr. Speaker, Ladies and Gentlemen of the House, the purpose of this Bill, which is at the request of the Secretary of State, is to allow his Director of Personnel to have the same rights as the other Director of Personnel granted to the Governor some two years ago, which is to say that he is not prohibited from being part of political activity within the two years prior thereto. I'd be glad to answer any questions."

Speaker Matijevich: "Representative Ryder moves for the passage of House Bill 3056. On that, the Gentleman from DeWitt, Representative Vinson. No. No. From Cook, Representative Piel. I'm sorry."

Piel: "First of all, will the Gentleman yield for a question?"

Speaker Matijevich: "He indicates he will. Proceed."

Piel: "I don't know... Did you get this through the Secretary of State's Office?"

Ryder: "Yes."

Piel: "Did you tell them at the time that you hadn't ever handled any legislation here in the House? Because, I mean, they really stuck you with your first Bill - they really stuck you with a bad piece of legislation. It seems like, you know, you sit here and start talking about the personnel, the director of personnel not being able to get involved in these type of activities. I think they're really overstepping their bounds a little bit. Did they have any explanation of why they wanted this to go through?"

Ryder: "If I could, I would ask for you to repeat the question. The purpose of the Bill is to indicate that the Secretary of State can appoint a director of personnel who may have been involved in politics within two years prior to the appointment."

Piel: "Yes, and now, basically, what he is trying to say is that he wants ... to get involved, you know, let politics get

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involved in that office and, I think, you know, a person sitting here, you know, usually they start off with lesser legislation on their first Bill, and they, you know they progress, you know, rougher legislation. I just think that you're getting involved in a political piece of legislation on your first Bill. I think it's a bad thing. Thank you very much."

Speaker Matijeovich: "The Gentleman from Cook, Representative Greiman. Alan Greiman."

Greiman: "Yes. Thank you. I wonder if the Gentleman will yield for a question?"

Speaker Matijeovich: "He indicates he will. Proceed."

Greiman: "Mr. Ryder, you indicated that the Bill, the concern over the Bill... the thrust of the Bill was only for persons two years next preceding the appointment, that they couldn't be in politics. Is that right?"

Ryder: "That's correct."

Greiman: "But the Bill also says that it takes out that... your Bill also takes out that part that says that the appointee during his tenure also can't be a member. Is that right?"

Ryder: "That's correct."

Greiman: "So that the Bill isn't just... prior service, it prohibits... the law presently prohibits him from being in politics."

Ryder: "That's correct."

Greiman: "Alright. To the Bill. Well, Mr. Speaker and Ladies and Gentlemen of the House, in 1977 when Secretary of State Dixon asked that the Personnel Code of the Secretary of State, the Merit Employment Code be enacted, he wisely suggested that we take out politics from the direct offices, Director of Personnel. Now, I don't know whether the Secretary of State is very political now, notwithstanding the fact that it has a Director of

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Personnel who is prohibited from being in politics. I'm told that maybe a little politics does seep into some of his judgments. But in any event, why would we depolit... why would we politicize this office? Why would we want to see, not just why Democrats because that office is only in your hands temporarily, but why would people who care about good government want ever possibly want to de... to politicize, to politicize this office? It would be a mistake for us to do it, and it would be ashame for us to take this good Secretary of State Merit Employment Code and turn it in to a patronage heaven with a... topped by a Director of Personnel who is unlike now, barred from being in the hurley-gurley of politics. It would be a mistake for us to do it, and I recommend a 'nc' vote."

Speaker Matijeich: "The Gentleman from Marion, Representative Dwight Friedrich."

Friedrich: "I would like to allay Representative Greiman's fears. The Secretary of State hasn't hired a Republican in Marion County in four years."

Speaker Matijeich: "Representative Vinson, probably with the same comments. Representative Vinson."

Vinson: "Mr. Speaker, Ladies and Gentlemen of the House, the Gentleman with his first Bill has come to us with a sound proposal. A proposal which simply states on the face of it that the fact that a person engages in political activity does not keep him from being an honest man of integrity, who seeks to properly enforce the laws of the State of Illinois. This does nothing to the eligible list. This does nothing to the testing procedures. This does nothing to the seniority rights that employees have under the Secretary of State's office. I engaged in those discussions that Representative Greiman referred to with Secretary Dixon, and within...with Governor Thompson. And

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the one point that the Secretary made was that we ought not have a situation where the Governor was regulating the Secretary of State's office through the Department of Personnel. That was the overriding point which Secretary Dixon made in those discussions. Secretary Dixon never once referred to these particular provisions in the Code, was never particularly concerned with them. What we are doing by adopting a Bill of this nature is simply recognizing that politicians too are people, but we are not in any way changing seniority rights, changing testing principles or testing procedures, testing eligible list rights or anything else that goes to the heart of merit system employment. Secretary Edgar would never do that. Representative Ryder would never present a Bill which would do that, and for the Gentleman to try to grossly politicize a Bill like this, I think is a front. I would urge an 'aye' vote on the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Woods Bowman."

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

Speaker Matijevich: "He indicates he will."

Bowman: "Is this like the other piece of legislation we passed for Secretary of State, Edgar, where he was already breaking the law and we had to fix it and make it okay for him? Are we breaking the law here and we're trying to cover up something?"

Ryder: "To my knowledge, the Secretary of State never breaks laws, and this is certainly not this case at this moment."

Bowman: "Well, to the Bill. I hope the Gentleman's knowledge is complete on this important point. I would just point out to the Body that we're talking about the Director of Personnel. The Secretary of State does a lot of things. They have a index division, for example. They have...they

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run the State Library, for example. They make license plates, for example and process motor vehicle registrations, for example. You know, and maybe in any one of those offices you could very easily say that the person might be a precinct committeeman or something, but for heaven sakes, we're talking about the Director of Personnel. Do you want the Director of Personnel to be a political person? I think... I think if you're going to keep politics out of the office at all, that's the place to do it. This is the wrong change at the wrong time. I urge defeat of this Bill."

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

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

Speaker Matijevich: "Representative Churchill moves the previous question. All in favor say 'aye', opposed 'nay'. The main question is put. Representative Ryder to close."

Ryder: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I suppose that the major problem that we have here is that I don't have the same definition of politics that Representatives have indicated because in my opinion, politics is good government. And I don't believe that a person that holds a high spot in this administration, in this government should be denied the opportunity to practice his or her political persuasion. I urge an 'aye'... 'yes' vote."

Speaker Matijevich: "Representative Ryder has moved for the passage of House Bill 3056. The question is, 'Shall House Bill 3056 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 46 'ayes', 55 'nays', 1 answering

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'present'. House Bill 3056, having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 3057, Curran. Out of the record. House Bill 3063, Zwick. Read the Bill."

Clerk Leone: "House Bill 3063, a Bill for an Act to create the Minority and Female Business Enterprise Act. Third Reading of the Bill."

Speaker Matijeovich: "The Lady from Keane, Representative Jill Zwick, on House Bill 3063."

Zwick: "Thank you, Mr. Speaker, Members of the House. House Bill 3063 creates the...is designed to play an important part, making Illinois a leader, by ensuring that women and minorities will have every opportunity to participate in the free enterprise system. As government, it is important for the policy of the State of Illinois to be to promote and encourage the economic development of minority and female owned businesses, and that minority and female owned businesses should participate in the state's procurement process as both prime and subcontractors. What this Bill does is it is a bipartisan effort to increase the opportunities for minority and female entrepreneurs to do business with the State of Illinois. I would ask for your support on this Bill, and I would certainly be glad to answer any questions about it. I have lots of facts and figures if you'd like to go into some of that, or perhaps some of my Cosponsors might want to address the Bill."

Speaker Matijeovich: "Representative Zwick has moved for the passage of House Bill 3063. Is there any discussion? Hearing none, the question is, 'Shall House Bill 3063 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 85 'ayes', 19 'nays', 2 answering

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'present'. House Bill 3063, having received the Constitutional Majority, is hereby declared passed. House Bill 3068, Vinson. The Clerk will read the Bill."

Clerk Leone: "House Bill 3068, a Bill for an Act in relation to support and maintenance. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from DeWitt, Representative Vinson, on House Bill 3068."

Vinson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Until about a year ago, the Department of Public Aid had access to the social security numbers in the driver's license files maintained by the Secretary of State's Office. I trust that inadvertently legislation was passed which precluded them from getting those numbers. As a result of not having access to those numbers, the social security numbers, they are now in a position where they cannot use those numbers through the parent locator service to identify individuals who are in default on child support obligations. This Bill corrects that defect and permits the Department to get social security numbers to track down fathers who are in default on child support obligations. The potential ramifications for both, reducing public aid rolls so that women with children on those rolls, in fact, get their child support payments are very substantial. There are also desirable ramifications for other women who otherwise might not be able to track down and get child support payments from other fathers in default, women who are not actually on public aid rolls. In addition to that provision, the Bill does one more thing of substantial import. The Bill enacts a set of standards regarding awards for child support. Those standards are in essence the standards that Judge Fleck utilized slightly less than the Fleck standards in the Circuit Court in Cook County. Now it does not prevent the court, the judiciary, from

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exercising discretion in regard to those standards. A Judge may always come in with an award in excess of those standards, and a Judge may come in with an award less than those standards. But if a Judge does come in with an award lower than those standards, he must explain in a written order the reasons for such an order. We believe that this Bill will have the effect of doing two things. It will provide more certain and more adequate child support payments for mothers who are in the position of being the head of the households and having to raise families. The men who owe those payments ought to pay them, and this will assist in tracking down those men so that those payments which are legal obligations will be made. I would be glad to answer any questions and would solicit your 'aye' vote for House Bill 3068."

Speaker Matijevich: "Representative Vinson has moved for the passage of House Bill 3068. And on that, the Gentleman from Cook, Representative Greiman."

Greiman: "Thank you, Mr. Speaker. I wonder if the Gentleman would yield for a question. He indicates he will, I guess. Representative Vinson, does this remove the discretion from the court in setting up the percentages?"

Vinson: "No, Sir. What it does is it sets out a set of statutory percentages. The Judge may always enter an order in excess of the statutory percentages and he can, in fact, enter an order below the statutory percentages, but if he enters an order below the statutory percentages, he must enter a written statement of findings as to why he did that. What they really are are guidelines that can be changed up or down, but at least it's a set of statutory guidelines, and you have to have a reason for coming in below those guidelines."

Greiman: "If his reason was one that was not in the Act itself,

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would that be a cause for reversal? If, for example, let's say...let's say he...the guy is a compulsive gambler, you know, and he's spent everything, that's obviously not a justifiable cause under the Act, but it may certainly be a factor for a Judge to consider. Could the Judge consider that, even though it doesn't say well, this is a significant item?"

Vinson: "Well, Representative, as you know an order is always reviewable and an Appellate Court could always make the determination that the award was an improper award and should be...that the order should be different, but the...and certainly the written findings are a way to assist review of awards, and so in that sense, it becomes much more apparent to the reviewing court, the bases for the award, and it becomes easier to invalidate totally improper award. So in that sense, I would suggest that you're right."

Greiman: "So then, it would. And this amends the Divorce Act as well. Is that right, or just the Public Aid Code?"

Vinson: "I believe that those provisions amend the Dissolution Act."

Greiman: "...How about support of other families, can the court take that into consideration?"

Vinson: "Certainly."

Greiman: "Is that in this...this list here, where we talk about net income? I refer to Amendment #1 on page four. Is there some place that talks about deductions for current families?"

Vinson: "Debts owe in lines 26 through 29... Debts owed to private creditors are not to be considered in establishing a support obligation."

Greiman: "Well...the private creditors..."

Vinson: "Previous support, wait a second, let me finish."

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Previous support orders and maintenance orders maybe considered if the obligor is paying them."

Greiman: "Well does that apply... Are you saying, then, Sam, that lines 27 through 29 specifically do not apply, do not...apply...apply to orders in this particular case with this particular spouse or child, as well as future spouses and children?"

Vinson: "I'm saying that in establishing the award, the court may take into consideration previous support orders and maintenance orders. If..."

Greiman: "For these children or for other children?"

Vinson: "If he is paying them."

Greiman: "For other children?"

Vinson: "Yes."

Greiman: "For other children?"

Vinson: "Yes."

Greiman: "Okay. Alright thank you. I have no further questions."

Speaker Matijevich: "Representative Ethel Alexander."

Alexander: "Thank you, Mr. Chairman (sic-speaker). Will the Sponsor yield?"

Speaker Matijevich: "He indicates he will. Proceed."

Alexander: "Thank you. Representative Vinson, could you give me a walk through on a situation I'm going to present to you, and I'm going to use a legislator's name, but he won't mind it? Representative Nelson Rice and I are married, we have a house full of children, and he walks off and leaves me and all of the babies, and I'm now on public aid."

Vinson: "He wouldn't dare."

Alexander: "Wait a minute. In the meanwhile when I applied for the public aid, my social security number would be known by the Social Security Board. Now, I tell them that I'm married to a Nelson Rice and he has deserted me and the

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children, and if this Bill passed and the Secretary of State is permitted to go into the system and hopefully locate a Nelson Rice, how would they link Nelson Rice to my husband as to other Nelson Rice that may exist out there? Would... Let say that he really is not my husband, I'm married to another Nelson Rice, would this Nelson Rice have to lose a day's pay or something to come in and prove that he's not my husband, how is this going to work?"

Speaker Matijevich: "Nelson Rice on personal privilege."

Vinson: "I don't think that would ever be difficult to identify our Nelson Rice,...Representative."

Alexander: "How is it going to work? I mean, because many persons have the same name. How is this going to distinguish Nelson Rice one from Nelson Rice two or Nelson Rice 20 or 255 as being my legitimate husband or...what ever you want to call him?"

Vinson: "What you do, is you find a list of Nelson Rices, okay, that the Secretary of State might conceivably have. And then through the resources of the Parent Locator Service in the Department of Public Aid and the Federal Parent Locator Services in the Social Security Administration, you have to with sufficient certainty track down the appropriate Nelson Rice. There is a process that occurs after you have found the entire universe of Nelson Rices that relates it to the individual Nelson Rice."

Alexander: "Alright. Alright. That answers a part of my question, but I'm going to speak against the Bill. The Bill really doesn't do anything, as I see it. It reschedules the amount of payment that is permissible on the Child Support Law, and I believe someone is going to speak to that. And I'm not against finding a parent who have deserted their children, so that they may be justly charged for child support. I have voted for that piece of

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legislation, but I do not feel that this interlocking of social security numbers... everything that an individual has would all of a sudden be able to be interlocked, overlapped, underlapped, and no one will have any privacy whatsoever. So I'm going to suggest that we vote 'no' on this Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Jaffe."

Jaffe: "Sam, I don't know who drew this Amendment, but its...evidently they've never practiced in any courts at all because it's a doozy. Not only does it mandate child support in certain amounts, it also mandates alimony. Take a look at page nine, lines 33 and thereon after that. What you have is you have a mandatory alimony under this particular Bill."

Vinson: "Where are you, Representative?"

Jaffe: "I'm on page nine, line 33."

Vinson: "Of the Amendment?"

Jaffe: "Yes, uh huh. It mandates...it mandates a maintenance which is alimony. You know, we don't call alimony alimony anymore. We call it maintenance. And basically what you've done in this particular Bill is, you've said that this is... If I may address the Bill. I think the Bill is bad. I think in a number of ways. I wish that Representative Vinson would take this Bill out and really redo the entire Amendment and talk to some people who practice in this area. What basically what you have said in your Amendment is that these are the guidelines that you have to follow. In addition to that, you have to have finding of facts. If you practice in the domestic relations court, you know that most orders really do not have or any do not have finding of facts in them. They just recite, you know, that their court has jurisdictional

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to the subject matter and this is the particular order. According to your Amendment, what you've actually done is you've taken an order that does not have facts recited (sic - recited) in it, and you've made that order, I think, invalid because you've said it has to do that. In addition to that, you've gone even further and you've gone into the area of alimony. And you've laid down some mandatory guidelines for alimony. I think that your purposes are laudatory, but I think that this Amendment is so poorly drafted that you ought to pull it out, and you ought to have it reworked from top to bottom by someone who practices in the area because it's just an abomination. I would urge a 'no' vote on the Bill until he changes that Amendment."

Speaker Matijevich: "Representative Brummer, the Gentleman from Effingham. Representative Brummer."

Brummer: "Yes. Will the Gentleman yield? Will the Sponsor yield?"

Speaker Matijevich: "He indicates he will."

Brummer: "Representative Vinson, with regard to these guidelines, how were they arrived at? Where did they come from?"

Vinson: "They're basically the Fleck guidelines that are informally utilized in the Cook County Circuit Court currently."

Brummer: "Okay. I know in our Circuit, for example, the first... Fourth Circuit, there are guidelines that are generally used. I'm wondering how these guidelines compare to the guidelines used by the Judges in the Fourth Judicial Circuit downstate."

Vinson: "I don't know what those guidelines are. You... If you... Since you do know them, you ought to..."

Brummer: "No. I do not know them or I would give you the answer. In fact, I would..."

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Vinson: "I don't know what those Circuit guidelines are."

Brunner: "Has the family law section of the Illinois Bar Association considered these?"

Vinson: "No. We thought we bring it to the Legislature."

Brunner: "Were these guidelines in the original Bill that was filed?"

Vinson: "No. They were filed... They were in a companion Bill."

Brunner: "Has there been any input from the people, for example, who represent clients in family law court with regard to the development of these?"

Vinson: "A number of attorneys who do work of that nature has suggested to me that they think they're appropriate."

Brunner: "Did they so testify in Committee?"

Vinson: "No."

Brunner: "Okay."

Vinson: "There was no testimony on that portion of the Bill in Committee, Representative."

Brunner: "Mr. Chairman, (sic-speaker) to the Bill."

Speaker Matijevich: "Proceed."

Brunner: "This is just an absolutely major departure, it seems to me, from the existing law, and the application of that, you know, across the State of Illinois. Different Circuits have, I think, adopted different guidelines with regard to child support and with regard to maintenance. I, quite frankly, have no idea if these guidelines in here are higher than the guidelines in the Fourth Circuit requiring payment of more child support, or if they are lower than the guidelines which would indicate a payment of less child support than the Judges in our downstate area currently order. I would suggest that there are different guidelines in different areas of the state. I do not think on a public aid Bill it is wise to amend the Divorce Act and suddenly place in the statute guidelines that, quite

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frankly, the Judges, I think, will follow almost without exception. Suddenly, instead of the Judge listening to the testimony and making a determination of what the Judge feels is fair, considering the guidelines in the local Circuit, there will be very little testimony with regard to this entire issue, I think, because almost all of the Judges are going to say, 'Look, these are the guidelines, and that's what is going to be ordered.' I also think it'll be a mistake to not consider private credit which is, specifically, excluded as a consideration in this Bill. This is a massive change. I really wish with all due respect to whatever Committee this went before, that this would have gone before the Judiciary Committee where there would have been a number of people on that Committee that practice in this area, that would have some background in this area, that we could have had significant testimony regarding this and consideration regarding this issue. It is a major change. It's a major change all over the State of Illinois that really removes a good deal of the discretion with regard to the Judges in determining the amount of child support...the amount of maintenance. Some instances, it may be higher. Some instances, it may be lower. But it is a major change that, I think, is illadvised at this time, and I would urge 'no' votes."

Speaker Matijeich: "The Gentleman from Macou, Representative John Dunn."

Dunn, J.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I join in the remarks of the previous speaker. This is a proposal - a major proposal in our statute books which is a rush to judgment without proper consideration by those parties who have special knowledge in this area, and without the consideration of the input by those who will be affected by this legislation. We are confronted more and

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more often after we go home by our constituents who say, 'Why did you do this? Why did you do that? Why didn't you take some time to think this through?' This is a classic example, as the previous speaker has indicated. A major subject matter like this should have gone before Committee should have had some hearings around the state to see if there is a support for this concept and to make sure it is workable. There are several questions which haven't been mentioned yet. The Amendment provides that support shall be determined upon... on gross income, but whose gross income? Do we consider the gross income of both parents of the child? What if one parent is a millionaire and what if the other is a pauper? Who's to be considered? Do we consider them both? Do we take a percentage of each? Do we or don't we? The Amendment also indicates that debts owed to private creditors are not to be considered in considering the support obligation. Every court I know of considers shelter to be a matter of prime importance for a child when they determine what is in the best interest of the child. Shelter is important. Very few of us are able to provide shelter for our families free and clear of any obligations. Most of us have mortgage obligations. Those mortgage obligations are paid to private creditors. Mortgage obligations couldn't be considered, nor can any other obligation. What if you have to borrow money to make payments on a car so you can get to and from work to earn the money to pay the child support. Those obligations cannot be considered. Certainly, there are frivolous obligations to private creditors which may not be considered and ought not be considered. And the Judges that we deal with in downstate Illinois use their discretion to take into account what are obligations, private obligations that this Amendment would prevent.

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What are private obligations that ought to be left on the books that the parties ought to see that are paid so that they could provide food, shelter, clothing for the child and then deal with the amount of child support. This... if there is merit in this concept, the merit hasn't surfaced yet. This is a bad Amendment. Let's defeat this Bill and send this concept back to the starting block where it belongs. I urge a 'no' vote."

Speaker Matijevich: "Representative Pangle."

Pangle: "Yes. I move the previous question."

Speaker Matijevich: "I don't think it's necessary. Representative Vinson to close."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Session. Mr. Speaker, I wonder if you might restore order of the chamber, because we're debating what is really a very major issue."

Speaker Matijevich: "Let us give Mr. Vinson your attention. Proceed."

Vinson: "Mr. Speaker, there is probably no individual in the State of Illinois or no class of individuals in the State of Illinois who face a more uncertain and unfair future than the child of a broken marriage, where the father who is suppose to be paying child support refuses to pay the child support, moves to avoid paying the child support, repeatedly tries to evade paying a legal obligation. This Bill will help identify and find those delinquent fathers who refuse to pay child support. In doing so, it will help reduce the public aid rolls in the State of Illinois. And in doing so, it will help reduce the cost of public aid to taxpayers. That is one portion of this Bill - a very meritable portion - a portion that deserves your support. The second portion to this Bill, which has been widely criticized, is something that I feel very proud to

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handle here, and that I believe that if you will consider objectively, you will vote for. What that portion does, is to set out in the statute certain guidelines - guidelines for child support. Now, some people will criticize those guidelines because they take away discretion from the court. They do not take away discretion from the court. They simply say that if the court varies from those guidelines, then the Judge has to enter a written order explaining why he varied. That provision is salutary, if you care... if you care about fair provision of support for dependent children in broken marriages. And that... It's for this reason, if you send a Bill - if you send a case, a decision up on review in our Judicial system, and there is no written order explaining why the Judge made a decision and the way he did, there is virtually nothing for the reviewing court to review. And almost always in that situation, what the reviewing court will do - what the reviewing court will do is uphold the lower court. And what that means is that women and children across this state are being denied adequate support simply because the Judge refuses to enter a written order because there is no statutory guidelines and because the effort is through collusion to try to hide the real state of affairs from the reviewing courts. Now, Mr. Speaker, Ladies and Gentlemen of the Assembly, what this Bill does is to bring that situation out in the open to require the Judge to enter a written order that can be reviewed - that sees the light of day that a reviewing court can make an intelligent decision on, and that the public of this state can take a look at to see if there is adequate support for women and children across this state. That's what this Bill does. That's all this Bill does. A vote against this Bill is a vote for star chamber proceedings. A vote against this Bill is a

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vote to deny meaningful support to women and children in need, and a vote against this Bill is a vote for increase public aid in the State of Illinois. On public aid that's not necessary and it could better be spent on people who truly are in need. I urge an 'aye' vote on this Bill."

Speaker Matijevich: "Representative Vinson has moved for the passage of House Bill 3068. The question is, 'Shall House Bill 3068 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Representative Bullock one minute to explain his vote."

Bullock: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. In brief a explanation of my vote, Representative Vinson is obfuscating the facts as usual, but I find it rather ironic that today we have been presented three piece of legislation on behalf of the Secretary of State's Office. One to eliminate the identification on vehicle license plates. Another one to allow patronage in that office, and now we come through with this CIA tactic that Representative Vinson is presenting to us. I don't know what Secretary of State, Edgar is attempting to do. Maybe he wants to take Bill 'Casey's' place in the CIA, but I don't think we should give him this authority, and I'm certainly going to vote 'no'."

Speaker Matijevich: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 71 'ayes', 35 'nays', 1 'answering' present. House Bill 3068. Representative Jaffe, for what purpose do you rise?"

Jaffe: "I ask for a verification, Mr. Speaker."

Speaker Matijevich: "Representative Jaffe has asked for a verification. 71 'ayes', 35 'nays'. And Representative Vinson asks for a Roll of the Absentees."

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Clerk O'Brien: "Poll of the Absentees. Barnes. Berrios.
Cullerton. Hastert. Homer. Huff. Kraska."

Speaker Matijevich: "Kraska 'aye'."

Clerk O'Brien: "Olson. Taylor. Vitek and Mr. Speaker."

Speaker Matijevich: "We start with 72 'ayes'. And the Clerk will
announce the affirmative votes. When your name is called
be in your seat and raise your arm."

Clerk O'Brien: "Barger. Bowman. Breslin. Brunsvold.
Capparelli. Churchill. Countryman. Cowlshaw. Curran.
Currie. Daniels. Davis. DeJaegher. Deuchler.
Didrickson."

Speaker Matijevich: "Curran asks leave to be verified. Oh,
change from 'aye' to 'no', Mike Curran."

Clerk O'Brien: "DiErisa. Domico. Doyle. Balph Lunn. Ewing.
Farley. Flinn. Virginia Frederick. Dwight Friedrich.
Giglio. Hallock. Hannig. Harris. Hensel. Hoffman.
Karpiel. Keane. Klemm. Koehler. Kraska. Kulas.
Laurino. Leverenz. Levin. Marzuki. Mays. McAuliffe.
McMaster. Nash. Neff. Nelson. Oblinger. Panayotovich.
Pangle. Parcells. E. Pedersen. W. Peterson. Piel.
Pullen. Rea. Richmond. Ronan. Ropp. Ryder.
Satterthwaite. Steczo. Tate. Terzich. Topinka. Tuerk.
Vinson. Wait. Winchester. Wojcik. Woodyard. McNamara
and Zwick."

Speaker Matijevich: "We started... No. No. We didn't start at
72, because Curran went off. We started at 71. We start
at 71. Now questions of the affirmative vote.
Representative Jaffe."

Jaffe: "Farley."

Speaker Matijevich: "Representative Farley is in the back."

Jaffe: "Hannig."

Speaker Matijevich: "Representative Hannig. Is Rep... There is
he is over on the Republican side."

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Jaffe: "Breslin."

Speaker Matijevich: "Representative Breslin. Is Representative Breslin in the chamber? I don't see Representative. She's here. Yeah. Over here."

Jaffe: "Duechler."

Speaker Matijevich: "Byder. Leave to be verified for Byder and Mays and Mike Tate. Leave. Proceed. Proceed, Aaron."

Jaffe: "Okay. Hensel."

Speaker Matijevich: "Representative Hensel is in his seat."

Jaffe: "Keane."

Speaker Matijevich: "Who was that?"

Jaffe: "Keane."

Speaker Matijevich: "Keane. In his seat."

Jaffe: "Klemm."

Speaker Matijevich: "Representative Klemm. Dick Klemm. I don't... I don't see Dick Klemm here. How is he recorded?"

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

Speaker Matijevich: "Remove Dick Klemm."

Jaffe: "Terzich."

Speaker Matijevich: "Terzich. Representative Terzich. I don't see Representative Terzich here. How is he recorded?"

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

Speaker Matijevich: "Remove him from the Roll Call."

Jaffe: "Did we say Deuchler?"

Speaker Matijevich: "Who was that?"

Jaffe: "Deuchler."

Speaker Matijevich: "Is that Deuchler?"

Jaffe: "Yeah."

Speaker Matijevich: "Representative Deuchler. She's here."

Jaffe: "Domico."

Speaker Matijevich: "Domico. Domico. How is he recorded?"

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

Speaker Matijevich: "Remove him."

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Jaffe: "Hallock."

Speaker Matijevich: "Representative John Hallock. Is over in the aisle."

Jaffe: "Kulas."

Speaker Matijevich: "Representative Kulas. Representative... Return Representative Terzich to the Roll Call. Terzich to the Roll Call. Is Representative Kulas back there? I don't see him. How is he recorded?"

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

Speaker Matijevich: "Remove him. Proceed."

Jaffe: "Okay. McMaster."

Speaker Matijevich: "McMaster. He's back there."

Jaffe: "Panayotovich."

Speaker Matijevich: "Panayotovich. He's over in the center aisle."

Jaffe: "Okay. Piel."

Speaker Matijevich: "Representative Piel is in his seat."

Jaffe: "Rea."

Speaker Matijevich: "Jim Rea. Is Jim Rea in the chamber? No, I don't see him. Ch, here he is. Okay."

Jaffe: "Okay. Richmond."

Speaker Matijevich: "Eruce Richmond is in his seat."

Jaffe: "Ronan."

Speaker Matijevich: "Al Ronan. Is Al Ronan in the chamber? No. How is he recorded?"

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

Speaker Matijevich: "Remove him from the Roll."

Jaffe: "Marzuki."

Speaker Matijevich: "Marzuki. Is Jim back there? He's back there, way in the back."

Jaffe: "Okay. E. Pedersen."

Speaker Matijevich: "Bill Peterson. Pedersen. Barney or... they both here. That settles that."

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Jaffe: "Okay. Bowman."

Speaker Matijevich: "Representative Bowman. Is Representative Bowman in the chamber? I don't see him. How is he recorded?"

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

Speaker Matijevich: "Remove him. Pangle leave to be verified. Mulcahey leave to be verified. Leave. Oh, no? Mulcahey, for what reason do you want to be recognized?"

Mulcahey: "Mr. Speaker, I like to have my vote changed from 'no' to 'aye', please."

Speaker Matijevich: "Mulcahey from 'no' to 'aye'."

Jaffe: "That's all that I have, Mr. Speaker."

Speaker Matijevich: "What's the count, Mr. Clerk? On this motion, there are 67 'ayes', 35 'nocs', 1 'present', and House Bill 3068. DiPrima. Kulas and Ronan 'aye'. 69 'ayes', and this House Bill 3068, having received the Constitutional Majority, is hereby declared passed. On page two of the Calendar House Bills Second Reading, House Bill 315. Out of the record. House Bill 338, Stuffle. Out of the record. House Bill 713. Out of the record. House Bill 809, Greiman. Out of the record. House... No. You want that called, House Bill 809? Read the Bill. No. Out of the record. House Bill 1004, Younge. Out of the record. House Bill 1211, LeFlore. Out of the record. House Bill 1302, Hannig. Out of the record. House Bill 1535. Is that being held? Out of the record. 1663, Currie. Out of the record. 2211, Greiman. Out of the record. 2215, Bowman. Out of the record. 2279, Greiman. Out of the record. 2299, McFike. Out of the record. 2321, Topinka. Out of the record. 2323. Out of the record. 2334. Out of the record. 23... House Bill 2350, Currie. Out of the record. House Bill 2386, DiPrima. Out of the record. 2401, Vinson. Out of the record. 2424,

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Nash. Out of the record. 2443 is being held for a pension impact note. House Bill 2545, Laurino. Read the Bill."

Clerk O'Brien: "House Bill 2545, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Second Reading of the Bill. No Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Shaw, amends House Bill 2545 on page two on line 13 and so forth."

Speaker Matijevich: "Representative William Shaw, the Gentleman from Cook, on Amendment #1. Representative Shaw. Representative Laurino moves to table Amendment... Be at ease for a moment. The Gentleman from Cook, Representative Laurino."

Laurino: "Thank you, Mr. Speaker. I move to table Amendment #1 to House Bill 2545."

Speaker Matijevich: "The Gentleman from Cook, Representative Laurino, moves to table Amendment #1 to House Bill 2545. On that... Representative Tate, are you..."

Tate: "Mr. Speaker, I would hope that the Sponsor of the Bill, which has passed this legislation up at least four or five times in the last couple of weeks, would give the Sponsor of this Bill the Sponsor of this Amendment an opportunity to hear the Amendment, because I know Representative Shaw has a great deal of interest in this Amendment and it's been on the floor many different times. When the Bill was called..."

Speaker Matijevich: "He's here now. Do you want to withdraw that or not?"

Tate: "Fine."

Speaker Matijevich: "Alright. Representative Shaw is here now. So let's here from Representative William Shaw on Amendment #1."

Shaw: "I move to withdraw the Amendment #1."

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Speaker Matijevich: "Alright. After all that, leave to withdraw the Amendment. Leave, and we proceed. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Dwight Friedrich."

Speaker Matijevich: "The Gentleman from Marion, Representative Dwight Friedrich, on Amendment #2."

Friedrich: "Yes, Mr. Speaker, Members of the House. We have had a study made on this, and we've had testimony from the Secretary of State. And apparently, the problem with the noninsured motorists is mostly in Cook County. His estimate was that eighty percent of the probable \$900,000 uninsured motorists were in Cook County. So, all this Bill does is limit the Bill to...municipality with a population of more than one million. That's where the problem is, and that's apparently what they're trying to get at. So, we're trying to help them with their problem, and if it works there and it...and probably won't need anything else. So, I urge your support of this Amendment."

Speaker Matijevich: "Representative Friedrich has moved for the adoption of Amendment #2 to House Bill 2545. On that, the Gentleman from Cook, Representative Laurino."

Laurino: "Thank you, Mr. Speaker. In response to Mr. Friedrich's Amendment, I oppose it simply because the problem really is still statewide. And I don't think it would be at all very enforceable if you just went with the municipality or municipality of the City of Chicago, which is surrounded by so many little collar cities and towns that it wouldn't be very easy to enforce. And like I said, the problem exists statewide anyway."

Speaker Matijevich: "Representative Friedrich has moved for the adoption of Amendment #2. Those in favor say 'aye', those opposed say 'no'. Those in favor vote 'aye', those opposed vote 'no'. Have all voted? Have all voted who wish? The

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Clerk will take the record. On this question, there are 38 'ayes', 55 'nays', 1 answering 'present', and the Amendment fails. Further Amendments? Representative Tate, for what purpose do you rise?"

Tate: "Well, Mr. Speaker, on that last Amendment, from here on, we will request a Roll Call on it. However, on that last Amendment, there were many Members that we know aren't in the chamber and it's kind of unruly at this point. A lot of people punching other people's buttons and if that practice continues, I'll ask for a verification on these Roll Calls."

Speaker Matijevich: "Let me comment from here, Representative Tate, you'll really find out from here rather there is a good attendance and believe me, there is pretty good attendance today. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, LeFlore."

Speaker Matijevich: "The Gentleman from Cook, Representative LeFlore, on Amendment #3. Robert LeFlore."

LeFlore: "Mr. Speaker, I move to take Amendment #3 out of the record."

Speaker Matijevich: "Leave to withdraw Amendment #3. Leave, and Amendment #3 is withdrawn. Further Amendments?"

Clerk O'Brien: "Amendment #4, Churchill."

Speaker Matijevich: "The Gentleman from Lake, Representative Churchill, on Amendment #4."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #4 to House Bill 2545 provides that after a person has been convicted for a failure to have insurance, that the Secretary of State's Office shall hold a hearing to determine whether or not the driver's license of that person should be suspended. Basically, this is an Amendment that goes towards equity. What it says is that a person who doesn't have insurance, if that person were to

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lose their driving privileges, that person may not be able to go to work may not be able to provide sustenance for their family. And what is says is that even this person should have an opportunity to a hearing before the Secretary of State's Office to determine whether or not the drivers license should be revoked. I would ask for your favorable vote on Amendment #4."

Speaker Matijevich: "Representative Churchill has moved for the adoption of Amendment #4. On that, the Gentleman from Cook, Representative Laurino."

Laurino: "Mr. Speaker, Amendment #4 would probably create a bureaucratic nightmare, because you're mandating that every license that is suspended be... have a public hearing. Now, right now, there is a... In these statutes now, if you request a hearing, and it's not a public hearing, but it's a hearing informal or formal from the Secretary of State, you will be granted your wish. So, I feel that this is redundant and not necessary."

Speaker Matijevich: "Representative Friedrich, are you on this or your light still on from...?"

Friedrich: "No, but I'll just mention I think everybody is entitled to due process, and I don't know why they'd object to that."

Speaker Matijevich: "Alright. Representative Churchill to close."

Churchill: "Thank you, Mr. Speaker. The way I read the Bill is that the Secretary of State's Office must suspend the driving privileges of a person who's convicted under this Act. In determining whether a person is going to be convicted, the court will be looking at issues that are not related to whether or not the person should be able to drive. This Amendment says that after that court hearing is terminated, that there should be another hearing to

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determine whether or not there are equity provisions that should allow the person to be able to continue driving. I would ask for a favorable support on this Amendment."

Speaker Matijevich: "Representative Churchill has moved for the adoption of Amendment #4 to House Bill 2545. Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Representative Tate, a minute to explain his vote."

Tate: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, what we're talking about here is one... a very serious issue. There are approximately one million and nine hundred thousand or nine hundred thousand and one million - give or take a hundred thousand - depending the contingent upon whose statistics you'd like to hear but nine hundred thousand people that don't have... don't have insurance in this state. And what we're doing right now, is we're not even allowing them the due process of law not even allowing them to have a public hearing on whether their license whether their livelihood is going to be suspended or not or taken away from them. And I would encourage all of you that are concerned about due process, concerned about the individual rights of people in this state, to vote 'yes'."

Speaker Matijevich: "On this question, there are... The Clerk will take the record. On this question, there are 45 'ayes', 55 'nays', and Amendment #4 is declared lost. Further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Didrickson, amends House Bill 2545."

Speaker Matijevich: "The Lady from Cook, Representative Loleta Didrickson, on Amendment #5."

Didrickson: "Thank you, Mr. Speaker, Members of the House. Amendment #5 raises the penalty for the first offense from

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some \$250 to \$500. It does keep it as a Class A Misdemeanor, and I would like to mention the fact that in other states, we will find ranges from \$50 to a \$1,000. If we even look at New Jersey and Massachusetts, in place of a fine, there's also imprisonment. I think we need to put some teeth into this Bill. I think \$500 for the first offense is a reasonable penalty, and I urge your adoption of this Amendment."

Speaker Matijevich: "Representative Didrickson has moved for the adoption of Amendment #5. The Gentleman from Cook, Representative Laurino. Bill Laurino."

Laurino: "Mr. Speaker, the Bill provides for a Class A Misdemeanor, which grants you the power to impose a fine of up to a thousand dollars. What we're doing in this Bill is creating a floor for the first offense of \$250. We're not trying to hamstring somebody so severely that they can't pay the fine and then not pay their insurance, and therefore, be, you know, able... in violation all over again. What we're trying to do is impose a law that says that if you don't comply, you are going to have 'X' fine, but it's not going to be so severe that you can't even go and buy groceries. I urge a 'no' vote on this Amendment."

Speaker Matijevich: "Representative Didrickson to close."

Didrickson: "Well, Mr. Speaker, I would just reemphasize the fact that if we're going to mandate that we have insurance for autos, I really think that we ought to be putting in some teeth into this penalty, and I urge the adoption of the increase of \$500 for the first offense."

Speaker Matijevich: "Representative Didrickson moves for the adoption of Amendment #5. Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. Ewing 'no'... 'aye' rather. On this question, there are 43

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'ayes', 58 'nays', 1 answering 'present'. Amendment #5 is declared lost. Further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Olson, amends House Bill 2545 by deleting Subsection c."

Speaker Matijevich: "The Gentleman from Lee, Representative Olson, on Amendment #6. Is Representative Olson here? He's been excused. Representative Laurino moves to table Amendment #6. All in favor say 'aye', opposed 'nay', and Amendment #6 is tabled. Further Amendments?"

Clerk O'Brien: "Floor Amendment #7, Pedersen - Terzich."

Speaker Matijevich: "Representative Pedersen on Amendment #7. Bernard Pedersen."

Pedersen: "Thank you, Mr... Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2545 provides for sunset repeal on July 1, 1988 if this law doesn't work out. Proponents have made much of this provision. All this Amendment requires is that the Insurance Laws Study Commission make the necessary objective study so we can make an informed decision about whether a sunset repeal should take place when the time comes, and so, I move passage of this Amendment."

Speaker Matijevich: "Representative Pedersen moves for the adoption of Amendment #7. Representative Laurino, the Gentleman from Cook."

Laurino: "Well, Mr. Speaker, it appears that there's a movement afoot that indicates that there will no longer be any Commission. So, I think this would be kind of foolish to put something on like this. We do establish that there's going to be a sunset provision in the Bill. And in that light, I think the Secretary of State will probably provide us with more information than we need. We don't need the Insurance Laws Study Commission if, in fact, they're not even being operable."

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Speaker Matijevich: "Representative Pedersen, to close."

Laurino: "I urge a 'no' vote."

Pedersen: "Well, even though the... there is some talk about not having the Commission, I think that that's what we have now, and they're the proper place to make the objective study. And I think it's important that it be objective, so that we can make a good decision when the time comes. So, I... I urge passage of this Amendment."

Speaker Matijevich: "Representative Pedersen moves for the adoption of Amendment #7. All those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 36 'ayes', 63 'nays', 1 answering 'present', and Amendment #7 is hereby declared lost. Further Amendments?"

Clerk O'Brien: "Floor Amendment #8, Zwick and Tate, amends House Bill 2545..."

Speaker Matijevich: "Lady from Kane, Representative Zwick, on Amendment #8."

Zwick: "Thank you, Mr. Speaker, Members of the House. Amendment #8 actually makes no real substantive changes to the Bill. All it does is deal with the effective date that this would be in effect for. It delays the effective date in order to let people become used to the new law and adapt to it so that it will be smoother - the transition. And it delays that by one year and, therefore, delaying the sunset date by one year. It would make it instead of July 1st, '86, to July 1st... It would make it July 1st, '86, to July 1st, '89, rather than the current July 1st of 1985 to July 1st of 1988. I'd appreciate your support and would be glad to answer any questions. Thank you."

Speaker Matijevich: "Representative Zwick has moved for the adoption of Amendment #8. On that, the Gentleman from

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Cook, Representative Laurino."

Laurino: "Thank you, Mr. Speaker. I don't see any reason to delay a Bill's effective date for two years, when we're passing it for the current time. I've prepared an Amendment... or included in the Amendment that I'm offering on this Bill for a four-year time slot beginning July '85 to July '89. So, I think that to delay the implementation of a Bill for one... more than one year is kind of foolish. I think one year's time for implementation for the administration of the Secretary of State to gear up, is enough time. I've talked to him, and he feels very comfortable for that one year, and I'm sure the public would understand that. I urge a 'no' vote on this Amendment."

Speaker Matijeich: "Representative Zwick has moved for the adoption of Amendment #8. Those in favor signify by voting 'aye', those opposed by voting 'no'."

Laurino: "'No' votes."

Speaker Matijeich: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 38 'ayes', 63 'nays', 1 answering 'present', and Amendment #8 fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #9, Friedrich and Tate, amends House Bill 2545 and so forth."

Speaker Matijeich: "The Gentleman from Marion, Representative Friedrich, on Amendment #9."

Friedrich: "Mr. Speaker and Members of the House, I think Representative Laurino may be favorable to this, because he has incorporated it also in a subsequent Amendment. All it does is says that if the Secretary of State's going to do all these fine things, then he should provide the forms to use the proof of insurance, because that's the agency that's going to be administering it. And I think that's

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the proper place for it, and I don't see how anybody can object to that."

Speaker Matijevich: "Representative Friedrich has moved for the adoption of Amendment #9. The Gentleman from Cook, Representative Laurino."

Laurino: "Well, that's true. I do agree with Representative Friedrich on this Amendment, but I have included it into a Bill because I agreed with him. I've included it into Amendment #13. So, I see no reason to vote on this and not... and then have it redone in 13. So, I suggest he either withdraw this Amendment or we'll vote 'no' on it, because it's included in 13."

Speaker Matijevich: "Representative Friedrich, to close."

Friedrich: "Mr. Speaker, we're not sure Amendment #13 is going to pass. I don't... You admit this is a great thing. So, I think we ought to put it on. And then if 13 passes, we'll deal with that when the time comes."

Speaker Matijevich: "Representative Friedrich has moved for the adoption of Amendment #9. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 39 'ayes', 59 'nays' and Amendment #9 fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #10, LeFlore, amends House Bill 2545..."

Speaker Matijevich: "Gentleman from Cook, Representative Robert LeFlore, on Amendment #10."

LeFlore: "Mr. Speaker, I recommend that Amendment #10 be withdrawn."

Speaker Matijevich: "Leave to withdraw Amendment #10. Leave, and Amendment #10 is withdrawn. Further Amendments?"

Clerk O'Brien: "Amendment #11, Tate and Friedrich, amends House Bill 2545 as amended."

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Speaker Matijevich: "Gentleman from Macon, Representative Tate, on Amendment #11."

Tate: "Mr. Speaker and Ladies and Gentlemen of the House, Amendment 11 requires an accident report to be filed with the Secretary of State at the time that they are filed with the Department of Transportation. The rationale behind this Amendment is that right now the Department of Transportation, under the Safety Financial Responsibility Act, keeps the records and identify the records. And this is an attempt to expedite some of the uninsured motorists and the unlicense... or uninsured motorists of the problems that we have identified in this state and allow the Secretary to have that information available to him at a much faster time. I just move for its adoption. Thank you."

Speaker Matijevich: "Representative Tate has moved for the adoption of Amendment #11. The Gentleman from Cook, Representative Laurino."

Laurino: "Mr. Speaker, I find no reason for this Amendment to be in this piece of legislation. If he feels that the Secretary of State's Office is ... needs this, I think he should file a Bill relating to this subject, because it has nothing to do with mandatory auto insurance. It has something to do with the administrative capabilities of the Secretary of State's Office. I urge a 'no' vote on this Amendment."

Speaker Matijevich: "Representative Friedrich."

Friedrich: "Mr. Speaker, this is germane to the subject. We're talking about insurance on drivers' license. It's germane, and I think it's pertinent because it certainly would eliminate some of the need for some of the other things that are in the Bill. So, I... I would... I don't see how he could object to this, because we're trying to get after

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the guy that's causing the problem now."

Speaker Matijevich: "Representative Tate, to close. Michael Tate."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, this is probably one of the most significant Amendments that we'll address on this issue, because the problem is, is that we have a million... or approximately a million uninsured motorists on the streets. Today, we know of many of those people that are uninsured; yet, right now under the present system, under the Safety Financial Responsibility Act, we aren't taking those license off the streets. So, if we know who they are and we're still not doing the job, that's the whole point of this Amendment. At least we should give the Secretary an opportunity to get the people that we have identified that don't have ... don't have insurance, don't have financial responsibility and get those people off the street, the people we know about. I would encourage all of you to take... give this serious consideration and move for its adoption."

Speaker Matijevich: "Representative Tate has moved for the adoption of Amendment #11. Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question, there are 46 'ayes', 56 'nays'. Amendment #11 is declared lost. Further Amendments?"

Clerk O'Brien: "Floor Amendment #12, Shaw, amends House Bill 2545..."

Speaker Matijevich: "Gentleman from Cook, Representative Shaw, on Amendment #12."

Shaw: "Yes, Mr. Speaker, I'll make a Motion to table the Amendment #12."

Speaker Matijevich: "Gentleman asks leave to withdraw Amendment #12. Does he have leave? Leave, and Amendment 12 is

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withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #13, Laurino - Madigan, amends House Bill 2545..."

Speaker Matijevich: "Gentleman from Cook, Representative Laurino, on Amendment #13."

Laurino: "Thank you, Mr. Speaker. Amendment #13 simply does a few minor things to the... to the Bill. They're really technical. In essence, it adds the policy I.D. number to the... the form the Secretary of State is now going to be required to design, along with the name of the insurance company. It makes it clear that the random sampling is done strictly for the fact of random sampling with the insurance company. It refers that you cannot be stopped solely for the purpose of the police officer's feeling that you may or may not have insurance. It puts specific requirements for the proof of insurance, including the effective date of the coverage, the vehicle that is being covered, and the fact that there's a possibility of some people who will not require members of their family to be covered on their policies. It also asks that the card that is being designed by the Secretary of State shall be carried in the car itself or on someone's person, but it should, for various reasons and for simple reasons, follow... be in the car, because the insurance follows the car itself. It extends the effective date of the law from July 1st, '85, to July 1st, '89, and it includes the Amendment that says that the Secretary of State shall design the card instead of the Department of Insurance, which was in the original Bill. And that's basically what Amendment #13 does, and I urge the adoption of it."

Speaker Matijevich: "Representative Laurino has moved for the adoption of Amendment #13. The Gentleman from Marion, Representative Friedrich."

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Friedrich: "Mr. Speaker, with all respect to the Sponsor, I thought the art of mumbling was gone, but I believe we've got it back. And I compliment the Sponsor of this Amendment. Actually, what this does is strike everything after the enacting clause and writes a new Bill. It's got a whole lot of junk in here that you're going to wake up to and find later on, and we'll explain that to you when the time comes. I'm sure that this will make it so unpalatable that nobody will vote for it; but, if he wants it, I'm not going to complain."

Speaker Matijevich: "Representative Tate, the Gentleman from Macon."

Tate: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, we're not going to take up the time of the chamber to elaborate into the specifics of this Bill. Essentially, what the Sponsor of this Bill has done, is, it's made a horrible Bill a little bit better. So, even though he's adopted some of the Amendments that we've suggested in an effort to improve this terrible piece of legislation, I would hope that everyone would oppose it. Thank you."

Speaker Matijevich: "Representative Laurino has moved for the adoption of Amendment #13. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 60 'ayes', 35 'nays', 4 answering 'present'. Amendment #13 is... is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #14, Churchill, amends House Bill 2545..."

Speaker Matijevich: "Gentleman from Lake, Representative Churchill, on Amendment #14."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #14 is exactly the same as Amendment #4."

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Again, let me reiterate what this does. The Bill, which is now of course Amendment #13, provides that the Secretary of State shall suspend the driver's license or driving privileges, et cetera, for any person who has been convicted of a violation of this Section. I want everybody to think about that for one second. What they're talking about is if somebody is stopped anywhere along the road for any reason, even if it be for just the purpose of checking for insurance, and that person is convicted under this statute, there is an automatic suspension of driving privileges. What this Amendment seeks to do is provide a hearing process to give due process to those people who may have other reasons why their driving privileges should not be suspended. I think this is a very important thing, because conviction in a court system is different from the right to drive a car, and I would move for the passage of this Amendment."

Speaker Matijevich: "Representative Churchill has moved for the adoption of Amendment #14. The Gentleman from Cook, Representative Laurino."

Laurino: "Well, Mr. Speaker, Mr. Churchill is absolutely correct. We did address this issue in Amendment #4 and it was defeated. Let me also indicate, I feel that Mr. Churchill must be misinformed. We do have a hearing process, and it is available to anyone who requests it. I see no reason for this, and I still urge a 'no' vote."

Speaker Matijevich: "Representative Churchill..."

Laurino: "Mr. Speaker, the board wasn't cleared from the last... from Amendment #13 that was adopted."

Speaker Matijevich: "...wasn't closed. Could we have leave for a voice vote and then see how close it is? No. Alright. Representative Churchill, to close. It'll be cleared by then."

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Churchill: "Thank you. Thank you, Mr. Speaker. I... I differ in opinion with the Sponsor of this legislation, because I just read to you what this Amendment says. And there is a 'shall' there. 'Shall' means that it must be that way. It has to be a... If there is a conviction, there has to be a suspension. I think, Mr. Speaker, that I would like to address to this Body the problem that I see with this Bill and the problem that I feel is addressed by this Amendment. We spend so much of our time in this Body talking about children, talking about family, talking about the poor, talking about the wage earner. But when we get down to the point of determining what it is that helps people to gain freedom from being poor, what it is that keeps families together and helps the children to grow, it's the ability to have a job, the ability to earn income. What this Bill would do is to mean that someone who is convicted under this statute for not having insurance will be... will have their driver's privileges suspended, which means that they may not be able to go to work. This Bill undermines the ability of the breadwinner to bring home dollars for his family. We spend so much time talking about this and, yet, I know what will happen. If this passes and if this Amendment is not on it, our constituents will be coming to us and they'll be saying, 'What do we do now? We've lost our driving privileges. We have no way to get to work. We're losing our job. We'll never be able to get another job because of the affects of this Bill.' This Amendment is an Amendment that is for the poor. It's an Amendment that's for children, for families. It's an Amendment that supports the breadwinner's ability and his right to have gainful employment. And all those things are basically tied to driving privileges. And, therefore, I would say to you, Mr. Speaker and to the Ladies and Gentlemen of this

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House, that this is an important Amendment to give someone the right to go before the Secretary of State's Office and offer other testimony on why driving privileges should not be suspended."

Speaker Matijevich: "Representative Churchill has moved for the adoption of Amendment #14. Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted? Have all voted? Have all voted who wish? Clerk will take the record. On this question, there are 49 'ayes', 56 'nays', 1 answering 'present', and Amendment #14 is hereby declared lost. Further Amendments?"

Clerk O'Brien: "Floor Amendment #15, Friedrich, amends House Bill..."

Speaker Matijevich: "Gentleman from Marion, Representative Friedrich, on Amendment #15."

Friedrich: "Mr. Speaker, I wouldn't offer this Amendment, which is similar to Amendment #2, except that we got a whole new Bill, thanks to the Sponsor who decided to start all over with a new Bill. Again, I would remind you that according to even the Secretary of State's figures, and he is supposed to be the one who's the big backer of this, 80 percent of the problem is in the City of Chicago, 700,000 of these unlicensed drivers are there. So, my suggestion is that we shouldn't burden the rest of the state with this problem if it's concentrated in one area. I had hoped that Chicago, with its home rule powers, would adopt this on their own, and I understand it is or has been considered in the Chicago City Council. But this would limit it to them and would relieve the Secretary of State's Office of handling it throughout the rest of the state where the incidence is very low. I move the adoption of this Amendment."

Speaker Matijevich: "Representative Friedrich moves the adoption

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of Amendment #15. The Gentleman from Cook, Representative Laurino."

Laurino: "Mr. Speaker, Representative Friedrich is mistaken. This is not an entirely new Bill. All it did was just put in a few technical changes that were needed. Some of those changes... One of them was brought to my attention from Representative Friedrich. What he's trying to do now is just hamstringing Chicago and let the rest of the state go free. I don't think that's the proper way to do it. There is no feasible way you can enforce this, if you do it this way. I urge a 'no' vote on Amendment #15."

Speaker Matijevich: "Representative Friedrich has moved the adoption of Amendment #15. Those in favor, signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 40 'ayes', 58 'nays', 2 answering 'present', and Amendment #15 is declared lost. Further Amendments?"

Clerk O'Brien: "Floor Amendment #16, E. Pedersen and Terzich."

Speaker Matijevich: "Representative Bernard Pedersen, on Amendment #16."

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This... this is another merely simply Amendment somewhat technical in nature. It's very similar to Amendment #7 which we talked about briefly a little while ago. The only real change that we've made is that we still want that objective study; and, since there's some concern about the fact that maybe the Insurance Laws Study Commission might not be around to make the objective study, we've made a change to the Department of Insurance. Again, whether or not this thing sunsets or not depends on the knowledge that we have about how it works. And it's very important that we mandate an objective study in this Bill."

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So, I urge support of this Amendment."

Speaker Matijevich: "Representative Pedersen has moved for the adoption of Amendment #16. Gentleman from Cook, Representative Laurino."

Laurino: "Thank you, Mr. Speaker. We have placed all of the enforcement capabilities into the Secretary of State's Office. I think that he'll have sufficient time, because of the four year effectiveness of this Bill, this legislation, if it's adopted, and I think that he's the proper offi... this office is the proper office to give us this information and report back to us. Now, I'm sure he's going to do this, because of the seriousness of the problem. I think if you go to the Department of Insurance, you're creating another bureaucratic mess again, and it would probably increase the costs in instituting this legislation. So, again, I urge a 'no' vote on Amendment #16."

Speaker Matijevich: "Representative Pedersen has moved for the adoption of Amendment #16. Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 39... 40 'ayes', 58 'nays', 1 answering 'present'. Amendment #16 fail... is hereby declared lost. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "There has been a request for a fiscal note as amended. Mr. Clerk, is there a fiscal note as amended to the Bill?"

Clerk O'Brien: "There is a fiscal impact to House Bill 2545 as amended filed."

Speaker Matijevich: "The fiscal note request has been complied with. Third Reading. House Bill 2671, out of the record. On the Order of Motions there... Representative Terzich,

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the Gentleman from Cook. For what purpose does Mr. Tate rise?"

Tate: "Speaker, I've had my light on for the last three minutes. I have an inquiry to the Chair."

Speaker Matijevich: "One moment, Mr. Tate."

Tate: "My inquiry..."

Speaker Matijevich: "One moment. Your light was on very late. Your light was on very late and I must say that. Now you can proceed, though. You can proceed now, but..."

Tate: "My inquiry to the Chair, Mr. Speaker, is I would like to know whether that Bill has been read a second time prior to today."

Speaker Matijevich: "We'll check into that. Mr. Tate, I cannot answer that without going through the tapes. So, we'll hold that in abeyance for you, but the Bill is now on Third Reading. Listen, I can't do the impossible, Mike. The... everything else I try. Alright? I understand that today is the first day from a journalized standpoint that it was read a second time. Alright? Now, we go to the Order of Motions. The Gentleman from Cook, Representative Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I would move to suspend Rule 53(d) to permit the House Executive Committee to consider Executive Order #2 next week and then to report its recommendations to the full House for consideration."

Speaker Matijevich: "Representative Terzich has moved, as Chairman of the House Executive Committee, that pursuant to House Rules 53(d) so to permit the House Executive Committee to consider Executive Order #2 next week and to then report its recommendation to the full House for consideration, the suspension of House Rule 53(d) by Representative Terzich. Is there discussion on that Motion? All those in favor signify by voting 'aye',

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opposed by voting 'no'. Have all voted who wish? Clerk will take the record. On this question there are 98 'ayes', no 'nays' and 2 answering 'present', and the Motion carries. Be at ease for one moment. The Gentleman from Cook, Representative Howard Brookins, on a Motion."

Brookins: "Thank you, Mr. Speaker. I would move, pursuant to Rule 77, to discharge Executive Committee on Senate Bill 1585 and advance to Second Reading, Second Day."

Speaker Matijevich: "Representative Brookins has moved the discharge of Executive Committee. Is that... discharging of House... House Bill or Senate Bill?"

Brookins: "Senate Bill."

Speaker Matijevich: "Senate Bill - what?"

Brookins: "1585."

Speaker Matijevich: "1585 and placed on the Order of Senate Bills Second Reading. Representative Vinson, the Gentleman from DeWitt."

Vinson: "I rise in support of the Gentleman's Motion."

Speaker Matijevich: "You've heard the Motion. Those in favor signify by voting 'aye', opposed by voting 'no'. Representative Terzich, for what purpose do you rise?"

Terzich: "Can I ask what 1585 is that we're asking for..."

Speaker Matijevich: "That's the statue Bill."

Terzich: "The what?"

Speaker Matijevich: "The statue."

Terzich: "Well, you know, I thought it would be a good idea to check with the Chairman."

Speaker Matijevich: "Have all voted? Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 77 'ayes', 16 'nays', and the Motion carries. On page seven of the Calendar, on the Order of House Bills Third Reading, Short Debate Calendar, appears House Bill 877. The Gentleman from Cook, Representative

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Levin. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 877, a Bill for an Act relating to asbestos materials in schools. Third Reading of the Bill."

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

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The deadly and tragic affects of asbestos are well known. The affects are even more tragic and deadly when a child is a victim. Unfortunately, there are many thousands of school children in the State of Illinois who are daily exposed to asbestos when they go to school. Tragically, we know that in this country, children exposed to asbestos in their schools have come down with cancer. There's been a great deal of public concern about the issue of asbestos in our schools. We... I think in each one of our districts, we know that we have dis... we have schools that face this problem. These are not schools that are old and that are going to be torn down in the next few years. These are schools that were built in the '50's and the '60's and the early '70's. These schools have been pinpointed by the U.S. EPA. House Bill 877 would move us towards coming up with a solution to the problem of asbestos in the schools by having the Department of Public Health, in conjunction with the State Board of Education, survey the situation with respect to what schools have asbestos problems and attempt to come up with a solution in terms of a plan or plans or alternatives that can be implemented by us in the General Assembly to deal with this very, very important problem. I urge your support for House Bill 877."

Speaker Matijevich: "Representative Levin has moved for the passage of House Bill 877. On that, the Gentleman from Effingham, Representative Brunner. Is anyone in

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opposition? Representative Brummer. This is on Short Debate."

Brummer: "Yes, will the Sponsor yield?"

Speaker Matijevich: "He indicates he will."

Brummer: "Representative Levin, I was contacted by a local superintendent who had an asbestos problem. They, pursuant to what I understand to be the recommendations of the State Board of Education, spend about 30,000 dollars to encapsule the asbestos as opposed to replacing it. I note that the Bill addresses the cost of replacement as opposed to examining the cost of encapsulement. Would you be willing to amend this in the Senate to also examine that issue? I understand encapsulement is a... at least a recognized or... method of dealing with the asbestos problem that, many times, is much less expensive than... than replacement and maybe more desirable."

Levin: "Representative, it is my intention that all of the ranges of options be looked at in terms of dealing with this problem. And, you know, what EPA is done is, I believe, they've gone into each school. They have determined whether or not there is a problem; and, if there is a problem, they've rated it, I think, under ten - I'm not sure what the rating system is - it's safe. Ten to forty, they're saying you can encapsulate. Above forty you have to replace. So, it is my intention to look at the range of problems... range of solutions, including encapsulation."

Brummer: "You're aware that your Bill is very specific and it directs that there be a determination of cost of replacing the asbestos material. It does not address the encapsulement issue. And my sole question to you is, are you willing to amend that in the Senate to include a determination of the cost and advisability of encapsulement?"

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Levin: "Yes."

Brummer: "Thank you."

Levins: "... that is my intention."

Speaker Matijeovich: "Representative Levin has moved for the passage of House Bill 877. Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 91 'ayes', 14 'nays', 2 answering 'present'. House Bill 877, having received the Constitutional Majority, is hereby declared passed. On Short Debate appears 15... House Bill 1528. The Gentleman from Cook, Representative John O'Connell."

O'Connell: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1528..."

Speaker Matijeovich: "One moment. Clerk will read the Bill."

Clerk O'Brien: "House Bill 1528, a Bill for an Act in relation to the property tax homestead exemption. Third Reading of the Bill."

Speaker Matijeovich: "Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1528, in its original form, did raise the homestead exemption from 3000 to 3500. This Bill was introduced in 1983; and, as you will recall, there was another Bill which, in fact, raised it to 3500. Accordingly, we amended this Bill by deleting everything after the enacting clause and providing that when a mortgagee receives notice of an application for a general homestead exemption, that that mortgage lender would then have an obligation to forward that application onto the mortgagor with 15 days of receipt by the mortgage lender. It's a simple concept, and it will enable our mortgagors to be made aware of their opportunities for the homestead exemption. There was also an Amendment placed on by

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Representative Stuffle that provides for property tax exemptions for historical sites, of which he indicates to me there are only about 30 in the state. I would ask for a favorable Roll Call."

Speaker Matijevich: "Representative O'Connell has moved for the passage of House Bill 1528. Does any Member stand in opposition? Seeing none, the question is, 'Shall House Bill 1528 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 103 'ayes', 4 'nays'. House Bill 1528, having received the Constitutional Majority, is hereby declared passed. House Bill 2481, Representative Mautino. The Clerk will read the Bill. Out of the record. House Bill 2567, Younge. Out of the record. House Bill 2582, Capparelli. Clerk will read the Bill."

Clerk O'Brien: "House Bill 2582, a Bill for an Act to amend Sections of an Act to create the Labor Law Revisory Commission. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Ralph Capparelli, on House Bill 2582."

Capparelli: "Thank you, Mr. Speaker. House Bill 2582 allows the Labor Law Revisory Commission to make available copies of written materials regarding labor laws for a fee, and the fee would be deposited in the State Treasury. I would ask you to... for a favorable vote."

Speaker Matijevich: "Representative Capparelli, has moved for the passage of House Bill 2582. Does any Member stand in opposition? Alright. We'll be at ease for one moment. The machine is sticking a little bit. The question is, 'Shall House Bill 2582 pass?' Those in favor signify... Representative Vinson, for what purpose do you rise? 2582."

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Vinson: "Mr. Speaker, I would ask the requisite number of people to join me in taking this Bill off Short Debate."

Speaker Matijevich: "Alright. It's off Short Debate now. Proceed, Representative Vinson."

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

Speaker Matijevich: "He indicates he will."

Vinson: "Representative, is the effect of this Bill to create a Commission?"

Capparelli: "No. The Commission is already existing and we..."

Vinson: "What does the Bill do?"

Capparelli: "It just charges for the written materials that we're making. Right now we're getting some... a lot of requests from out of state for a book that we've printed. It costs \$2.50, and we want to send it out to them. And this just gives the right to charge for the book then and deposit in the State Treasury."

Vinson: "In the event that a Commission is created, or if this Bill is amended in the Senate to create a Commission or to continue a Commission..."

Capparelli: "No."

Vinson: "... will you agree to table the Bill..."

Capparelli: "Positively. Positively."

Vinson: "I beg your pardon?"

Capparelli: "Absolutely is not going to be another Commission in this Bill."

Vinson: "And you would agree to stop the Bill if that were to occur."

Capparelli: "Absolutely."

Vinson: "Thank you."

Speaker Matijevich: "Question is, 'Shall House Bill 2582 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 100

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'ayes', 2 'nays', and House Bill 2582, having received the Constitutional Majority, is hereby declared passed. House Bill 2657, Barnes. Is that out of the record? I guess. House Bill 2735, Panayotovich. Read the Bill."

Clerk O'Brien: "House Bill 2735, a Bill for an Act to amend Sections of the Chicago Regional Port District Act. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Sam Panayotovich, on House Bill 2735."

Panayotovich: "Thank you, Mr. Speaker. I ask leave of the House to take this Bill back to Second Reading for purpose of an Amendment."

Speaker Matijevich: "The Gentleman asks leave that House Bill 2735 be returned to the Order of Second Reading for the purpose of an Amendment. Does he have leave? Leave, and the Bill is on Second Reading. Are there any Amendments, Mr. Clerk?"

Clerk O'Brien: "Amendment #1, Panayotovich."

Speaker Matijevich: "Gentleman from Cook, Representative Panayotovich, on Amendment #1."

Panayotovich: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #1 would set a 10,000 dollar cap on the checks that will be authorized without the Board approval for the Chicago Regional Port District, and I ask for approval."

Speaker Matijevich: "Representative Panayotovich moves the adoption of Amendment #1. No discussion, all in favor say 'aye', opposed 'nay', and Amendment #1 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. Gentleman asks leave for the immediate consideration of House Bill 2735. Does he have leave? Leave. The Bill is on Third Reading. The Clerk

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will read the Bill."

Clerk O'Brien: "House Bill 2735, a Bill for an Act to amend Sections of the Chicago Port... Regional Port District Act. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Cook, Representative Panayotovich."

Panayotovich: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a sister Bill to the 2736 we passed out yesterday, 112 to nothing. What it is doing again is making the Chicago Port District a more competitive operation. It's making the Port District the quicker and easier way for them to pay their bills and meet their bills, and I just ask for immediate approval."

Speaker Matijevich: "Representative Panayotovich has moved for the passage of House Bill 2735. Does any Member stand in opposition? The Lady from Cook, Representative Pullen."

Pullen: "I believe under Short Debate I may ask questions."

Speaker Matijevich: "Yes, you have that latitude. Proceed."

Pullen: "You indicated that this Bill makes it easier for the Chicago Port Authority to pay its bills and that it modernizes their procedures or something of that sort. Could you please tell us how?"

Panayotovich: "Well, right now we have a cap of 25... a check can be written up to 2500 dollars without the Board approval. And with expenses and salaries and payrolls and the bills they have to meet, they would have to call a Board meeting to approve anything over a 2500 dollar cap. And they feel that most of their payments and anything they have to write checks out for is more than 2500 dollars. Originally, the Bill in Committee, when it came out 12 to nothing, had no cap on it; and, after consideration and talk, we decided to set a cap of 10,000 dollars. And anything above that would still have to have Board approval."

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Pullen: "Is that individual checks of up to 10,000 dollars, or is it aggregating up to 10,000?"

Panayotovich: "Individual, I believe."

Pullen: "Their payroll has 2500 dollar and up checks?"

Panayotovich: "I'm using that as an example."

Pullen: "Oh, what an example. Who..."

Panayotovich: "It could be their rent. It could be their electrical bill. It could be their..."

Pullen: "Who... They have rent of up to 10,000 dollars, or their electrical bill is up to 10,000?"

Panayotovich: "It's over 25... whatever it is, it's over 2500 dollars."

Pullen: "Who would be authorized to sign these checks without the Board's approval?"

Panayotovich: "The off... The officers. The same people that are authorized now to do it at 2500 would be the same people that would be able to do it up to 10,000."

Pullen: "Does it add any other officers to the people that can sign the checks other than what's there?"

Panayotovich: "No, Ma'am. The only thing is we're just raising the cap."

Pullen: "How often does the Port Authority Board meet?"

Panayotovich: "I don't know. Periodically."

Pullen: "Well, I somehow thought so. I want to clarify this in my own mind. Right now, they are authorized under state law to have officers that are specified, sign checks without the authority of the Board if these checks are 2500 dollars or less each. Correct?"

Panayotovich: "Correct."

Pullen: "And this Bill would raise that limit to 10,000 dollars so that someone could sign a check without the expressed authorization of the Board of up to 10,000 dollars. Right?"

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Panayotovitch: "Correct."

Pullen: "Thank you."

Speaker Matijeich: "The question is, 'Shall House Bill 2735 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 73 'aye', 32 'nays', 1 answering 'present'. House Bill 2735, having received the Constitutional Majority, is hereby declared passed. House Bill 2761, Ewing. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 2761, a Bill for an Act to amend Sections of the Soil and Water Conservation District Act. Third Reading of the Bill."

Speaker Matijeich: "The Gentleman from Livingston, Representative Tom Ewing, on House Bill 2761."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill amends the Soil and Water Conservation Act and does two very simple things. First of all, it states that the directors who are non-paid volunteers for each soil and water conservation district will be covered by the Tort Immunity Act. Number two, it provides that these directors may borrow money for the purposes of their district within the means which they would have to repay these funds. The districts do not have taxing power. There is no taxing power or anything included in this legislation. Many times, these districts like to buy a conservation tool, an instrument which they then rent out to the different farmers who want to try these conservation tillage instruments before they buy them. And that's the type of thing they would be interested in using their borrowing power for. I would ask for a favorable vote on this Bill."

Speaker Matijeich: "Representative Ewing has moved for the passage of House Bill 2761. Does any Member stand in

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opposition? Seeing none, the question is, 'Shall House Bill 2761 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 103 'ayes', 1 'nay', 1 answering 'present'. House Bill 2761, having received the Constitutional Majority, is hereby declared passed. House Bill 2783, Capparelli. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 2783, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Speaker Matijevich: "Gentleman from Cook, Representative Ralph Capparelli, on House Bill 2783."

Capparelli: "Mr. Speaker, House Bill 2783 amends the Revenue Article. It increases the fee for certificate of purchase of tax delinquent property in Cook County only, from 20 to 30 dollars. It also adds a provision regarding the Indemnity Fund maintained in each county to satisfy judgements against the county treasurers. I move for adoption."

Speaker Matijevich: "Representative Capparelli has moved for the passage of House Bill 2783. Does any Member stand in opposition? Representative Hawkinson, the Gentleman from Knox."

Hawkinson: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Matijevich: "He indicates he will. Proceed."

Hawkinson: "Representative, I notice House Amendment #1 prohibits the county treasurer, when acting as a trustee for the Tax Deed Indemnity Fund, from filing a third party complaint against the tax deed grantee or his successors in title. What is the reason for that provision?"

Capparelli: "One minute. This was not my Bill. It was Bus's, and I'm just still learning about it. The reason that I've

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been given is that probably the deed grantee didn't have nothing to do with it in the beginning. So, they're eliminating him from participating."

Hawkinson: "Has there been a particular problem of this happening in the past?"

Capparelli: "I really don't know, but maybe Representative Yourell did have some problems with it. I really couldn't tell you that. No."

Hawkinson: "Alright. Thank you."

Speaker Matijevich: "Question is, 'Shall House Bill 2783 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 98 'ayes', no 'nays', 7 answering 'present'. House Bill 2783, having received the Constitutional Majority, is hereby declared passed. House Bill 2837, Madigan - Roman. Out of the record. House Bill 2892, Steczo. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 2892, a Bill for an Act to amend Sections of an Act to revise the law in relation to clerks of courts. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Terry Steczo, on House Bill 27... 2892."

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 2892 is a bipartisan Bill that provides a 3500 dollar stipend to Circuit Court clerks in the State of Illinois, I should say 101 of the 102 Circuit Court clerks in the State of Illinois, due to the impositions that we placed upon them administratively over the last year and a half, by the passage of certain mandated items that we've required them to do. This Bill is similar to the kind of things that we have done for county clerks after the imposition of the administrative... the administration of the consolidated

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election bills, and it's something that is needed, something that will help them cure the headaches that they have had or help to do that. And it was voted out of the House Executive Committee by a vote of 11 to nothing, and I would appreciate the support of the House."

Speaker Matijevich: "Representative Steczo has moved for the passage of House Bill 2892. Does any Member stand in opposition? The Gentleman from Knox, Representative Hawkinson."

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

Speaker Matijevich: "He indicates he will. This is on Short Debate."

Hawkinson: "Representative, you made reference that this is like the stipend that is given to the county clerk for additional duties that have been imposed upon the county clerk. I've had county board representatives from two of my three counties, ask me a question that I couldn't answer about that stipend that goes to the county clerk. And the reason I can't answer it, and the question is, why are we giving it to the county clerk, and in this case to the circuit clerk, when all of these clerks have staffs to perform this responsibility, who are paid by the taxpayers of the county? Why aren't we giving this money to the county board instead of to the individual office holder, who doesn't really perform any individual additional duties?"

Steczko: "Representative Hawkinson, I think that those Circuit Court clerks or county clerks in the State of Illinois would take issue with that statement. Ultimately, the final decision rests with the Circuit Court clerk, in this case, or the county clerk in the case of the consolidate elections. I can tell you that in Cook County, the County Clerk was quite active in the implementation of the

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consolidated election bill. And in this case, I've heard from Circuit Court clerks from downstate, who have provided me with the documentation that they have to use in order to implement all of the things that we have mandated upon them. So, they are quite actively involved, individually."

Hawkinson: "Thank you. To the Bill, Mr. Speaker. I understand that we have imposed additional duties upon the circuit clerk's office, just as we have upon the county clerks. But I think that the county board members in your districts will agree with those in my district, who say that these additional duties are being performed by the staffs of these offices which are causing additional dollars to be paid out of the county treasurers, for which we're not reimbursing them, and that we're misdirecting the flow of these funds which ought to be going to the counties which have to pay for these duties. And, therefore, I would rise in opposition to this Bill."

Speaker Matijevich: "Representative Steczo, to close."

Steczko: "Thank you, Mr. Speaker, Members of the House. As I had mentioned in my opening remarks and as I had mentioned in the response to Representative Hawkinson's question, the ultimate responsibility for all these proposals that we pass and mandate the Circuit Court clerks to do, rests individually upon them. We have provided in the last three years things relative to collection of fines paid by criminal offenders and fines imposed for drug related offenses and things relative to the Violent Crime Victims' Assistance Fund and collection of various driving offenses on classification. All of these things... All of the responsibilities for these are borne directly by the county clerks or by the Circuit Court clerks. And as I had mentioned, I've received information from very many downstate Circuit Court clerks that provided a lot of the

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examples of the paperwork that they individually have to do. So, I think that House Bill 2892 is a fair Bill, and it provides us with an opportunity to provide recompense to those Circuit Court clerks that have the burden of these administrative items that we've placed upon them. And I would urge an 'aye' vote."

Speaker Matijevich: "One moment. Representative Vinson, for what purpose do you seek... rise?"

Vinson: "Mr. Speaker, a very serious problem, and I say this very seriously, has just arisen in regard to this Bill, and I wonder if it can be taken out of the record for a few minutes."

Speaker Matijevich: "I think he probably would comply. Do you want... Out of the record. Out of the record. Get together with Mr. Steczo. Rep... House Bill 2900, Representative Kulas. The Clerk will read the Bill. Out of the record. House Bill 2911, Representative Ryder. The Clerk will... Is Representative Ryder here? Representative Ryder, do you want to proceed with 2911? Out of the record. House Bill 2924, Representative Farley. The Clerk will read the Bill. Representative Farley back there?"

Unknown: "There he is."

Speaker Matijevich: "Read the Bill."

Clerk O'Brien: "House... House Bill 2924, a Bill for an Act in relation to municipalities. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Bruce Farley, on House Bill 2924."

Farley: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What House Bill 2924 does is allows a municipality to enter into a contract with a collective bargaining unit without an appropriation. The way it stands right now is the law reads that you have to have the appropriation

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before you enter into the contract. This clears up a court case, and I don't know of any opposition to that proposal. I also have on the Bill, or I should say, Representative Giorgi attached an Amendment that takes care of a problem with Rockford. Also on the Bill is an Amendment that provides for people that are elected to other positions, and on a leave of absence, it clarifies that proviso. And I would move for a favorable Roll Call on House Bill 2924."

Speaker Matijevich: "Representative Farley has moved for the passage of House Bill 2924. Does any Member stand in opposition? Seeing none, the question is, 'Shall House Bill 2924 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 86 'ayes', 17 'nays', 1 answering 'present'. House Bill 2924, having received the Constitutional Majority, is hereby declared passed. House Bill 2962, Keane. The Gentleman from Cook, Representative Keane, on House Bill 2962."

Keane: "Thank you, Mr. Speaker. House Bill 2962..."

Speaker Matijevich: "One moment. Clerk will read the Bill."

Clerk O'Brien: "House Bill 2962, a Bill for an Act to amend Sections of the Illinois Library System Act. Third Reading of the Bill."

Speaker Matijevich: "Representative Keane."

Keane: "Thank you, Mr. Speaker. House bill 2962 proposes to amend the Illinois Library Systems Act to clarify the Secretary of State's authority to issue construction and capital improvement grants. Under this legislation, grants are limited to a maximum of 25 percent of construction costs for each project. In addition, the legislation provides for an equalized 50/50 allocation of appropriations made for the grants between the City of

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Chicago, for the main Chicago Public Library which is designated to serve as a statewide research library, and the balance of the state. The Secretary of State is also authorized to adopt any necessary rules for implementing the Act. The legislation further directs the Secretary of State of apply the same standards which are used in making grants under the Federal Library Services and Construction Act, when making grants under the authority granted by this legislation. Be happy to answer any questions. I ask for a favorable Roll Call."

Speaker Matijevich: "The Gentleman from Cook, Representative James Keane, has moved for the passage of House Bill 2962. Does any Member stand in opposition? I see none, but the machine's out of... Question is, "Shall House Bill 2962 pass? Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this question there are 94 'ayes', 11 'nays', 1 answering 'present'. And House Bill 2962, having received the Constitutional Majority, is hereby declared passed. Speaker of the House, Michael Madigan, seeks recognition. For what purpose do you rise?"

Madigan: "Mr. Speaker, I rise to request a Democratic Conference."

Speaker Matijevich: "A Democratic Conference will be in Room 114 immediately. Do the Republicans need anything? You're satisfied, Lee? You're happy with the way things are going. How long... How long do we need, Mr. Speaker?"

Madigan: "Approximately one-half hour."

Speaker Matijevich: "The House will be in recess for one-half hour. Return to the floor in one-half hour. The House is in now in recess for a Democratic Conference in Room 114."

Speaker Madigan: "Mr. Clerk, do you have a Motion on Senate Bill 1585? So, you don't have that Motion? Okay. Message from

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HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

120th Legislative Day

May 17, 1984

the Senate."

Clerk O'Brien: "A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills of the following title and the passage of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Bills #1441 and 1474, passed by the Senate May 17, 1984. Kenneth Wright, Secretary.'"

Speaker Madigan: "On page 25 of the Calendar on the Order of the Consent Calendar Third Reading, Second Day there appears House Bill 2927. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2927, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of the Bill."

Speaker Madigan: "This Bill having been read a third time, the question is, 'Shall House Bill 2927 pass on the Order of the Consent Calendar?' All those in favor will signify by voting 'aye', all those opposed by voting 'no'. We are on the Order of the Consent Calendar. There is one Bill on the Order of the Consent Calendar. We are now voting on the Consent Calendar. This is a Third Reading Roll Call. Third Reading Roll Call. Have all voted who wish? For what purpose does Representative Nelson seek recognition? Okay. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 105 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read the Adjournment Resolution?"

Clerk O'Brien: "Senate Joint Resolution 114. Resolved by the Senate of the 83rd General Assembly of the State of Illinois, the House of Representatives concurring herein, that when the Senate stands adjourned on Friday, May 18,

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1984, it stands adjourned until Monday, May 21, 1984, at 1:00 p.m., and when the House of Representatives stands adjourned on Friday, May 18, 1984, it stands adjourned until Tuesday, May 22, 1984, at 12:30 p.m."

Speaker Madigan: "Mr. McPike, on the Adjournment Resolution."

McPike: "Thank you, Mr. Speaker. I move for the adoption of the Adjournment Resolution."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. Mr. Clerk, are there any Agreed Resolutions?"

Clerk O'Brien: "House Resolution 954, Pierce - Madigan and Daniels; 955, Braun - et al; 957, Kulas - et al. And Senate Joint Resolution 112, Barger."

Speaker Madigan: "Mr. Giorgi."

Giorgi: "Mr. Speaker, House Resolution 954, by Pierce, tells us of a retirement; 955, by Braun, honors "James Wright", the UAW Director; 957, by Kulas, congratulate a 70th anniversary. And Senate Joint Resolution 112 honors "William M. Perkins", and I move for the adoption of the Agreed Resolutions."

Speaker Madigan: "Gentleman moves for the adoption of the Agreed Resolutions. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Resolution 952, Frockins, and House Resolution 953, Brookins."

Speaker Madigan: "Committee on Assignment. Death Resolutions."

Clerk O'Brien: "House Resolution 951, Levin, with respect to the memory of Mrs. Marion Kennedy, and House Resolution 956, Braun - et al, with respect to the memory of Professor Milton 'Rackoff'."

Speaker Madigan: "Mr. Giorgi. Mr. Giorgi, on the Death Resolutions."

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Giorgi: "I move for the adoption of the Death Resolutions."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Death Resolutions are adopted. Mr. Clerk. Chair recognizes Mr. McPike for the Adjournment Motion."

McPike: "Thank you, Mr. Speaker. I move that the House stands adjourned until tomorrow at the hour of 9:00 a.m."

Speaker Madigan: "You've all heard the Motion. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. We stand adjourned until 9:00 a.m. tomorrow morning. And would the Members please be prompt at 9:00 a.m. This morning we had a minister who addressed about 10 people with his invocation, and it would be very appropriate if we would arrive on time. Thank you."

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