

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

138th Legislative Day

May 6, 1992

Speaker McPike: "The House will come to order. The Chaplain for today is Reverend E. Dale Davenport, the associate pastor of Tabernacle Baptist Church in Decatur, Illinois. Reverend Davenport is the guest of Representative John Dunn. The guests in the balcony may wish to rise and join us for the Invocation."

Reverend Davenport: "Shall we pray? Our Father, as we come this morning, we're truly thankful for Your blessings; and, Father, I pray that You would make us mindful of Your presence and Your power. Father, I pray that You would give these men and women Your wisdom and Your discernment as they govern us and, Father, as they lead this great State. Father, I pray that we might be able to sense that we need to do what is right and not always popular, but, Father, may we be an honor to You, and may we be a glory to Your name, and, Father, that truly You would lead us, and direct us and each of these men and women, in a very special way. We thank You, Father, that they have committed their lives to public service, and we pray, Lord, that they would truly be sensitive to You and Your will. We thank You and praise You again. We pray it in Your name. Amen."

Speaker McPike: "We will be led in the Pledge of Allegiance by Representative Paul Williams."

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

Speaker McPike: "Roll Call for Attendance. Representative Matijevich."

Matijevich: "Yes, Mr. Speaker. Excused absence, Representative Mulcahey due to his illness; Representative McGann is

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excused but will be returning mid-day. Representative Joel Brunsvold is excused and we offer our blessings to him. His father passed away last night."

Speaker McPike: "Representative Kubik."

Kubik: "The Republicans are all here, Mr. Speaker."

Speaker McPike: "Mr. Clerk, take the roll. One-hundred fifteen Members answering the Roll Call, a quorum is present. House Bill 3328. Take this Bill out of the record for right now. This place is going to the dogs. Page 40, Consent Calendar, Second Reading. Mr. Clerk, read the Bills." (Clerk)

✓ O'Brien: "Consent Calendar, Second Reading, Second Day/ House Bill 2882, a Bill for an Act to amend the County Jail Good Behavior Allowance Act. House Bill 3089, a Bill for an Act to amend the Unified Code of Corrections. House Bill 3139, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 3184, a Bill for an Act to amend the Unified Code of Corrections. House Bill 3555, a Bill for an Act relating to tutorial and pilot programs of institutions of higher education. House Bill 3848, a Bill for an Act to amend the Criminal Code of 1961. House Bill 3904, a Bill for an Act in relation to professional athletes and drugs. House Bill 3921, a Bill for an Act in relation to imposition and disposition of fines for child pornography, together with Committee Amendment #1. House Bill 4196, a Bill for an Act to amend the Private Business and Vocational School Act. Second Reading of these Bills."

Speaker McPike: "Third Reading. A Special Order, Government Administration - Second Reading, appears House Bill 2677. Representative Homer. Tom Homer. Out of the record. Mr. Lang, you have three Bills. All of them out of the Record. House Bill 2809, Representative Hasara. (House Bill) 2953,

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Currie. (House Bill) 2986, Lang. Mr. Lang. House Bill
3150, Representative Keane. House Bill 3227,
Representative Curran. (House Bill) 3275, Representative
Giorgi. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3275..."

Speaker McPike: "It's on Second Reading. Do you want this Bill
read? Read the Bill, Mr. Clerk."

Clerk O'Brien: "A Bill for an Act to amend the Airport
Authorities Act. Second Reading of the Bill. No Committee
Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. Representative Matijevich, 3561.
Mr. Keane. Mr. Giorgi, 3606. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3606..."

Speaker McPike: "It hasn't been read a second time yet. Let us
read it. Mr. Clerk, read the Bill."

Clerk O'Brien: "This Bill has been read a second time previously.
It's held for a fiscal note."

Speaker McPike: "Do you have a fiscal note, Mr. Giorgi?
Representative Giorgi, do you have a fiscal note?"

Giorgi: "Even as we speak."

Speaker McPike: "Pardon?"

Giorgi: "It is being prepared, at the present moment, even as we
speak, Sir."

Speaker McPike: "Representative Edley, 3871. Read the Bill, Mr.
Clerk."

Clerk O'Brien: "House Bill 3871, a Bill for an Act in relation
to economic stabilization. Second Reading of the Bill. No
Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

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Speaker McPike: "Third Reading. Representative Lang. Agriculture and Environment. Representative Jay Hoffman. Representative Novak. Representative Hoffman. Representative Matijevec, 3065. Mr. Balanoff, 3073. Mr. Phelps, 3110. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3110, a Bill for an Act concerning emission allowances authorized under the Federal Clean Air Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Motions filed. Mr. Clerk, any Motions filed to the...? Who does? Want to take this out of the record? Mr. Clerk, are there any Committee Amendments to this Bill?"

Clerk O'Brien: "Committee Amendment #1 has been adopted."

Speaker McPike: "Are there any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Are you ready for this Representative Phelps?"

Phelps: "Mr. Speaker, yes, I probably could proceed. It was just filed, and I don't think it's controversial. I was asked to leave it on Second Reading because we just got it in the record just a while ago, the second Amendment."

Speaker McPike: "The Amendment's not printed?"

Phelps: "I doubt if it's been distributed."

Speaker McPike: "Okay, let's take it out of the record then."

Phelps: "Thanks. Sorry."

Speaker McPike: "Representative Kulas, 3251. (House Bill) 3487, Representative Mautino. Mr. Mautino. Mr. Kulas. Mr. Wait. Ron Wait. Representative Currie, on 3892. Read the Bill, Mr. Clerk."

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Clerk O'Brien: "House Bill 3892..."

Speaker McPike: "The Amendments are not printed. Mr. Ryder. Mr. Peterson, on 4039. Human Services, Second Reading. Mr. Hicks, 849. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 849, a Bill for an Act concerning reimbursement of medical care providers. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Out of the record. Representative Currie, on 2452. Mr. Lang on...Representative McGann is not here. Representative Granberg, on 3047. If there are any Legislators in their office, the Chair would request that they come to the floor. Representative Daniels, on a series of Bills here. Mr. White. Mr. Trotter. Representative Lou Jones. Representative Currie, on 3609. Representative Granberg. Representative Edley. Representative Giorgi, 3886. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3886, a Bill for an Act to amend...This Bill has been read a second time previously and is being held for a fiscal note."

Speaker McPike: "Mr. Giorgi, do you have the fiscal note?"

Giorgi: "Lost my staff, Mr. Chair...Speaker, but when I find them, we'll have the fiscal note."

Speaker McPike: "We're wasting a lot of time, Representative Giorgi, reading your Bills over and over."

Giorgi: "I like to hear how my name sounds over the loud speaking system."

Speaker McPike: "Representative Deering, 3950. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3950, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. Amendment #1 was adopted in commit..."

Speaker McPike: "Any Motions filed?"

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Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Fiscal note request. No Floor Amendments"

Speaker McPike: "There's a fiscal note request. So, the Bill stays on Second Reading. Mr. Homer, 4078. Representative Homer. Mr. Homer. Out of the record. Mr. White. Representative Martinez, 4170. Out of the record? Out of the record. Is there anyone on the House floor that would like to have their (sic - his/her) Bill called? Second Reading. Children and Family Law. Second Reading. Representative Burke, 487. Out of the record, an Amendment's just been filed. Representative Curran, 2225. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2225, this Bill's been read a second time previously and is being held for a fiscal note."

Speaker McPike: "Mr. Hoffman. Jay Hoffman. Representative Currie. Three Bills: 3260, 3261 and 3262. Sixty? (House Bill) 3261. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3261, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Currie."

Currie: "Thanks, Mr. Speaker. I think we did this yesterday but I don't mind doing it a second time. This is the Amendment that the committee agreed to in reporting the Bill favorably. It merely provides for notification when there is a modification pending in respect to a child custody arrangement. I would appreciate your support and would be happy again to answer any questions."

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Speaker McPike: "Any discussion on this? The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye'. Opposed, 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Mr. Clerk, House Bill 4170. Has this Bill been read a second time?"

Clerk O'Brien: "This Bill has been read a second time and is being held for a fiscal note."

Speaker McPike: "All right, thank you. Representative Woolard, 3311. Representative Giorgi, 3315. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3315. this Bill's been read a second time previously and is being held for a fiscal note."

Speaker McPike: "Representative Giorgi, this is the third time. This is the third time."

Giorgi: "Mr. Speaker, if the Republicans would quit procrastinating on my Bills, by putting a request for fiscal notes on them, we'd get these Bills out of here. This Bill isn't going to cost a dime, but I have to find a staff that can find me...what the fiscal..."

Speaker McPike: "Representative Giorgi, if you would quit procrastinating and just get the fiscal note, we could move the Bill."

Giorgi: "I don't have a staff. They left me. I haven't paid them lately. The Republican departments aren't cooperating. The Governor's got a hold on everything. I think."

Speaker McPike: "(House Bill) 3416, Representative Currie. Currie. (House Bill) 3832, Representative Davis. (House Bill) 3998, Representative Levin. (House Bill) 4128, Representative Williams. (House Bill) 4147, Representative

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Young. Anthony Young, 4147. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4147, a Bill for an Act to amend the Juvenile Court Act of 1987. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. The Chair will return to a Government Administration. Third Reading. So, the Chair intends to take Special Orders, Second Reading, and then Third Reading...Second and Third Reading. Maybe we'll get some people to come to the floor. Government Administration, Third Reading. House Bill 2590. Representative Mautino. Mr. Mautino here? (House Bill) 2763, Representative Lang. (House Bill) 2927, Representative Kulas. Mr. Lang, did you want to call a Bill on Third Reading? Mr. Steczo, 2990, 2991, 2992. Representative Santiago, ready on House Bill 3050. Representative Johnson, for what reason do you arise?"

Johnson: "It's kind of a point of...point of order. As the Chair has correctly warned people, we're going through these Bills and no one is calling their Bills, and we're going to get down to the deadline and then everybody's going to complain they didn't get a chance to call their Bills. And then we're going to be in here 'til midnight for three days in a row to try to call Bills when the people are here to call their...call them. We could move 'em. And I really hope that people will cooperate with the Chair in getting these things moving. Because it's not the Chair's fault if you don't call your Bill."

Speaker McPike: "Your point is well taken. Representative

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Johnson, on House Bill 4040. Third Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4040..."

Speaker McPike: "We're under Agriculture and Environment, Third Reading. Read the Bill."

Clerk O'Brien: "A Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker McPike: "Representative Johnson."

Johnson: "This Bill, Mr. Speaker, simply corrects an oversight in the law with respect to county board members and city council members being able to campaign for office on issues of siting landfills and also be able to vote on it. I think this really just states the law as it already is, but there's some doubt about it. So, we just wanted to make it clear. This Bill came out of committee unanimously."

Speaker McPike: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker McPike: "Yes."

Lang: "Mr. Johnson, I have some concern about how board members can testify at the Siting hearings and then be impartial when they sit on the board. Can you lend a hand?"

Johnson: "The intention of the Bill, and this was brought up in committee, is to allow county board members and city council members to run for office and indicate their position on either the issue siting generally or specific site, and then be able to vote on it. It's kind of a Catch-22 now. You got to have democracy work. At the same time, if you make democracy work, then you're disqualified from voting, or arguably so, under the opinion of at least one local state's attorney. So, that's the intention of the Bill."

Lang: "Well, will we then be making the siting hearings a forum

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for political candidates to state their opinions on issue?"

Johnson: "No. Not at all. Not at all. This Bill would simply say that if a landfill is a big issue in your district and you represent an issue where the county is proposing to cite a landfill and you run for office and say, 'I'm against citing it here because of environmental factors or quality of life, and so forth, that you ought to also be able when you're a county board member to vote on the issue rather than be precluded. If you can't do that, then you're never allowed to tell your constituents how you feel about a relevant issue. That's the intention of the Bill."

Lang: "Where does that leave us, though, when a board member testifies on an opinion they've pre-formed before the actual...the actual vote that they may have to take at a later date, themselves? Do you understand where I'm going with this?"

Johnson: "Yeah, I understand where you're going, but let me just...just to clarify. There's a lot of people in here who have areas in your (sic - their) district that are potentially affected by a landfill, or could be. County board members who are proposing to represent, or city council members, that particular area have an obligation to let their would-be constituents know how they feel about the Siting of a landfill. It's probably, in some cases, the only issue that matters in the county board race. So, if they're not allowed to let their constituents know how they feel about a relevant issue because they're later disqualified from voting, then the only issue that would matter to anybody in a county board race would be precluded from discussion. So, I think this Bill is a modest attempt to say that the free speech that we all believe we're entitled to as citizens, also applies to public officials.

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That's the only intention of it."

Lang: "Well, I understand, but in my view there must be some other forum for these people to get their political views out. Thank you."

Speaker McPike: "Any further discussion?" Representative Johnson, to close."

Johnson: "This is just really a common sense Bill. State's attorneys in some areas believe that it is necessary to clarify the law. And this just says that if you're a public official, you have the same right to free speech and your constituents have a right to know how you feel the same way as you would be if you were an ordinary citizen."

Speaker McPike: "The question is 'Shall House Bill 4040 pass?' All those in favor, vote 'aye'. Opposed, vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 102 'ayes' and 4 'noes'. House Bill 4040, having received a Constitutional majority, is hereby declared passed. Returning to Government Administration. Representative Steczo on 3206. Mr. Steczo. Representative Woolard, 3221. Mr. Woolard, 3221. Third Reading. Mr. Lang, 3243. Representative Stern. Grace Mary Stern, 3563. Representative Turner. Senate Bill 698, Representative Steczo. Agriculture and Environment. Third Reading. House Bill 3095, Representative Deets. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3095, a Bill for an Act in relation to nuclear safety. Third Reading of the Bill."

Speaker McPike: "Representative Deets."

Deets: "Mr. Speaker, Ladies and Gentlemen of the House. Bill 3095 amends the Illinois Nuclear Safety Facility Act. It authorizes the Department of Nuclear Safety to replace its current resident engineer pilot program scheduled to sunset

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October 1, '92, with a statewide resident engineer program to be phased in over the next five years. This Bill has no fiscal impact as it was funded by a Bill last year, House Bill 1449, and it is agreed to by Commonwealth Edison and Illinois Power, and I'd urge passage of this Bill."

Speaker McPike: "And on the Gentleman's Motion, Representative Black."

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

Speaker McPike: "Yes."

Black: "Representative, it appears that this is an agreed Bill. Would you say that that's a fair assumption on my part?"

Deets: "It is agreed by Illinois Power and Commonwealth Edison and passed unanimously out of committee."

Black: "Okay, yeah. All right. Agreed between the two major utility companies, right? Okay. Okay."

Deets: "And the Department of Nuclear Safety."

Black: "Now, is there any cost to the State, i.e., the taxpayer, in this Bill?"

Deets: "No, this Bill is funded by the power companies by current fees."

Black: "By fees on those who operate the nuclear reactor, right?"

Deets: "On all of them."

Black: "Is this fee...this fee isn't going to be placed in our rate base, is it?"

Deets: "No."

Black: "Okay. So...and it is a Department of Nuclear Safety agency Bill?"

Deets: "The fees currently exist. There are no new fees."

Black: "Yeah. How many nuclear power facilities do we have in Illinois?"

Deets: "Presently, there's 13 nuclear reactors."

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Black: "Thirteen? What a lucky number. Where are these power plants?"

Deets: "Well, there's (sic - there're) two in Byron, two in Braidwood, one in Clinton, two in Cordova, two in Dresden..."

Black: "Wait a moment, excuse me, where is Cordova?"

Deets: "It's in the Quad Cities, south of Rock Island."

Black: "Okay. Are there any of these in my district?"

Deets: "No."

Black: "Are there any of these plants in Representative Hartke's district?"

Deets: "No."

Speaker McPike: "Mr. Black, it appears that there's an excess number of staff people on the back row there. Maybe we could clear some of these staff out so we could hear the discussion."

Black: "Yeah, it's...It is very difficult to hear."

Speaker McPike: "Very difficult."

Black: "This is a...Representative, I...I don't want to belabor the point, this is a very critical Bill, a very complicated Bill on a very emotional issue, and I...you know, I certainly congratulate you for being willing to jump in and carry such legislation on your first attempt. But...I just...I appreciate your patience in trying to answer the questions, but this is a very difficult Bill, and I think we need to know exactly the cost of this Bill. You've said it's all paid out of fees and that the two power plants...the two power utilities that own these nuclear plants have agreed to fund this. So, it doesn't cost the General Revenue Fund any money. Is that correct?"

Deets: "That's correct. They're presently funding it already."

Black: "And there is no tax involved here whatsoever? No tax on

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electricity? No utility tax increase or anything of that sort?"

Deets: "Absolutely none."

Black: "I'm sorry. I didn't hear your answer."

Deets: "Absolutely none."

Black: "Absolutely none. Well, all right, I think you've answered most of my questions. I certainly have some concerns about this kind of legislation being carried by a Gentleman so new to the chamber, but I do appreciate your kindness."

Speaker McPike: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker McPike: "Yes."

Lang: "Representative, am I to understand this is your first Bill?"

Deets: "That's true."

Lang: "Well, I...I...as Representative Black, I don't understand how a freshman Representative with his first Bill got something so complicated. Let me ask you, the Bill talks about Illinois residents being the inspectors. Is this sort of...part of your 'Buy American' program?"

Deets: "No, these are Illinois resident inspectors. That means they work in the facility in Illinois. They're not federal inspectors."

Lang: "So, if a qualified person to do this inspection from Wisconsin, Ohio or Indiana, could be found or that would be a better qualified person, we shouldn't hire that person?"

Deets: "I don't that's the implication of the Bill at all."

Lang: "Oh. All right. And how many power plants did you say there were in the State of Illinois?"

Deets: "There's (sic - There're) 13 reactors. Some plants have two."

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Lang: "There aren't any in Skokie where I live are there?"

Deets: "Not to my knowledge."

Lang: "I didn't think so either. Well, I think it's a difficult Bill, and I think the General Assembly should look long and hard at this. One more question: 'Does this part of the Governor's fee increase package that we've been hearing so much about?'"

Deets: "No, it's not."

Lang: "No. There's nothing in here relative to that? Okay, thank you very much."

Speaker McPike: "Representative Shirley Jones."

Jones: "Will the Sponsor yield?"

Speaker McPike: "Yes. Yes, he will."

Jones: "Representative, I know this is your first Bill. Could you tell me, this was an agreed Bill you said? This was agreed Bill in Utilities?"

Speaker McPike: "Mr. Deets."

Deets: "No known opposition."

Speaker McPike: "What?"

Jones: "It (sic - There) wasn't no opposition in there?"

Deets: "No."

Jones: "Could you tell me if the Chairman was in a negotiation with this Bill?"

Deets: "Pardon me, I can't hear you."

Jones: "Can you tell me if the Chairman of Utilities was in negotiation with this Bill?"

Deets: "Not to my knowledge, no."

Jones: "Oh, he wasn't? Well, how was it an agreed Bill?"

Deets: "It was agreed...It passed the committee unanimously with the support of the power companies and the Department of Nuclear Safety."

Jones: "Why didn't it go to Consent?"

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Deets: "I think because it was my first Bill."

Jones: "Because it was your first Bill? Well, I think everybody should vote 'no' on this Bill because since the Chairman didn't know about it, and it didn't go to the Consent Calendar, maybe everybody should vote 'no' on this Bill. Thank you."

Speaker McPike: "Representative Barnes."

Barnes: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker McPike: "Yes, he will."

Barnes: "Dr. Deets, I just heard a rumor up here that if Representative Black or Representative Lang or Representative Shirley Green (sic - Jones) need medical attention, since you're a doctor, that you want to be the first one on the scene. Is this true?"

Deets: "I'll walk slowly."

Barnes: "Thank you."

Speaker McPike: "Representative Weaver."

Weaver: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Apparently, Representative Deets, you're in trouble with this Bill, and I'm here to help. I'm from the government, and I'm here to help, but I would like to ask a couple of questions. These resident safety inspectors that you're proposing to retain, will they be employees of the State or will they be employees of the utility?"

Deets: "They'll be employees of the State but they'll be funded by the utility."

Weaver: "I'm sorry, I couldn't hear all that."

Deets: "They'll be employees of the State, but they're presently paid for by funding from the utilities."

Weaver: "And as employees of the State, they will be, therefore, entitled to all the benefits that the State pays, such as

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healthcare? Is that your understanding?"

Deets: "Yes, that's my understanding."

Weaver: "And, as you may well know, we've been somewhat delinquent in paying our healthcare bills. So, if these individuals are discovered to have the capability of glowing in the dark, will they not be taken care of by the state healthcare plan, or will they?"

Deets: "Would you rephrase that?"

Weaver: "Well, is there a provision for treating state employees that glow in the dark?"

Deets: "Uh...I'm sure there is."

Weaver: "You're sure there is? Currently, under debate, is the siting of a low-level nuclear waste facility in Illinois, and I guess I need to be concerned. Is there going to be an inspector, as part of this Bill, stationed at that facility, wherever it's located?"

Deets: "No, this is only at reactors."

Weaver: "Only at reactors?"

Deets: "Yes."

Weaver: "So, if, at the low-level waste facility, we have people there that glow in the dark, they won't qualify under this Bill?"

Deets: "They're not affected by this Bill. That would probably require separate legislation."

Weaver: "Would you be adverse (sic - averse) to amending the Bill to include those people?"

Deets: "I think it'd be difficult to do at this point."

Weaver: "Excuse me?"

Deets: "I think it would be difficult to do at this point."

Weaver: "Why is that?"

Deets: "Well, we'd have to have the appropriate Amendment to see what it looked like."

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Weaver: "Well, we could do that. We could do that in the Senate.

Well, I personally would like to see something done along that line. If you can agree to that, we might help get this Bill out of here. Thank you."

Speaker McPike: "Representative Deets, did you wish to take that Bill out of the record?"

Deets: "No."

Speaker McPike: "Representative Curran."

Curran: "Thank you, Mr. Speaker. Representative Deets, if you don't wish to take the Bill out of the record, would you be willing to take it back to Second Reading to accommodate Representative Weaver's concerns?"

Deets: "Not at this point. No."

Curran: "Well, he's on your side. How do you expect us to vote for your Bill if he's on your side and he can't support your Bill?"

Deets: "This Bill simply addresses the fact that there's a pilot project been going on, and it's now being moved on to a permanent status."

Curran: "It's a pilot project? Is that like special legislation?"

Deets: "Yes."

Curran: "For you district and your district alone?"

Deets: "No, no."

Curran: "You do have a nuclear power plant in your district?"

Deets: "Yes, I have Byron in my district."

Curran: "Have you been inside that power plant?"

Deets: "Yes."

Curran: "You know, one of the things that really concerns me is that we're creating a whole 'nother raft of state employees. You've got one standing right next to you who used to be more comfortable on this side of the aisle, and

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now he's more comfortable on that side of the aisle, turning a deep crimson, you know, more and more state employees outside of Springfield cannot possibly be a good idea. Don't you think we ought to get government back to Springfield, which is where I represent, rather than spreading it all around the State, hither and yon, wasting tremendous amounts of money on travel, long distance phone calls, and the like?"

Deets: "Are you sure you're not talking about federal employees?"

Curran: "No, I'm talking about all around the State of Illinois. This is what really bothers me."

Deets: "These employees will live in the communities where they're serving, and they'll be residents of the State of Illinois."

Curran: "I understand they'll be residents of the State of Illinois, but I think state government should reside in Springfield. Under the Thompson administration, and now further under the Edgar administration, it has been flowing away from Springfield into Chicago and in places like Byron, in places like Dixon, all over the place."

Deets: "Well."

Curran: "None in Naperville, Representative."

Deets: "If we could accomplish adequate inspection with people sitting in Springfield looking at these plants, then, I suppose, that would be a good idea. Unfortunately, the inspector has to be on site."

Curran: "We could use two-way interactive television to accomplish that, Sir. If you just understood the technology, both, not only of nuclear power but of telecommunications potential, we could use two-way interactive television to do that inspection for people sitting right here in Springfield. It alarms me that

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you're talking about people all over the state, adding a whole 'nother whole raft of state employees, when in patronage....Are you familiar with the Rutan decision?"

Deets: "Yes."

Curran: "The Shackman decision?"

Deets: "Yes."

Curran: "Okay, well those kind of decisions can get a lot of people in trouble if they're trying to load up jobs in their district. I'm told that people can go to jail for that. On your first Bill, you're actually risking the penitentiary? Well, Doctor, I...Doctor/Representative, Representative/Doctor, I'll tell you, you've got a lot of guts to bring this kind of Bill before this entire chamber. When Representative Weaver, who I've known for 10 years go along with almost anything, won't even support it, I think we ought to look at this thing very carefully. I'm very suspicious when Dale Swinford is standing behind you feeding you information. That causes me great concern, but he's a voter in my district, so I'll probably be quiet about that. Thank you, Mr. Speaker."

Speaker McPike: "Mr. Deets, did you want to take this Bill out of the record?"

Deets: "No."

Speaker McPike: "Yes. Is anyone else seeking recognition? All right, Mr. Deets, to close. Representative Deets."

Deets: "Thank you, Mr. Speaker and Members of the House. In closing, I'd like to urge passage of House Bill 3095 so that we can have these resident inspectors at these facilities as prescribed in the Bill. Thank you."

Speaker McPike: "The Chair believes that the Gentleman to move for the passage of the Bill. We could check the record. Question is, 'Shall House Bill 3095 pass?' All those in

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favor, vote 'aye'. Opposed, vote 'no'. Representative Deets, did you want to take this Bill out of the record? Representative Wennlund, to explain his 'yes' vote."

Wennlund: "Thank you, Mr. Speaker. I rise to remind all, who in the future, may seek free medical advice from the good Representative-Dr. Deets, you might reconsider your votes. There are some in particular...There are some on the House floor, in particular, who might be seeking medical advice."

Speaker McPike: "Mr...Representative Black, for medical advice."

Black: "Well, I've just been convinced. I've...I've seen the light of day. Recent medical expenses that I incurred from an unfortunate fall in the chamber...convinced me that I should, perhaps, vote 'yes'."

Speaker McPike: "Representative Mautino."

Mautino: "To explain my 'yes' vote, I have a funny feeling that I will be having a first Bill coming up here shortly, and, I know I'm going to have at least one on my side."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 109 'ayes' and no 'nays'. House Bill 3095, having received a Constitutional majority, is hereby declared passed. Representative Hartke, 3325. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3325, a Bill for an Act to amend the Illinois Farm Development Act. Third Reading of the Bill."

Speaker McPike: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. House Bill 3325 seeks to amend the Illinois Farm Development Act to include the breeding and raising of livestock within the definition of agribusiness for the purposes of authorizing loans for farmers for this endeavor. At the present time, the Illinois Farm Development Authority does not authorize these loans, and

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we feel that it's important that it should be done."

Speaker McPike: "Any discussion? Yes."

Hartke: "Mr. Speaker, maybe we ought to change the board. This has nothing to do with nuclear safety."

Speaker McPike: "Is this the 'dog' Bill?..Mr. Clerk, change the record for Mr. Hartke. Representative Hartke, did you finish? Have you closed?"

Hartke: "Yes."

Speaker McPike: "And, on that, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative Hartke, can you tell us how the Illinois Farm Development Authority feels about this piece of legislation?"

Hartke: "At the present time, I'm not sure they're crazy about it, but if you look back on when we started the Illinois Farm Development Authority, we were in a mode of specialized production and so forth. And we've given loans from everything for farmers from canola and specialty crops, pumpkins, you name it...They've also held some reserves for processing of agricultural products such as we have developed a meat processing plant in the State of Illinois for the slaughtering of livestock and so forth. Well, that's great, but we don't have all the livestock necessary in the State of Illinois to make use of the natural resources that we have, especially, in Southern Illinois,..to encourage more of the plant development. A couple of years ago in North Carolina, the Legislature there promoted this concept of livestock production and breeding, and they're rapidly becoming the number two or number three livestock production state in the State of Illinois (sic - United States). I think if we had done the same thing 10 years ago, we would have many of those

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livestock producing facilities, and buildings and so forth, here in the State of Illinois. The processing plants will follow where the livestock (sic - livestock) are being produced."

Wennlund: "Is this...Basically, what this does is it expands the definition of agribusiness then just to include livestock?"

Hartke: "Yes, it does. It doesn't mandate that they give loans or anything like that; it just includes that in the definition."

Wennlund: "I guess I don't understand why the Illinois Farm Development Authority would oppose that."

Hartke: "Well, they claim that they have a limited amount of resources and that livestock loans are traditionally done by banks now and there's no incentive to do that. I...I contend that if we had these loans available, we may encourage more young producers into the system. It also sends a message that the State of Illinois is helping to promote livestock."

Wennlund: "Thank you very much."

Speaker McPike: "Mr. Black."

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

Speaker McPike: "Yes."

Black: "Yeah. Representative, I think one of the things the Farm Development Authority is concerned about -- we just went through this in my district with a large contract hog-feeding operation -- are we not putting our funds at risk because of various environmental regulations that are somewhat confusing on the waste stream for one of these livestock operations? In other words, it was my understanding that their fear is that the property could be tied up for generations on environmental liens and that it

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might not be a good investment until we get this thing straightened out. I know we couldn't even get conventional financing on the hog feeding operation because the banks are fearful of the environmental liability. Perhaps, that's what the Farm Development Authority is concerned about here."

Hartke: "I think that would be totally unfounded. I think that livestock facilities, production facilities and the raising and breeding of livestock can be done and meet all the environmental concerns, and I think that's a lame excuse by the Farm Development Authority or many banks. Without livestock production...in the State of Illinois, you and I would not enjoy the steaks that we do."

Black: "That's true."

Hartke: "Or pork chops."

Black: "I have no particular problem with the Bill, but I've always found if...you know, really good to work with, and I just don't want to hamper their abilities."

Hartke: "I don't think this is going to hamper their ability either. Right now, if an individual would seek a loan with the IFDA, they have no authority to do this, to give these loans. That's why I'm including it. This is not a mandate. It's a..."

Black: "It's strictly permissive. All right?"

Hartke: "It's permissive."

Speaker McPike: "Representative Olson."

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

Hartke: "Yes, I will, Bob."

Olson: "Representative Hartke, give me some background. Why did the Illinois Farm Development Authority come into being originally? Was there a basic purpose?"

Hartke: "I think the basic purpose is, they were developed

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several years ago, was to issue loans to qualified farmers for expansion of various businesses, and it got real heavy several years ago when agriculture, in general, was down and loans were very...interest rates were very high. And it was our intent, at that time, to encourage agriculture production and diversification with somewhat of a break in the interest rate...It's not necessarily so any more because interest rates, you know as a banker, are down and so are the number of loans and so forth that we've given. The private industry or the private banking industry is just as competitive almost as the Illinois Farm Development Authority. We guess many banks still use this because of the guarantee. If a loan is questionable, it shouldn't be given."

Olson: "I believe what you might have said there, condensing it, was this authority and its ability to loan (sic - lend) to farmers, may have come (sic) at a time when banks were not too anxious to loan (sic - lend) to farmers."

Hartke: "Well, that's true. Bob, you and I both know that real estate prices got out of hand, got very high along with high interest rates, and many banks were very reluctant to give loans to any farmer simply because of that situation. The Illinois Farm Development Authority tided things over at that time and now, of course, land prices are lower, interest rates are lower. And I think we can expand the authority by putting in this livestock raising and breeding clause in their authority."

Olson: "Thank you. To the Bill, this agency and the loans it would guarantee, or make, came at a time when banks were skeptical of farm loans. In the banking business, the...the collateral is considered very seriously. And as far as like making an ag loan on farm land, the ground is

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there. While there was a fluctuation, the ground is there. It doesn't move away and it might be the same could be said for the farm equipment. A tractor costing \$50,000, \$60,000 and a combine \$100,000, it's there. The banker knows it's out in the farmer's shed. There is a perception in some of the banking industry that livestock is here and there and gone. You can't...It comes in one gate and goes out the other, and it carries a little bit more of a risk factor. And, so, farm lending agent banks are a little more diligent in their control of the mortgaged asset, the livestock, than they are, say, on land. I'm wondering if we aren't asking, because the Farm Development Agency is not for this Bill, I'm wondering if we're not asking them to take over making loans on collateral that will be a little hard to account. I'm open yet on my vote, I guess, on this Bill, but it certainly doesn't seem like it's something that we should be forcing on the Farm Development Authority, and thank you."

Speaker McPike: "Representative Hartke, to close."

Hartke: "Thank you very much, Mr. Speaker. I think we discussed the Bill quite well. There are some concerns by the Farm Development Authority and many bankers in this State. This is not a mandate. It's strictly permissive and it puts in the language. The concerns that were addressed by Representative Olson, I appreciate because he is a banker. The question of collateral because livestock can die and that collateral could be lost, however, the facilities are there, and this also would allow for that...funds to be used for the production facilities, the barns, the buildings, the equipment, which is a solid asset. So, I would...I would appreciate your support of House Bill...and move for the passage of House Bill 3325."

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Speaker McPike: "The question is, 'Shall House Bill 3325 pass?'.

All those in favor, vote 'aye'. Opposed, vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 111 'ayes' and 2 'noes', and this Bill, having received the Constitutional majority, is hereby declared passed. Mr. Ryder."

Ryder: "I have an inquiry of the Chair, please."

Speaker McPike: "Yes."

Ryder: "I'm just wondering, if, perhaps, you and the Speaker didn't pay your dues to the Downstate Caucus or for some reason there was a problem there?"

Speaker McPike: "...The Speaker and I understood what that Bill was about. We're for free enterprise. Speaker Madigan in the chair."

Speaker Madigan: "Ladies and Gentlemen, if the Members could please take their chairs, we're very pleased to have a special guest today, former Member who served with great distinction as a Member of the House and as a Member of the Majority Leadership for several years, a very good friend of all of us, very good friend of mine, our good friend, Carol Braun. Carol Braun."

Carol Braun: "Thank you. Oh, what an honor. Thank you. Thank you. Thank you. Thank you very much. To Speaker Madigan, Leader McPike and I don't know...I don't see the...Where's the Republican Leader? I don't know...Is he on the floor? To my friends on both sides of the aisle, I am delighted and honored to be here, again. This really is old home week, coming home and seeing my old friends here in the Illinois General Assembly. And I'm reminded of a time when Matthew, and most of you know Matthew, my boy is now 14, but when he was small and I was up here on the podium and someone said to Matthew, said, 'Well, Matt, aren't you

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proud of your mom? Wouldn't you like to be a Legislator when you grow up?' And Matthew's response was, 'Na, that's for girls. I want to be a lawyer like my dad.' Well, I just want to say a woman's place really is in the House and the Senate, and I got the absolute very best training here in this chamber for serving this State in the United States Senate, and I'm looking forward to representing all of Illinois, representing all of you. I intend to be in contact and accessible to all of you as we work to restore our State to the greatness that it ought to have. So I just want say I look forward to working with you, and I love you all. Thank you very much. Thank you."

Speaker McPike: "Page 46 of the Calendar. Mr. Kulas. Page 46 of the Calendar under Conference Committee Reports appears Senate Bill 1231. Representative Giorgi."

Giorgi: "Mr. Speaker, this is the Conference Committee Report that's been... gone between both houses since the last Session, and it has four...three issues to it really. One, it inserts a provision to clarify land use and facilities of airport or authorities in the State for purposes other than direct aviation use. There are a number of airports in Illinois, Rockford included, DuPage airport, there's 14 of them, that have land that they could use for other purposes of say building hotels, golf courses, and son on. Some of them are thinking about doing it and this clears up the language so that they can do this using revenue bonds only. The other part of the report has to do with the Secretary of State's office, and it's discussing with the Secretary of State that the way that the dealership handles paperwork regarding titles, certificates and plates, and so on, and this clears it up so that the New Car and Truck Dealers Association agreed to abide by the rules of the

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Secretary of State. There are no other complications in the Conference Committee Report. So, I urge its adoption."

Speaker McPike: "And on the Gentleman's Motion, Representative Balanoff."

Balanoff: "Yes, Mr. Speaker. Just for a question?"

Speaker McPike: "Yes."

Balanoff: "To be sure this Bill, because it does mention airports, has nothing to do with the third airport, regional airports, or Lake Calumet airport."

Giorgi: "That is correct, emphatically. Emphatically. It has nothing to do with the third airport."

Balanoff: "Thank you very much."

Giorgi: "Legislative intent. Nothing to do with a third airport."

Speaker McPike: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Maybe many of the Members of this House will remember this Bill from the last time it was raised, and was defeated on a vote of 84 'noes' to 12 'yesses'. What this Bill does is it permits airport authorities, of which there are 25 in Illinois to levy a tax to buy additional land...to buy additional land and build a golf course and resort facility on it. Now, in Illinois, we require school districts to go out for a bond...a referendum of the voters before they can issue bonds to build a new school. But yet this Bill wants to authorize airport authorities in Illinois, without referendum, to raise a levy, a real estate tax levy, to buy recreational facilities. And if you don't believe me, let me just tell you what happened in DuPage County. The DuPage County Airport Authority levies \$6 million a year in property taxes."

Wennlund: "Mr. Speaker, if we could have some order in the

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House."

Speaker McPike: "Could we have some order in the House, please."

Wennlund: "The DuPage County Airport Authority levies \$6 million a year in property taxes that they use to buy 248 acres to put up a golf course. In these tough economic times, we're going to tell school districts, 'Not only are we going to cap the amount of levy at 5% a year, but if you want to issue bonds to go out and build a new school, then you've gotta go out to the property owners, the taxpayers, and ask them whether or not you can have the authority to issue bonds and levy a tax to build a new school.' But at the same time, the General Assembly seeks to authorize airport authorities to go, without referendum, and issue bonds, buy additional land and build a golf course or other recreational facilities on them. Now, this is ridiculous. Residents of Illinois won't even approve a tax increase to fund education. They won't approve a tax increase to build new schools, and 24 out of the 25 airport authorities in Illinois are not subject to the Property Tax Limitation Act, the tax cap. They are not subject to it which means they can increase their levies far beyond 5% a year for whatever reason they seek. What this Bill does, is it adds another provision that would allow them, in addition to just building and running an airport, it would allow them to build recreational facilities, issue bonds and increase property taxes without a referendum of the people in that airport authority. This Bill was defeated before. It should be defeated now, and, let me tell you, if you authorize a property tax increase without a referendum for airport authorities, you will see that in the next direct mail piece that comes out in October and September of this year when you're running for election. This is a bad

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precedent for Illinois, and the comparison between school districts and airport authorities is clear. This Bill was defeated before. It should be defeated now. It amounts to a property tax increase without a referendum, and it should be defeated."

Speaker McPike: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker McPike: "Yes."

Lang: "Representative, I'm a little confused by the last speaker. He makes an impassioned plea about the bonds, but is it not the case that these are revenue bonds?"

Giorgi: "I think the Representative deliberately tried to mislead the General Assembly into thinking these were general obligation bonds that are paid for from property taxes. So people in the banking institutions that issue revenue bonds know those bonds are only pledged from the revenue generated from the activities generated for the reason that the bonds were issued. So he did this during the last Session of the General Assembly, and I think he should desist from that type of debate. These bonds are not levied against the property. These bonds are solely retired by the revenues generated by the activities prevailing. A lot of airport authorities have a lot of land, 24 of them, in fact, and they'd like to get into some (inaudible) commercial activities so that the airport authorities can become self-sustaining and get off of the property tax rate. This is a very good Bill for airport authorities, and you keep clouding the issue about airport authorities and schools. Sanitary districts, park districts, water districts, they all have revenue-generating authority and their money doesn't go to schools. It has nothing to do with the school system."

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Lang: "So, would it be fair to say, Representative, that the red herrings and scare tactics about taxes going up and property taxes, and problems the people have relative to the tax caps, would it be fair to say that those are inappropriate and they have nothing to do with this discussion?"

Giorgi: "I think the Legislator that (sic - who) implied that knew better, and I think he ought to desist, and I think he'd find out that it's only an internal position that's caused him to say what he says."

Lang: "Thank you. Mr. Speaker, to the Bill, to the Conference Committee Report, it's a good report. It's a good plan. The comments on the other side of the aisle relative to a tax increase as a result of this Bill are ill-founded. They're incorrect. These are only revenue bonds, and this kind of scare tactic, using the word 'taxes', 'taxes', 'taxes' over and over again, may work when it's appropriate but surely is not appropriate here. I would recommend an 'aye' vote."

Speaker McPike: "Representative Black."

Black: "Yeah. Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. To this Conference Committee Report: I don't quarrel with the Sponsor's intent, and he says it's not his intent that these bonds become a burden to the property taxpayer, that, in effect, they are revenue bonds. Well, correct me if I'm wrong, Ladies and Gentlemen of the House, but, generally, bond counsel will insist upon the full faith and credit of that taxing entity, i.e., a property tax, to pay those bonds if the revenue isn't generated to retire them. So, regardless of the Gentleman's fine intent, there is a risk to the property taxpayer. This Bill does not specifically exempt any

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airport authority, and I have one of these in my district, but I'll be voting 'no', and I'm sure my airport authority would prefer that I vote 'yes'. This Bill does not specifically exempt an airport authority from issuing bonds, to be retired from property tax revenue, to finance improvements. Now, those improvements might be recreational in nature. They might not be recreational in nature. I would simply suggest that in this critical fiscal period of this State this is not a Conference Committee Report that we should rush out of here the first week of May. Almost 90 of you voted 'no' in January of this year. Little has changed. Little has changed. In fact, the state's fiscal situation may be even more precarious. This may be a good bill, and we may want to revisit it, but I don't think you want to pass this Conference Committee Report out of here today and, potentially, subject the property taxpayer to paying off bonds that he or she did not get a chance to vote on. I would, Mr. Speaker, in all due respect to the Sponsor, urge a 'no' vote and ask that a verification be held should this Conference Committee Report get the requisite number of votes."

Speaker McPike: "Representative Giorgi, to close."

Giorgi: "Mr. Speaker, I appreciate Representative Black's remarks. He was closer to the heart of the matter...truth of the matter. The truth of the matter is when a financial institution issues revenue bonds, the financial institution knows that the revenue bonds will be amortized by revenues generated from the activities that are generated for the reason that the bonds were issued. I urge a support of the Membership."

Speaker McPike: "The question is, 'Shall the House adopt the

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Second Conference Committee Report to Senate Bill 1231?'. All those in favor, vote 'aye'. Opposed, vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 62 'ayes', 45 'noes'. Representative Black. Representative Hultgren wants to vote 'aye'...'no'. Representative Hultgren wants to vote 'no'. Representative Black, for what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. As you'll recall, I asked for a verification of this vote should it get the requisite number, and it appears that it might come to that."

Speaker McPike: "Well, do you persist? It has 62 votes?"

Black: "Yes, I persist."

Speaker McPike: "Mr. Clerk, a poll of those not voting."

Clerk O'Brien: "Curran. Hasara. Kirkland and Stange. No further."

Speaker McPike: "Dunn, 'aye'. Dunn, 'aye'. Mr. Black, Shirley Jones would like to be verified, Shirley Jones, and Lou Lang, McNamara, Wolf, and Shaw. Mr. Clerk, proceed with a Poll of the Affirmative."

Clerk O'Brien: "Balanoff. Bugielski. Burke. Capparelli. Currie. Davis. Deering. DeJaegher. DeLeo. Dunn. Edley. Farley. Flinn. Flowers. Giglio. Giorgi. Granberg. Hannig. Hicks. J. Hoffman. Homer. Lou Jones. Shirley Jones. Keane. Kulas. Lang. Laurino. LeFlore. Levin. Marinaro. Martinez. Matijevich. McAfee. McCracken. McDonough. McGuire. McNamara. McPike."

Speaker McPike: "Just a minute. Mr. Black, Mr. Deering. Mr. Black. Mr. Black. Black. Black. Black. Mr. Deering. Mr. Black, Mr. Deering would like to be verified. Thank you. Deering. Proceed, Mr. Clerk."

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Clerk O'Brien: "Morrow."

Speaker McPike: "Mr. Keane would like to be verified. He's right here."

Clerk O'Brien: "Novak. Obrzut. Phelan. Preston. Rice. Richmond. Ronan. Rotello. Saltsman. Santiago. Schakowsky. Schoenberg. Shaw. Stepan. Stern. Trotter. Turner. Walsh. White. Williams. Wolf. Anthony Young. Wyvetter Younge. And, Mr. Speaker."

Speaker McPike: "Representative Black, questions of the affirmative."

Black: "Yeah. Thank you very much."

Speaker McPike: "Grace Mary Stern would like to be verified."

Black: "I'm sorry, who?"

Speaker McPike: "Grace Mary Stern."

Black: "Oh, by all means. By all means."

Speaker McPike: "Proceed."

Black: "Yes, thank you very much, Mr. Speaker. Representative Flinn."

Speaker McPike: "Representative Monroe Flinn. He's right here."

Black: "I'm sorry. Oh, there he is. Okay. Representative Richmond?"

Speaker McPike: "Representative Dunn would like to be verified. John Dunn."

Black: "Tom Dunn?"

Speaker McPike: "John Dunn."

Black: "Oh, John Dunn. By all means."

Speaker McPike: "And, Gary Hannig."

Black: "Gary Hannig? Got it. The international airport in his district isn't included."

Speaker McPike: "All right, now, Representative Bruce Richmond. Mr. Richmond? The Gentleman is not here. Remove him from the Roll Call."

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Black: "Thank you. Representative Hicks?"

Speaker McPike: "He's here."

Black: "Where?"

Speaker McPike: "He's here. He is here."

Black: "Oh, I see him. I see him. By god, there he is. That's right. Thank you. Representative Novak?"

Speaker McPike: "Mr. Novak. Mr. Novak? Representative Novak is not here. Remove him from the Roll Call. Curran, 'aye'."

Black: "Representative Giglio?"

Speaker McPike: "Mr. Giglio. Mr. Giglio. Representative Giglio is not here. Remove him from the Roll Call. Representative Turner would like to be verified. He's back in the rear of the chamber."

Black: "That's fine."

Speaker McPike: "Okay."

Black: "Representative Farley?"

Speaker McPike: "What was your last request?"

Black: "Farley. Representative Farley."

Speaker McPike: "Farley. Representative Farley. Mr. Farley? Mr. Farley is not here. Remove him from the Roll Call. Representative Stange votes 'aye'."

Black: "Representative Ronan."

Speaker McPike: "Mr. Ronan. Ronan here? The Gentleman is not here. Remove him from the Roll Call."

Black: "Representative Kulas?"

Speaker McPike: "Mr. Kulas. Mr. Kulas is not here. Remove him from the Roll Call."

Black: "Representative Mautino."

Speaker McPike: "He's voting 'no'."

Black: "I'm sorry. Representative DeLeo?"

Speaker McPike: "Mr. DeLeo. Mr. DeLeo is not here. Remove him from the Roll Call."

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Black: "Representative Wyvetter Young?"

Speaker McPike: "Representative Wyvetter Young? Wyvetter Young."

Black: "Thank you, Mr. Speaker. Representative..."

Speaker McPike: "Representative Wyvetter Young is not here. Remove her from the Roll Call."

Black: "Representative Granberg?"

Speaker McPike: "Mr. Granberg. Mr. Granberg is not here. Remove him from the Roll Call."

Black: "Representative Anthony Young?"

Speaker McPike: "Representative Tony Young. Representative Tony Young is not here. Remove him from the Roll."

Black: "Representative Capparelli?"

Speaker McPike: "He's here."

Black: "And excuse me if I've missed this one, but Representative Trotter? I don't recall..."

Speaker McPike: "He's here."

Black: "He's here. Representative McCracken?"

Speaker McPike: "He's here."

Black: "Oh. Representative Saltsman?"

Speaker McPike: "Mr. Saltsman? Mr. Saltsman here? Mr. Saltsman is not here. Remove him from the Roll Call. Representative Farley has returned. Record Representative Farley as 'aye'."

Black: "Representative Stange?"

Speaker McPike: "Mr. Stange voted orally. Right here. Alr...Just a minute. Here's Stange. Stange is here."

Black: "Representative..."

Speaker McPike: "Just a minute. Just a minute, please. Mr. Williams and Mr. Laurino would like to be verified."

Black: "That's fine. Representative Edley?"

Speaker McPike: "He's here."

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Black: "I have no further questions, thank you."

Speaker McPike: "Mr. DeLeo has returned. Return (sic - Returning him to the Roll Call or Record) as an 'aye' vote. Mr. DeLeo votes 'aye'. Well, just a minute. There are some people who would like to switch now. Just a minute. Representative Hartke. Representative Hartke would like to vote 'aye'. Representative Woolard. Representative Woolard would like to vote 'aye'. Representative Phelps would like to vote 'aye'. And Representative Novak would like to vote 'aye'. Mr. Clerk, did you get those? That was Hartke, Woolard, Phelps and Novak. Thank you. On this Motion, there are 60 'ayes' and 43 'noes', and the House does adopt the Second Conference Committee Report to Senate Bill 1231, and this Bill, having received a Constitutional majority, is hereby declared passed. Continuing under Agriculture and Environment, Third Reading, appears House Bill 3351. Representative Hasara. Out of the Record. House Bill 3380, Representative Stern. Grace Mary Stern. Out of the Record. House Bill 3435, Representative Peterson. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3435, a Bill for an Act to amend the Nuclear Waste Interstate Compact Act. Third Reading of the Bill."

Speaker McPike: "Representative Peterson."

Peterson: "Thank you, Mr. Speaker. House Bill 3435 is a vehicle Bill as it now stands so we intend to amend it in the Senate, and it will be used to put language on that will help us track low level nuclear waste that enters the State of Illinois. The...This has been very carefully crafted by Dale Swinford, and he feels that this should get an unanimous vote so I ask for your positive vote on House Bill 3435."

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Speaker McPike: "Is there any discussion on the Gentleman's Motion? The question is, 'Shall this Bill pass?'. All those in favor vote 'aye'. Opposed, vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the Record. On this Bill, there are 104 'ayes', and no 'nays'. House Bill 3435 having received a Constitutional Majority, is hereby declared passed. Representative Giorgi, in the Chair, or Representative Rotello, one or the other."

Speaker Giorgi: "Members of the Assembly, last week we participated in Legislators' Fitness Day, and the chairman of that day, from the Rockford area, teacher Fred Pelley has a couple of awards to make and then indicate. Fred, tell the Assembly what you want to tell them."

Pelley: "Mr. Speaker and honored Members of the House of Representatives and guests, I stand before you as President of the Illinois Association for Health, Physical Education, Recreation and Dance and a physical education teacher from Harlem High School in Loves Park. It is with great honor and pride that I am able to do this. At the same time, I am coming to ask your help in what may be considered one of the most critical times of this decade as far as physical fitness of the youth of not only Illinois, but of the entire country. As pointed out by the American Academy of Pediatrics, in a recent study, it showed that 40% of school children, 5 through 8 years of age, have one risk factor for heart disease. I am asking you to role model physical fitness, health and wellness for the youth of Illinois and to continue to support the Physical Education Mandate. As you may know, Illinois is the only State in the United States that has the daily Physical Education Mandate. Illinois is looked to as a leader in the area of physical fitness and health. Time and time again, Arnold

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Schwarzenegger, Chairman of the Presidents Council on Physical Fitness and Sport in his visits with the governors of each state, talks about Illinois and the leadership that we play in this important role. As a physical educator for over 19 years, I have come to realize that we are the people who are trying to equip the populace with the tools to develop for themselves a healthy lifestyle. Wellness is the total well being of a human being, the ability to live and work to the fullest. What the physical educator teacher does is to help the individual become acquainted with the proper and most efficient ways to develop that wellness to the fullest. A week from Thursday, May the 13th, at 10:00 a.m., over 600 Illinois schools and 180,000 students will exercise together with students all over the country. It is called ACES, All Children Exercising Simultaneously. Again, Illinois is a leader in this program. Our children raise over \$1 million a year for the American and Chicago Heart Associations in their Jump Rope for Heart project. Our state Physical Education Convention last October in Arlington Heights had over 1,800 professionals involved in 192 presentations, workshops and meetings. Our physical education programs are getting better. I hope you have been invited to view some of the physical education programs in your district. If not, I am inviting you to do so. Physical education teachers want to be held accountable for the good jobs we are doing. In conclusion, I would seek your help. Please help, please do anything in your power to help strengthen physical education and health in the State of Illinois and please continue to be a role model for your constituency by caring about your own level of health and fitness. Two weeks ago, I had the privilege of being at the Legislator Fitness Day,

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which was attended by many of your colleagues. At that time, two of them were presented with a plaque honoring them as five-year participants. I would like to ask them to come forward and present them with a congratulatory letter and a special T-shirt for making the time to care about themselves. My theme for the year is 'Strength through Sharing and Caring'. They are truly living that theme. The Honorable Grace Mary Stern and the Honorable Todd Sieben, please come forward."

Speaker Giorgi: "Congratulations, Todd Sieben. You do a great job, Todd."

Sieben: "Thank you."

Speaker Giorgi: "Ann, you want to come up for Grace? You want to take the sweat shirt for Grace? Ann Stepan will step in for Grace Mary Stern. Thank you, Fred. One of the leading educators in the Rockford area. What's the next call? Satterthwaite in the Chair."

Speaker Satterthwaite: "On Agriculture and Environment, Third Reading, the next Bill to appear is House Bill 3605, Representative Kulas. Out of the record. House Bill 3843, Representative Curran. Out of the record. House Bill 4025, Representative...Oh, excuse me, we'll go back to House Bill 3843 for Representative Curran. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3843, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Curran."

Curran: "Thank you, Madam Speaker. I think this is an Agreed Bill. It simply provides that the local tipping fee may be used to reimburse a municipality or highway commissioner for expenses incurred when removing non-hazardous, non-fluid municipal waste that's been illegally dumped."

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It's discretionary only; I don't think there's any opposition."

Speaker Satterthwaite: "Is there any discussion? Seeing no one seeking recognition, the question is, 'Shall House Bill 3843 pass?' All in favor vote 'aye'. Opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 110 voting 'aye'. None voting 'no'. None voting 'present'. The Bill having received a Constitutional Majority, is hereby declared passed. House Bill 4025, Representative Kulas. Out of the record. House Bill 4027, Representative Obrzut. Out of the record. House Bill 4041, Representative Johnson. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 4041, a Bill for an Act to amend the Solid Waste Planning Recycling Act. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Johnson."

Johnson: "Thank you, Madam Speaker and Members of the House. This Bill amends the Solid Waste Planning Recycling Act to encourage solid waste disposal on a regional multi-county basis. It's a statement of principle in the Act; it came out of the committee unanimously, and I urge its adoption."

Speaker Satterthwaite: "Representative Lang."

Lang: "Thank you, Madam Speaker. Will the Sponsor yield?"

Johnson: "No. You gave me a hard time this morning, Louis."

Lang: "Well twice in one day. I'll be easier on you this...I just don't know what the Bill does."

Johnson: "It's an encouragement for...encourages, as a statement of principle, that landfills would be encouraged to be located on a regional multi-county basis, rather than requiring every individual county to have one. It doesn't

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tie anyone's hands; it's a statement of principle."

Lang: "Is this a vehicle?"

Johnson: "No, absolutely not. I will not use it and will not amend it in any form."

Lang: "Well then why do we need to pass a Bill to encourage somebody to do something?"

Johnson: "We've done that in a number of other areas in the same Act...four or five other particular areas of interest, and this simply follows in that trend, a statement of principle. We do that all the time."

Lang: "Well, I don't know how I'm going to vote on the Bill, but I have to tell you that I think it's superfluous and doesn't accomplish very much. Thank you."

Johnson: "Well the other provisions in the statute apparently are in a similar status, and I think it's effective."

Speaker Satterthwaite: "Representative Johnson to close."

Johnson: "I close. Thank you, Madam Speaker."

Speaker Satterthwaite: "The question is, 'Shall House Bill 4041 pass?' All in favor vote 'aye'. Opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 111 voting 'aye', none voting 'no', none voting 'present'. The Bill, having received a Constitutional Majority, is hereby declared passed. We will go to Government Administration, Third Reading, to pick up House Joint Resolution Constitutional Amendment #2. Representative Parcels."

Parcels: "Thank you Madam Speaker. Ladies and Gentlemen, this is..."

Speaker Satterthwaite: "Excuse Me, Excuse Me, Representative Parcels. The Clerk has to read it a third time first."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment

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#2. 'Whereas, the First Congress of the United States of America, at its first session begun and held March 4, 1789, sitting in New York, New York, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit: "RESOLVED, by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following Article be proposed to the Legislatures of the several States, ... which Article, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.: An Article in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution. 'Article the second ... No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.'; and WHEREAS, Article V of the Constitution of the United States allows the ratification of the proposed Amendment to the United States Constitution by the General Assembly of the State of Illinois; and WHEREAS, Article V of the Constitution of the United States does not dictate a time limit on ratification of an amendment submitted by Congress, and the First Congress specifically did not provide any time constraint for ratification of the above-quoted Amendment; and WHEREAS, The Supreme Court of the United States in 1939 ruled in the landmark case of Coleman v. Miller that Congress is the final arbiter on the question of whether too much time has

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elapsed between Congress' submission of a particular amendment and the most recent state legislature's ratification of same if Congress did not specify a deadline on the proposal's consideration; and WHEREAS, Section 11 of Article IV of the Constitution of the State of Illinois provides that "(C)hanges in the salary of a member (of the Illinois General Assembly) shall not take effect during the term for which he has been elected."; and WHEREAS, The General Assembly of the State of Illinois finds that the proposed Amendment is still meaningful and necessary as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were in the eighteenth century when the proposed Amendment was submitted for its adoption; and WHEREAS, The proposed amendment to the United States Constitution has already been ratified by the legislatures of the following states on the dates indicated, to wit: Alaska on May 5, 1989; Arizona on April 3, 1985; Arkansas on March 5, 1987; Colorado on April 18, 1984; Delaware on January 28, 1790; Florida on May 31, 1990; Georgia on February 2, 1988; Idaho on March 23, 1989; Indiana on February 19, 1986; Iowa on February 7, 1989; Kansas on April 5, 1990; Louisiana on July 6, 1988; Maine on April 27, 1983; Maryland on December 19, 1789; Minnesota on May 22, 1989; Montana on March 11, 1987; Nevada on April 26, 1989; New Hampshire on March 7, 1985; New Mexico on February 13, 1986; North Carolina on December 22, 1789; Ohio on May 6, 1873; Oklahoma on July 10, 1985; Oregon on May 19, 1989; South Carolina on January 19, 1790; South Dakota on February 21, 1985; Tennessee on May 23, 1985; Texas on May 25, 1989; Utah on February 25, 1986; Vermont on November 3, 1791; Virginia on December 15,

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1791; West Virginia on March 19, 1988; Wisconsin on June 30, 1987; Wyoming on March 3, 1978; therefore be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the foregoing proposed amendment to the Constitution of the United States is ratified by the General Assembly of the State of Illinois; and be it further RESOLVED, That the Secretary of State of Illinois shall transmit certified copies of this resolution to the Archivist of the United States, to the Vice-President of the United States and to the Speaker of the United States House of Representatives with a request that it be printed in full in the Congressional Record.' Third Reading of the Constitutional Amendment."

Speaker Satterthwaite: "Representative Parcells."

Parcells: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I know that sounded very long and complicated, but what it really says is that the United States Congress cannot raise their salaries in the the term in which they're serving. They would be exactly like we are, if they raise the salary, it's for the next term. Now lest you think they are upset about this, they are not at all. The Illinois delegation, I have written to all of them, and in bipartisan fashion I've heard back. My first letter was from Lane Evans. I've heard from Representative Cox, and I had a long talk on the phone, and he's in for it. My last letter was from Jerry Costello, along with Congressmen Hyde, Ewing, Crane Porter and et cetera. They are all for this Bill, and they are anxious to have us, Illinois, be the final State. Here is the most exciting news of all. It needs 38 states for ratification. You may not remember, but we've passed this before, in 1989. Well over 100 of

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you voted for this in 1989 because we were aware that Congress was getting a little out of hand with their pay raises, three in one year that year, and then after the midnight pay raise of May 24th last year, they themselves are upset with the persona that they are giving off to people and they would like us to pass this and be the 38th State. Yesterday, on May 5th, Alabama and Missouri have passed this Resolution, and I had a call just moments ago from the Illinois delegation who are holding a bipartisan press conference this afternoon at 2:00. They would like at that time to announce that the Illinois House has passed this Resolution, and we would be the 38th State, which would make this ratification...would pass this ratification. It would become the next Amendment to the Constitution of the United States. Now lest you fear that we have to vote on this in November, we do not. This goes right to Washington. The Congress there does nothing with it. I becomes part of the last Amendment to the Constitution, so you don't have to worry that we're going to vote on it, or there's going to be a Constitutional Convention. This would be...We would be the 38th State, and we would be very proud to be the one that put this Amendment over, and I ask for your 'aye' vote."

Speaker Satterthwaite: "Is there discussion? Seeing no one seeking recognition, the question is 'Shall House Joint Resolution...'Representative Lang."

Representative Lang: "Thank you. Will the Sponsor yield?"

Speaker Satterthwaite: "She indicates she'll yield."

Lang: "Representative, it's my understanding that this Amendment was first proposed by Congress for ratification by the states a long, long, long time ago. Why do you think it's taken so long to get to this point?"

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Parcells: "I'm not sure, but it has gained momentum in the last two or three years. If you listened to some of the dates that the Clerk was reading, the first states passed it very early, and then it sat around and nobody seemed to be upset but in most recent years, including some of the members of Congress, there has been a lot of emotion about them (sic - their) raising their salaries during the term in which they're serving, and so they agree with us that this Amendment should be put on, and they would like to live by this law. Now Congress could have, at any time, said we're giving you a deadline on this Amendment; it has to be done by X. They have never done that. So they have left this open with the hope that 38 States would ratify it."

Lang: "But would you expect that Congress would ever put that limit on it? Isn't it sort of like when the General Assembly every year rejects the report of the Compensation Review Board. Congress is never going to do that, are they? They are never going to accept that kind of raise are they?"

Parcells: "Well they're going to accept this Amendment if we are the 38th and final State to ratify it. They have to. This is the method of ratifying an Amendment to the Constitution of the United States. So they would live by this."

Lang: "When was the last time that Congress gave themselves a mid-term pay raise?"

Parcells: "May 24th, the midnight pay raise that you heard about."

Lang: "And did that apply at the time...did that apply for those Congressmen at that time."

Parcells: "Yes, it did."

Lang: "Thank you."

Speaker Satterthwaite: "The question is, 'Shall House Joint

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Resolution Constitutional Amendment #2 be passed?'. All in favor vote 'aye'. All opposed vote 'no'. Voting is open. It takes 60 votes for passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 voting 'yes', 1 voting 'no', none voting 'present'. The Resolution, having received the required Constitutional Majority, is hereby declared passed. On the Special Order of Human Services, Second Reading. The first Sponsors are Hicks, Currie, Lang, Granberg, Daniels, et cetera. Representative Hicks, on House Bill 849. Out of the record. Representative Currie, on House Bill 2452. Out of the record. Representative Lang, on House Bill 2758. Out of the record. Representative McGann, on House Bill 3005. Out of the record. (House Bill) 3006, Representative McGann. Out of the record. House Bill 3047, Representative Granberg. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3047, a Bill for an Act to amend the Unified Code Of Corrections. Second Reading of the Bill. No Committee Amendments."

Speaker Satterthwaite: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Satterthwaite: "Third Reading. Representative Daniels. Out of the record, that whole series I assume, thank you. Representative White, House Bill 3245. Out of the record. Representative Daniels, again, on 3285. Is that one also out of the record at this time? Representative Daniels? Out of the record. Representative Trotter, on House Bill 3350. Do you wish to have the Bill called on Second Reading? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3350, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. No

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Committee Amendments."

Speaker Satterthwaite: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Satterthwaite: "Third Reading. Representative Lou Jones. Is the Lady in the chamber? She is not. Representative Currie. I understand that Bill is waiting for a fiscal note."

Clerk O'Brien: "It's filed..."

Speaker Satterthwaite: "The fiscal note has been filed. The Bill has been read a second time previously, Mr. Clerk?"

Clerk O'Brien: "It has not."

Speaker Satterthwaite: "Read the Bill, please."

Clerk O'Brien: "House Bill 3609, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. No Committee Amendments."

Speaker Satterthwaite: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Satterthwaite: "Third Reading. House Bill 3610, Representative Granberg. House Bill 3610. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3610, a Bill for an Act concerning care for the aged. Second Reading of the Bill. No Committee Amendments."

Speaker Satterthwaite: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Satterthwaite: "Third Reading. Representative Edley. House Bill 3716. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3716, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Satterthwaite: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

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Speaker Satterthwaite: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Satterthwaite: "Third Reading. Representative Giorgi, House Bill 3886. Specialized Care. Out of the record. Representative Giorgi, I understand the fiscal note has been filed on this. Do you care to move the Bill to Third Reading? Mr. Clerk, the Bill has already been read a second time, has it?"

Clerk O'Brien: "The Bill has been read a second time, and the fiscal note is now filed."

Speaker Satterthwaite: "Move the Bill to Third Reading, please. Representative Deering, on House Bill 3950. I understand a fiscal note has been filed on that. Has the Bill been read a second time? The Bill has been read earlier, a second time."

Clerk O'Brien: "The Bill has been read on Second Reading earlier today. The fiscal note is filed."

Speaker Satterthwaite: "Move the Bill to Third Reading. Representative Homer, on House Bill 4078, 4078. Out of the record. Representative White, on 4079. Out of the record. Representative Martinez, on House Bill 4170. Out of the record. We will proceed, then, to Human Services, Third Reading. The Sponsors appearing early on that list, if they are in earshot, should be here if they want to have their Bills called on Third Reading. Those Sponsors are Currie, LeFlore, Trotter, Keane, DeJaegher and others. On House Bill 707, Representative Currie. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 707 amends the Illinois Public Aid Code. Third Reading."

Speaker Satterthwaite: "Representative Currie."

Currie: "Thank you, Madam Speaker and Members of the House. This

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is a measure that we worked closely with the Department Of Public Aid to draft. The point of the Bill is to encourage the department to encourage recipients, and to help make it possible for public aid recipients, to look at opportunities for self employment as they seek to leave the welfare rolls. I am not aware of any opposition to the measure. I'd be happy to answer your questions and would appreciate your support."

Speaker Satterthwaite: "Is there any discussion? Seeing no one seeking recognition, the question is, 'Shall House Bill 707 pass?'. All in favor vote 'aye'. All opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 109 voting 'yes'. None voting 'no'. None voting 'present'. The Bill, having received a Constitutional Majority, is hereby declared passed. Representative LeFlore, on House Bill 2994. Out of the record? Okay. Representative Trotter, on House Bill 3108. Do you wish to have the Bill called on Third Reading, Mr. Trotter? Out of the record. Representative Keane, on House Bill 3149. Is the Gentleman in the chamber? He is not. Representative DeJaegher, House Bill 3373. Is the Gentleman in the chamber? He is not? Representative Currie, on House Bill 3394. Out of the record. Representative Turner, on House Bill 3395. Is the Gentleman in the chamber? He is not. Out of the record. Representative Schakowsky, on House Bill 3409. Out of the record. Representative Daniels on House Bill 3713. Out of the record. Representative Black, on House Bill 3939. Mr. Clerk, read the Bill. Representative Black."

Black: "Thank you very much, Madam Speaker. There may still be a problem with this Bill, and some parties are trying to work

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it out."

Speaker Satterthwaite: "Take it out of the record?"

Black: "Yes, if you would please."

Speaker Satterthwaite: "All right. Out of the record.

Representative Davis, on House Bill 4056. Do you wish to call the Bill on Third Reading, Representative? Out of the record. On Children and Family Law. Oh, excuse me, Representative Trotter, on House Bill 3108. On Human Services, Third Reading. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 3108, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading."

Speaker Satterthwaite: "Representative Trotter."

Trotter: "Thank you very much, Madam Chairman and Members of the House. House Bill 3108 amends the eligibility standards for pregnant women for 60 days after their last date of pregnancy, and together with their children through the age of 6. We have worked out an agreement with the Department of Public Aid, and there is no other opposition to this Bill, and I would move for its adoption at this time."

Speaker Satterthwaite: "Is there any discussion? Seeing no one seeking recognition, the question is, 'Shall House 3108 pass?'. Excuse me, Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Satterthwaite: "He indicates he will."

Wennlund: "Will this Bill have a future fiscal impact on the State of Illinois and on the General Revenue Fund?"

Trotter: "None that I know of."

Wennlund: "Does this keep the Department of Public Aid in compliance with the feds?"

Trotter: "Yes, it does."

Wennlund: "What's it going to cost?"

Trotter: "There is not a cost. No fiscal note was required for

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this Bill. Again, it is just dealing with the eligibility standards, changing them slightly. But there is no Fiscal note to my knowledge."

Wennlund: "In what manner does it change the standards?"

Trotter: "This Bill was in response to the Citizens Assembly on Children, and it is just basically codifying (sic - clarifying) some administrative language that was put in last year. So it's not doing no (sic - any) more than that. So the dollars they're asking for here were put in the budget last year, September of 91."

Wennlund: "Has the fiscal note been filed?"

Trotter: "No. There was no fiscal note for this; there was none requested."

Wennlund: "Yes, there was. Page 30 of the Calendar indicates that, indeed, a fiscal note was filed."

Trotter: "What page is that?"

Wennlund: "Thirty."

Trotter: "Oh, and it says, and I'm sorry. It does say one was filed and one was...none was filed. Clerk, the Clerk says there was none."

Speaker Satterthwaite: "Mr. Clerk, was there a request for a fiscal note on this Bill while it was still on Second Reading?"

Clerk McLennand: "Fiscal note has been filed."

Trotter: "Can you read it for me, please? Read it for us."

Speaker Satterthwaite: "Mr. Clerk, read the fiscal note."

Clerk McLennand: "Fiscal note, House Bill 3108. House Bill 3108 has no fiscal impact to the Department of Public Aid."

Trotter: "What this Bill actually does Representative, is it allows us to get more dollars from the federal government by codifying the language that is already in existence. So it does not have a fiscal impact upon us, but is one on the

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federal government, which we will get paid and hopefully reap the benefits from our program."

Wennlund: "Thank you, Mr. Trotter. I am all for getting more of our share of dollars from the federal government. Thank you. Sounds like a good Amendment."

Trotter: "Thank you"

Speaker Satterthwaite: "Representative Trotter to close."

Trotter: "I would just ask for its swift adoption at this time."

Speaker Satterthwaite: "The question is, 'Shall House Bill 3108 pass?'. All in favor vote 'aye'. All opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 voting 'yes'. None voting 'no'. None voting 'present'. The Bill, having received a Constitutional Majority is hereby declared passed. We will proceed to Children and Family Law. Second Reading. The early Sponsors on the list are Burke, Curran, Hoffman, Currie, Woolard, and others. On House Bill 487, Representative Burke. Out of the record. On House Bill 2225, Representative Curran. Out of the record. On House Bill 3004, Representative Hoffman. Do you wish to have the Bill called on Third Reading at this time, Representative? It's House Bill 3004, on Second Reading, excuse me. It's on Second Reading, Representative. Do you wish to have it called? Out of the record. Representative Currie, on House Bill 3260, on Second Reading. Out of the record. Representative Currie, on House Bill 3262. Out of the record. Representative Woolard, on House Bill 3311. Out of the record. Representative Currie, on House Bill 3416. Out of the record. Representative Davis, on House Bill 3832, on Second Reading. Representative Davis, do you desire to move the Bill? Mr. Clerk, read the Bill."

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Clerk McLennand: "House 3832, a Bill for an Act in relation to child support. No Committee Amendments. Second Reading."

Speaker Satterthwaite: "Any Floor Amendments?"

Clerk McLennand: "Floor Amendment #1, offered by Representative Davis."

Speaker Satterthwaite: "Has the Amendment been printed and distributed?"

Clerk McLennand: "Yes, it has."

Speaker Satterthwaite: "It has been. Representative Davis, do you prefer to continue with the Bill? It has been. Representative Davis."

Davis: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. The Amendment that has been drafted and adopted on this legislation, says that people can use personal checks or certified checks or travelers checks to pay their child support payment. Originally, we had credit cards, and we took that off of the Bill. They cannot use credit cards, but they could use those other payment sources."

Speaker Satterthwaite: "Mr. Clerk, has this Amendment already been adopted?"

Clerk McLennand: "No, it has not."

Speaker Satterthwaite: "All right. So the Lady moves for the adoption of Amendment #1 on House Bill 3832. Representative Wennlund, on that question."

Wennlund: "Thank you, Madam Speaker. Will the Sponsor yield? As I read the Amendment, it deletes from the language of the Bill the words 'personal Check', and does not and, in fact, would not permit the payment of child support by personal check correct?"

Davis: "It should allow personal checks because they are currently used and that should be in there. If it isn't, just take it out of the record. Take it out of the record,

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please, Madam Chairman."

Speaker Satterthwaite: "Take the Bill out of the record. Representative Levin, on House Bill 3998. Out of the record. Representative Williams, on House Bill 4128. Out of the record. Proceeding to the Order of Children and Family Law. Third Reading. The early Sponsors are Sieben, Stange, Preston and Parke. If those people would be ready when their Bills are called, it will speed our process. Representative Sieben, on House Bill 661. Out of the record. Representative Stange, on House Bill 1181. Out of the record. Representative Stange, on 1182. Out of the record. Representative Preston, on House Bill 2711. Do you wish to have the Bill called on Third Reading, Representative Preston? Out of the record. House Bill 2712, Representative Preston. Out of the record. Representative Stange, on House Bill 2751. Out of the record. Representative Parke. Representative Parke, on House Bill 2770. Out of the record. Representative Preston, on House Bill 3090. Out of the record. Representative Preston, on House Bill 3091. Out of the record. Representative Burzynski, on House Bill 3233. Mr. Clerk, call the Bill...read the Bill."

Clerk McLennand: "House Bill 3233, a Bill for an Act to amend the Non-Support of Spouse and Children Act. Third Reading."

Speaker Satterthwaite: "Representative Burzynski."

Burzynski: "Madam Speaker, Ladies and Gentlemen of the House, this Bill simply amends the Non-Support of Spouse and Children Act. It provides that such an action must be brought within 18 years after the date the child was born, but that that period does not include any period during which a person is not usually and publicly a resident of the State of Illinois. I move for its adoption."

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Speaker Satterthwaite: "Representative Lang."

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

Speaker Satterthwaite: "He indicates he will."

Lang: "Thank you. I'm just confused about part of the Bill; maybe you can clarify it for me. You exclude a period of time during which the person is not a resident of Illinois and I'm not sure why."

Burzynski: "This piece of legislation has arisen out of a couple of different situations from my constituents, whereas they have not been able to track down the non-supportive parent when they have resided outside of the State. At the time the child has turned 18, the people have moved back into the state, the non-supportive parent has, and this Bill is simply to try and correct that situation so that they can try and get some support for a college education and those types of necessary things."

Lang: "So that if the period of time during which they are out of the State doesn't count for these 18 years."

Burzynski: "That's correct."

Lang: "So if they move back in subsequently, if it's 20 years after the child was born, they can still go after these people because, presumably when they're out of the State they're tougher to find."

Burzynski: "That's correct."

Lang: "Thank you."

Speaker Satterthwaite: "Representative Burzynski, to close."

Burzynski: "Just a move for the support. I would appreciate the support for the Bill. Thank you."

Speaker Satterthwaite: "The question is, 'Shall House 2333 pass?'. All in favor vote 'aye'. Opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the

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record. On this question there are 110 voting 'yes'. None voting 'no'. 1 voting 'present'. The Bill, having received the Constitutional Majority, is hereby declared passed. Representative Matijevec, on House Bill 3266. Out of the record. Representative Parcels on House Bill 3322. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 3322, a Bill for an Act to amend certain Acts in relation to child support payments. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Parcels."

Parcels: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Bill says that...as the law now says in the various Acts that this will amend, that the payment for child support should be paid within three business days of the date income is paid to the obligor, or in accordance with the order for withholding, and any subsequent notification. The reason for this is the companies that are withholding these funds are sometimes asked by the court to present them on a certain day, and it's not always within those three business days. So if there is nothing by court order that says it should be supplied sooner or later, they would be obliged to present it within three business days as it now says. But in case they have been given an order by the court to only send it every Friday or every two weeks, the company would then not be in violation of the statute by sending it at that longer period of time. This was heard in the Children and Family Services Committee and Law Committee and put on Short Debate, and I would ask for your 'aye' vote on House Bill 3322."

Speaker Satterthwaite: "Representative Black."

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

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Speaker Satterthwaite: "She indicates she will."

Black: "Yeah. Representative, you may want to check your file.

I think this Bill needs to be amended with the department because as written, it would put Illinois out of sync with federal law."

Parcells: "Thank you, Representative Black. Could we take this out of the record?"

Speaker Satterthwaite: "Out of the record. Representative Currie on House Bill 3342. Out of the record. (House Bill) 3343, 3352. Mr. Clerk, read the Bill. House Bill 3352."

Clerk McLennand: "House Bill 3352, a Bill for an Act to amend the Illinois Domestic Violence Act of 1986. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Currie."

Currie: "Thank you, Madam Speaker and Members of the House. This Bill is a product of the Assembly's Citizens Council on Women, the bipartisan advocacy and informational group that is under the auspices of the Illinois Citizens Assembly. What the Bill, as amended at the behest of members of the Children and Family Law Committee, does is to specify what procedures will follow when an individual requests an emergency order of protection solely on the basis of the alleged removal of a child. I'd be happy to answer your questions, and I'm not aware of any opposition to the Bill at this point."

Speaker Satterthwaite: "Representative McCracken."

McCracken: "I understand the concerns that the parent does not want the identity or, not identify, the location of the child involved when there is abuse, but this goes far too far. This says 'in all cases', regardless whether there is a history of abuse or not, regardless of anything else about that marriage and about that case, if the petition is

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based solely on concealment, then, in effect, concealment is no cause of action. Now if the Lady wants to cure her problem without doing damage to the underlying concept of enforcing court orders, there may be an alternative, but this is not the solution. This goes too far. It goes far too far. All right, I'm being told I'm wrong. Do I have the wrong Bill?"

Currie: "It's been amended, Representative, since you first saw it in committee. What the Bill provides now is the opportunity for a hearing, and at the point of the hearing, if the facts do not explain a reason for concealment, for example, that there was already an order of protection entered against the party now seeking one, then the concealment would continue to be a reason for court action. But the problem, remember, arises when after the custodial parent has an order of protection, takes the child to a shelter, the abusive party is able, under current statute to go to court, get an ex parte order of protection, go to the shelter and remove that child. Never mind that another order of protection has already been granted. What this says...this establishes a procedure for the ex parte order based solely on removal of the child, so that before the child is removed there is a hearing. But this does not say that in a situation where the sole complaint is removal that the individual making that charge will not prevail in court. The Amendment was one that was requested by you, as well as by the State Bar Association."

McCracken: "Oh, come on. Come on. I wouldn't have been constructive about this, would I?"

Currie: "Representative McCracken, I would hope that you would always be constructive."

McCracken: "Well, let me ask this. What if the whereabouts can't

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be found. Is then there no way to enforce this prior order? It doesn't provide an exception to...."

Currie: "If there's no way of reaching the...I'm not sure what real world we're talking about. If the parent requesting the order has no idea where the child is, it's hard for me to see how the order, if entered, would be enforced."

McCracken: "Well, but wouldn't there be contempt sanctions or something? Or, wouldn't that give the sheriff the authority to enter it in their computer?"

Currie: "I don't think this would change that."

McCracken: "Well, I think it would change that. There is..."

Currie: "I don't see any way in which it would, but I...I mean, I appreciate that in the real world sometimes you don't know where the child is, but in that case the order, if granted, wouldn't get you any further forward. So what this really deals with is the situation wherein the party seeking the order knows where the child is, and the effort is to make sure that there is notice and a hearing before."

McCracken: "But that's not what the Bill, as amended, says. The Bill, as amended, provides no exception for the situation where you cannot find the whereabouts, and I think you may need some sort of enforcement order from a court in order to pursue locating the person."

Currie: "Well, this suggests that if the person seeking the order knows the whereabouts of the child, that that individual must tell the court at that point."

McCracken: "Well, it doesn't provide for that because there is no exception in the Bill, as amended, for a case where you don't know the whereabouts."

Currie: "Right, but it's just..."

McCracken: "I suggest that it would appropriate for that, in that situation, to allow the ex parte order, and if it's not,

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then I think the Bill goes too far, and I rise in opposition."

Speaker Satterthwaite: "Representative Currie, to close."

Currie: "Thanks, Madam Speaker and Members of the House.

Domestic violence shelters report that the problem is real. They are places where people, women, have fled with their children, and then they find that a sheriff turns up with a legitimate order of protection from a legitimate court in the State taking the child from the shelter and returning that child to the abusive parent. The effort in this Bill, as amended, which is supported by the Coalition Against Domestic Violence, as well as by the State Bar Association, is merely to provide a procedure when the abusive parent is trying to snatch the child who's in the shelter in order to protect the child, to provide a procedure so that we don't permit that to happen without a hearing in court. The Bill goes no further than is needed, given the present state of state law, and given the reports we have had from those who are helping the victims of domestic violence, children as well as their parents. So I would appreciate your support for this Bill. It's a mild mannered gesture intended only to see to it that our children who need protection, in fact, are protected."

Speaker Satterthwaite: "The question is, 'Shall House Bill 3352 pass?'. All in favor vote 'aye'. Opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this issue there are 107 voting 'aye', 5 voting 'no', 2 voting 'present'. The Bill, having received a Constitutional Majority, is hereby declared passed. Representative Currie, on House Bill 3353. Mr. Clerk, read the Bill."

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Clerk McLennand: "House Bill 3353, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Currie."

Currie: "Thank you, Madam Speaker and Members of the House. There are circumstances in which mediation and conciliation during a dissolution of marriage program may not be in the best interests of at least one of the parties, and we are told that in many circumstances involving domestic violence, and some involving alcoholism and other drug dependencies, conciliation and mediation conferences are not useful and, in fact, can be intimidating and difficult for at least one of the parties. This Bill would permit the court, upon a good cause showing, to prohibit conciliation and mediation in specific circumstances that would require the parties to meet without benefit of counsel. Again with this Bill, we worked closely with the State Bar Association as on the last Bill, and they are supporting this Bill, as is the head of...I believe the appellate (sic) court in DuPage County, and the Coalition Against Domestic Violence, as well, supports this Bill which was a proposal from the Citizens Council on Women. I would be happy to answer your questions, and would appreciate your support."

Speaker Satterthwaite: "Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Satterthwaite: "She indicates she will."

Wennlund: "As I...Representative Currie, as I understand the Bill, what it does is it...it would prohibit a judge from ordering conciliation without the presence of counsel for either party during the course of a dissolution proceeding."

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Currie: "The Bill, Representative, doesn't prohibit a judge from doing anything. What the Bill does do is to give the judge a...upon good cause...the opportunity, him or herself, to decide that mediation and conciliation are not a good idea in this case. We were not interested in destroying the discretion of the judiciary, the judiciary wasn't interested in seeing us do that, and neither was the State Bar Association. The Bill originally prescribed circumstances in which a judge would have been prohibited from requiring conciliation or mediation, but as amended, the Bill retains entirely the full discretion on the part of the judge, but does suggest that when there is good cause, the judge may decide that mediation and conciliation would not be a good idea in this particular situation."

Wennlund: "Does he...does a Judge in Illinois not have that authority now?"

Currie: "It's not clear, the way the statute, the current statute is drafted, exactly what authority the judges do have. My understanding is that in some counties conciliation or mediation are automatically ordered, and apparently the judges in some counties do believe that they don't have discretion to make this kind of recommendation. We had support on this measure from one of the judges in DuPage County, but he, of course, would not have been interested in supporting us if he felt it would have limited his discretion, but he...he who was in the committee recommending a proposal for mediation services, was of the view that there are times when mediation would not be a good idea and a judge should certainly have the authority to say no."

Wennlund: "And this does have the support of the Illinois State Bar Association?"

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Currie: "Yes."

Wennlund: "Thank you very much. To the Bill, I agree with the Sponsor that the courts in Illinois should certainly have the discretion to be able to require that parties in a dissolution proceeding do meet with counsel to facilitate the mediation and conciliation process. I think it's a good measure and ought to have the support of the Assembly."

Speaker Satterthwaite: "The question is, 'Shall House Bill 3353 pass?'. All in favor vote 'aye'. Opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 109 voting 'yes', 0 voting 'no', 1 voting 'present'. The Bill, having received a Constitutional Majority, is hereby declared passed. Representative Preston on House Bill 3480. Do you wish to have the Bill called on Third Reading? Out of the record. Representative Preston, on House Bill 3481. Out of the record. Representative Hasara, on House Bill 3483. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 3483, a Bill for an Act to amend the Collection Agency Act. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Hasara."

Hasara: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This Bill simply exempts private child support collection companies from the Collection Agency Act, and we believe the Act was not written to take this kind of collection in mind. Let me just give you an example. Under the Collection Agency Act, a person may only be contacted for a debt once a week. If there is an attorney, the collection must be made through the attorney. The person who owes the money cannot even be contacted. There

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are restrictions for certain hours that the person can be collected, and we feel that with the \$662 million dollars in past-due support that we're trying to collect in Illinois, that this becomes prohibitive, and so we have asked for these kinds of businesses to be exempt from the Collection Agency Act. I ask for your favorable vote."

Speaker Satterthwaite: "Representative Lang."

Lang: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Satterthwaite: "She indicates she will."

Lang: "Representative, isn't the Illinois Collections Agency patterned after federal...the Fair Debt Collection Act?"

Hasara: "No. It's my understanding that...that there are differences."

Lang: "But the parts about how often you can call someone and when you can call someone, the time of day and who you have to contact, isn't that part of a federal statute?"

Hasara: "I did not believe that it was, Representative."

Lang: "Well, my understanding is that it is, but let's assume for a second that it isn't. I understand where you're going with this, and there's certainly a major problem in collection of past-due child support in this State, but I think we have to be careful when we allow collection agencies to call people any time of the night or day, and as often as they want during the week, ignoring their counsel if one is hired. I think this is a dangerous precedent, and I'm very concerned that this will open the door to consistent collection agency abuse,..and I'd like you to respond to these kinds of comments."

Hasara: "Yes. Representative, these would not be collection agencies. They would be private companies. They are being set up all over the country. Many of them have, in fact, been very successful in the states in which they are now

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operating at collecting child support. They are operating now in Illinois, but they are restricted by the restrictions that are currently under the Collection Act, and we are trying to exempt them. I would also like to mention that the Department of Public Aid has contracted with existing collection agencies, and I don't know if you have been contacted, but I have been contacted by a number of people who have been...have not been treated very well by existing collection agencies under the existing Act. They have made a number of mistakes, for one thing, and they have gone after the wrong people. They have sent electronic messages giving inaccurate information about the amount owed. So, it is not as if we are operating very well under the existing Collection Agency Act as it is."

Lang: "Well, is it not the case that if this Bill passes, a collection agency might be able to contact someone that (sic - who) owes child support and call them at 2:00 in the morning or 3:00 in the morning or 4:00 in the morning."

Hasara: "Representative, I mean, I think we do have to trust these people somewhat and look at where they are operating already, and they are very successful in many other states already in the nation."

Lang: "Well, I thank you for answering my questions. Ladies and Gentlemen, this is a dangerous Bill. The...There is no question that we need to do a better job collecting child support. I applaud the Department of Public Aid for reaching out to private collection agencies and attorneys to collect this money; that isn't the issue. The issue is how will we do it. This proposed Bill flies in the face of the Federal Debt Collection Act. It flies in the face of our efforts to leave privacy in people's homes, and whether a person owes child support or does not owe child support

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is not the question. The question is are we going to allow a private collection agency, under the color of governmental law, to call people at 2:00 in the morning or 4:00 or five times a week, or call them at work or send them letters on the job? That's one of the things in the current Collection Agency Act is that you can't send somebody a letter on the job to say you owe money because someone else at that job may read that letter and get into your private business. So I applaud what the Sponsor is trying to do, I really do, but it seems to me that we should be going back to the drawing board and making better rules, not rules that open up collection agency practices to abuse, just in the name of collecting child support. I would urge a 'no' or 'present' vote on this Bill."

Speaker Satterthwaite: "Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Satterthwaite: "She indicates she will."

Wennlund: "Listening to floor debate, at this point in time, I'm not sure that these organizations or companies whatever they are, would not be under any regulations at all?"

Speaker Satterthwaite: "Representative Hasara, I think that was a question."

Hasara: "They will not be under the State Collection Act."

Wennlund: "So, they would not be regulated under the Collection Agency Act in Illinois."

Hasara: "No."

Wennlund: "Under what set of regulations or standards or laws would they be monitored?"

Hasara: "Representative, they would be like any other business. I mean, what other business? I mean, you have a business. Are you regulated?"

Wennlund: "Absolutely. Absolutely."

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Hasara: "Well, by whom?"

Wennlund: "So these new types of collection agencies..."

Hasara: "I mean, there are millions of small businesses in this country that operate and operate well that are not under government regulation. I mean, that's what this country is all about, the free market."

Wennlund: "I understand that, but currently anybody in the business of collecting money has to register under the Collection Agency Act, and these new type of collection agencies would not have to register, is that correct?"

Hasara: "That's correct. I mean they're a registered business, but they're not...they do not come under the regulations of the Collection Agency Act."

Wennlund: "Who regulates their collection practices? Again, this is a question that is raised."

Hasara: "Well, they do not come under that Act. I mean, they are like any other small business that operates. The hardware store collects money that's owed it. The department store goes out and tries to collect money."

Wennlund: "But those are not third-party collections, those are the two-party collections, the creditor collecting from the debtor. Here, there's a third party. Is that correct?"

Hasara: "Yes, but I...believe me, I don't see where the third party act enters into this. Representative, we have a terrible problem in this country. In the last two weeks, a major magazine and the 'Chicago Tribune Magazine' have devoted a whole issue to this collection of child-support. In Illinois alone, we have really not done a good job at all of collecting child support. We have \$700 million dollars worth of uncollected child support, and, believe me, I'm willing to take a risk that maybe someone will call someone after they've gone to bed at night in order to

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collect the owed child support. I mean, after all, people could pay on time, and they wouldn't have to worry about getting called, but if you can only contact someone once a week, no wonder we're \$800 million dollars away from collecting the support that's owed. I mean, no one else seems to be able to come up with solutions. Other states have waived this requirement for these companies. It has worked well. I mean, there have not been problems where people were harassing at 4:00 in the morning, and, truthfully, I think if they call them every day, that's fine with me. Let's get it collected."

Wennlund: "Thank you for responding to my question. To the Bill, I'm concerned about the collection of child support also and have always supported mandatory withholding of child support from wages, and that's brought Illinois a long way forward in collecting child support, and the goal is certainly a laudable one. But at this point in time, without any regulation concerning the practices of debt collection, which, indeed, have in the past been subject to abuse, everyone ought to take a good look at this proposal."

Speaker Satterthwaite: "Representative Parke."

Parke: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Would the Sponsor yield for a quick question, please?"

Speaker Satterthwaite: "She indicates she will."

Parke: "Representative Hasara, let me get this straight now. When someone has to pay child support, they've gone through the court system. The courts have determined that child support is due. Am I right?"

Hasara: "That's correct, Representative."

Parke: "Now, if...if those people who owe child support, (It's

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recognized by the court that they owe child support), and they don't pay the child support, who ends paying...who ends up raising the kids and paying for the children?"

Hasara: "We do, Representative, the taxpayers."

Parke: "The taxpayers do."

Hasara: "You're right."

Parke: "So, in fact, to the Bill, I think it is time that our society takes a stand and says that we are sick and tired of the deadbeats that (sic - who) have children and just because they presume they can walk, they have no longer any responsibility. I am sick and tired of the taxpayers of this State having to foot the bill for those people who are reneging on their commitment, moral commitments that they made to some woman when they decided to have a relationship, and now they want to walk on that relationship, and want not to have to assume responsibilities. Well, my taxpayers don't wanna pay. If the courts have determined that it's due, then let these guys pay it, and I think this Bill is a good idea, and it's time for them to assume the responsibility of being a parent."

Speaker Satterthwaite: "Representative Schoenberg."

Schoenberg: "Madam Speaker, Ladies and Gentlemen of the House, I just briefly want to rise to indicate my support for this measure. I am probably the first one in this Chamber who is sensitive to the issue of incursion of entities unto people's privacy. However, as previous speakers have indicated, and I think as the Sponsor has very eloquently indicated, the magnitude of this problem is such, the privacy parameters, if there's any issue involved, those will be established soon enough by the courts. The overwhelming, the overwhelming debt that deadbeat fathers

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and deadbeat mothers owe their children is such that we in Illinois ultimately find ourselves providing for those families and those children who cannot make those obligations to their basic needs due to a sudden change in their income status, as a result of obligations not being met. This is a private mechanism which would permit for something that the courts are clearly overwhelmed and are in able (sic - unable) of performing, and I would urge an affirmative vote to drive this issue to provide greater accountability for parents who are remiss in a very fundamental responsibility and that's providing for the material support of their children regardless of their marital status. Thank you."

Speaker Satterthwaite: "Representative Stern."

Stern: "Madam Speaker and Members of the House, I find myself in the curious position of being in total agreement with Representative Parke. It is high time, it is high time that we threw every book there is at these delinquent parents who do not pay for their children. It is easy enough, apparently, to parent a child, but the follow-through and the support has (sic - have) not been there, and the methods we have used up to now have not worked. Let's give it a 'yes' vote and give this one a try. I urge your 'aye'."

Speaker Satterthwaite: "Representative Black"

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

Speaker Satterthwaite: "She indicates she will."

Black: "Thank you. I...I'm sensitive to this issue, and I'm not sure whether I do agree with Representative Parke on this, but let me get beyond the title. Does this not involve more than child support?"

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Speaker Satterthwaite: "Representative Hasara."

Hasara: "Representative, if you'll look at the Bill, it involves child support and maintenance and other sums of money that are ordered by the court under the Illinois Marriage and Dissolution Act."

Black: "It also involves property disposition, does it not?"

Hasara: "Yes."

Black: "Okay, thank you very much. Madam Speaker and Ladies and Gentlemen of the House. I would advise you to look beyond the title. The title of the Bill, I don't think anyone in this chamber has a problem with, going out to get child support, but, this goes beyond child support. If you got your grandmother's china in a divorce settlement and your ex spouse decides that they're not going to turn that over to you, you can turn that issue, that disposition of property issue over to one of these firms who can call you every hour on the hour, who can call you at work to the point where you may get fired because you're not able to carry out your job, all for 24 pieces of china? Or...or a silverware set? Or a comforter or a blanket? I don't think that's the intent of this legislation. It does go beyond child support, and I don't think you want to open up companies to harass people so that I can get my seat covers off my 1951 Kaiser-Frazier back by harassing my ex-spouse. Thank goodness, I'm not in that situation, but this disposition of property provision in this Bill, opens this Bill up to some serious abuse possibilities. Perhaps the Bill should be revised and rewritten and brought back to us at a later date."

Speaker Satterthwaite: "Representative Hasara, to close."

Hasara: "Thank you, Madam Speaker. I believe that the last Gentlemen raised a red herring. The reason property is

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included is because often when there is a divorce, along with child support is a home that the judge has ordered to be disposed of in order for the benefit of the child. So, I can assure you that the companies that are already operating in this...around this country, are not after a set of china, and that is simply a red herring. If the children's house, however, is involved as part of the Court Order, and the person who is supposed to be providing that house is not doing so, then I think we would all agree that that property should be, in fact, included in this Bill. I would also like to make mention of other exceptions that are already in this Act. One of them is a loan and finance company. So, already, if you go to a finance company and get a small loan, they are already exempt under this Act. They may contact you day and night, contact you directly instead of your attorney, so it seems to me if we're going to exempt loan and finance companies, credit unions, insurance companies, licensed attorneys at law, retail stores, unit owners associations, it only makes sense to that list we also add those who want to check...to collect back child support, maintenance and, yes, if it's the child's home that is also in question, I say let's go for it. Let's pass this Bill out of here and help solve this tremendous problem that just recently has been so much in the public eye. This is one easy vote we can make to really do something. We've talked about it for years, we've passed legislation that does other things: They have their licenses taken away, we collect their income tax refund. This is another step in that series of attempts we're making to solve this problem. I would appreciate 'aye' votes. Thank you."

Speaker Satterthwaite: "The question is, 'Shall House Bill 3483

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pass?'. All in favor vote 'aye'. Those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there are 92 voting 'aye', 2 voting 'no', 16 voting 'yes' (sic - 'present'). The Bill, having received a Constitutional Majority, is hereby declared passed. Let us go back in the same order to House Bill 661, Representative Sieben. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 661, a Bill for an Act to amend the Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Sieben."

Sieben: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 661 amends the Marriage and Dissolution of Marriage Act, provides that a court in dividing marital property may consider the effect upon the family's economic condition of the conviction of a party of one of certain offenses in the Bodily Harm Article of the Criminal Code. The intent of this Bill is to allow circuit judges in Illinois to utilize assets of a marriage for protection of children, including payment for physical and emotional recovery of children who are victims of a criminal act, and I'd move for the passage of House Bill 661."

Speaker Satterthwaite: "Is there any discussion? Representative Lang."

Lang: "Will the Sponsor yield?"

Speaker Satterthwaite: "He indicates he will."

Lang: "Representative, can I ask you to once again explain this Bill? I'm not sure I understand it."

Sieben: "This Bill amends the Marriage and Dissolution of Marriage Act. It provides that a court, in dividing

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marital property, may consider the effect upon the family's economic condition of the conviction of a party of one of certain offenses in the Bodily Harm Article of the Criminal Code. The genesis of this Bill stems from a case in Henry County where the stepfather abused two young children and was found guilty, sentenced to 10 years in prison for the conviction...on that conviction of the criminal sexual assault of the children. When they were dividing the marital property during the divorce settlement, the judge was prohibited from considering that conviction. What this Bill would do, would allow the judge to consider that conviction when the child is a victim."

Lang: "Well, Representative, isn't it true that now misconduct on the part of either party has no bearing on how the property is divided?"

Sieben: "That's correct, under the current statutes marital misconduct, other than certain exceptions, that the judge is denied the opportunity to consider that marital misconduct."

Lang: "So can you explain to us why we should make this change?"

Sieben: "The reason to make this change is so that the assets of that marriage can be used to protect those children, to provide for counseling, to provide for the care of those children following the dissolution of the marriage."

Lang: "But doesn't the judge have within his or her discretion the power to do that now, separate and apart from misconduct of the parties?"

Sieben: "It's my understanding that he does not have that ability, that he is infringed from doing that by the marital misconduct section, and we're asking now to say that the judge may take into consideration, where there's been a conviction, and the child is a...or the victim is a

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child, that the judge may take that into consideration in dividing those marital assets for the benefit of those children."

Lang: "Thank you. Madam Speaker, to the Bill. I don't think it's a well-founded Bill. Courts now have the discretion to divide property in appropriate ways. To...to put into the Statute the ability for a judge to award more in the way of a settlement just because one of the spouses may have been convicted of a crime, it's heinous, it's terrible, but why should that be part of our statutes? Why should property be divided on the basis of what kind of person one of those spouses may be? That's a personality issue. That's an issue of behavior, but that's not an issue that involves the property per se. It doesn't make any sense to me, and I would ask for 'no' votes on this."

Speaker Satterthwaite: "Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. My concern is, is that this Bill, in reality, changes the entire laws on dissolution in Illinois and on divorce. As Representative Lang stated that, currently, fault is not taken into consideration when marital assets are divided. This one changes that whole law, that whole body of law, and I'm surprised that...that, had this gone through the Judiciary I Committee it would never have made it because what it does is that even if a person were convicted of a battery, now a battery is a simple touching, and we might have even seen some of those lately. But even a conviction for a simple touching like a battery, could be taken into consideration by a judge, who could then award all of the marital assets to one party, even though the battery may have been upon another. In other words, if I were to poke my assistant right here, a judge could take that into consideration and award my wife

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all of the property, merely because I touched my assistant in an offensive manner, which would constitute a battery. This Bill does not limit to just aggravated sexual assault against a member of the family. It provides that the court could consider the conviction of any of these offenses, including battery, aggravated battery, criminal sexual assault or aggravated criminal sexual assault, and I could understand those. But the danger in changing the Marriage and Dissolution (of Marriage) Act to include fault is one that the General Assembly ought to resist, and I just don't think that the General Assembly ought to meddle with an entire body of law that has been long established now under the Marriage and Dissolution (of Marriage) Act at this point in time."

Speaker Satterthwaite: "Representative Hoffman."

Hoffman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Normally, I would agree with my learned colleague, Representative Lang and Representative Wennlund. However, I think this a different...a different scenario here. Here we're talking about a very limited instance, in the cases of child abuse, of one of your family or one of your children, and you're talking about property that would...could be used for the future of that child, and being able to insure that that child gets the type of treatment, the type of physiological help that they need. In this limited instance, I think that we should be in favor of this proposal. It addresses a situation, that, right now, I don't think the court has the ability to address."

Speaker Satterthwaite: "Have you finished your discussion Representative Hoffman? I gather he has. Is there anyone else seeking recognition on this issue? Representative

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Homer."

Homer: "Thank you. Would the Gentleman yield?"

Speaker Satterthwaite: "He indicates he will."

Homer: "Representative Sieben, what this committee went through what...or this Bill went through what committee?"

Sieben: "This Bill went through the Judiciary Committee last year and then again this year."

Homer: "No, I, I beg to differ with you. I...What, what."

Sieben: "I'm sorry it went through the Children...Children and Family Law Committee."

Homer: "All right, well I'm the Chairman of the House Judiciary II Committee, and I know the Bill did not come through our committee. I...what...It went through Children and Family Law?"

Sieben: "That's correct."

Homer: "And your Bill would...would say in all cases where there's a contested petition for dissolution of marriage, relative to the marital property issue, that the court may consider convictions of one of the Parties for enumerated offenses?"

Sieben: "That's correct."

Homer: "And what's the rationale for doing that?"

Sieben: "The rationale for doing that is that in the case where there's been a conviction of one of the partners in that marriage, that the children that (sic - who) have suffered the conviction for one of those eight listed criminal sexual assault or battery charges, those children still have to be cared for and taken care of and need counseling and need care. And the judge that has suggested this to me said he would like to have that judicial discretion that says that he may take into consideration the conviction of that one spouse as he decides how to divide that marital

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property and only. It's a very narrowly drafted provision.

Only where there's been a conviction of these specific crimes, can the judge take that into consideration in dividing the marital property."

Homer: "Couldn't it work the other way also? Couldn't it work that the judge could then give the...the...the convicted spouse more of the marital assets because maybe that individual is now in prison or unable to earn a livelihood, because of the conviction?"

Sieben: "The judge can make the decision that he feels appropriate in the case. We're just saying that we want to give him the discretion to consider the effects upon the family's economic conditions; and, I would cite again the case in Henry County, where the perpetrator of the crime was convicted to 10 years in prison for sexually assaulting his two stepchildren, a little girl and a little boy. The judge was not able, because of the current statutes, to take that conviction into consideration, as he divides that marital property, and in this case it was a situation where the family was very poor. The mother that (sic - who) was left to care for her children did not have the resources even to begin rehabilitation and counseling."

Homer: "Doesn't the current law allow for the court to take into account the needs of the parties?"

Sieben: "It's my understanding again, and I'm not an attorney, as you know, it's my understanding from the lawyer and the judge that brought the issue to me, that the current section on marital misconduct would not allow the judge to take that into consideration, in dividing the marital property."

Homer: "Madam Speaker, to the Bill, I...I'm speaking without having had the opportunity to give this Bill a great deal

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of review; it didn't go through a committee on which I sit. However, I'm very concerned. I, under current law, in a petition for dissolution of marriage, a divorce proceeding, the issue of marital fault is not to be considered by the court in determining the issue of distribution of marital property, and the reason for that is the public policy basis that we ought not to open up a divorce proceeding into accusations against the character of one spouse or the other, for the purpose of some financial benefit through the judge's decision, with respect to how to divide up the property. Property issues ought to be divided up on the basis of whether it is property that was non-marital, whether it's marital property, based upon the respective needs and circumstances of the parties; but, I think if you start opening this up to allow a judge to take into account whether someone has a criminal conviction, and, as I look at this...Bill, it doesn't even require that that conviction be as a result of some offense committed against a member of the family. It could be some conviction that happened...at a prior time and without regard to the individual family situation. So I think this is a dangerous precedent. It's something we shouldn't do in haste. I don't believe the Bill has been given proper reflection, and I'm going to vote against the Bill."

Speaker Satterthwaite: "Representative Hensel."

Hensel: "Thank you, Madam Speaker. My Calendar shows this is on Short Debate, and I move the previous question."

Speaker Satterthwaite: "We have only one additional person seeking recognition. Representative Preston."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I agree wholeheartedly with the remarks of Representative Homer regarding this Bill. We worked very

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hard and diligently throughout the years to get to a situation that we now have in Illinois of no-fault divorce, where the fault of parties is not considered in property settlement matters. That's where we have been moving and, after a great deal of effort, energy and work, we got there. This Bill is a step in the wrong direction that would open the door now to be able to consider the wrongdoing of a party in property settlement matters which are going to open up a whole Pandora's Box of other kind of behavior that may end up finding its way into property settlement determinations, and what the end effect of that would be is that...divorces that might today be arrived at through agreement on property settlement, now there's an incentive to allege every form of wrongdoing on the part of the other party, which is very divisive to the entire family, but it affects the children that (sic - who) are involved. Now they're going to be hearing that a mother or father are accusing the other spouse of wrongdoing. They'll see mommy and daddy fighting all for...to get an additional piece of the marital pie, and that's not where we should be going in Illinois."

Speaker Satterthwaite: "Representative Kirkland."

Kirkland: "Will the Sponsor yield? Todd, was this case appealed? Did..did the trial judge...the trial judge made a decis...apparently had to make a decision and then thought the law should be changed to give him further latitude. Was the was the decision appealed? Do you know on this issue?"

Sieben: "No, it was not appealed and the fact that...the situation is the mother of the two children lacked the resources really even to plead her case initially."

Kirkland: "Okay. I guess I ask that question because I just

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wonder whether the judge's interpretation of his discretion is correct, and it would seem to me there is an argument to be made that the judge can...has the discretion to consider the economic situation in the context of considering the needs of the various parties which seems to be now in the statute. Any..."

Preston: "I understand the point that you make and what you're hearing from the opponents of this Bill is the issue of marital misconduct which usually relates to the misbehavior of one of the parents towards each other in their relationship, and this Bill is very narrowly drafted, where the misconduct of the parent results in a conviction for a crime, a very specific crime, and the victim of the crime is very specifically stated in the Bill, must be a child of one or the other of those parents."

Kirkland: "But doesn't the language also try to get at the ultimate economic effect of that conviction on the child?"

Sieben: "It attempts to get at the overall economic impact of the distribution of the marital assets following this conviction."

Kirkland: "Okay, and I guess what I would be suggesting is that if the case wasn't appealed, it's very possible that that judge is...is simply too narrowly defining his latitude in the sense that, however the economic effects came about from whatever cause, once those economic effects are in place, the judge can consider, can consider those factors under the current law. So, I guess I would side with the other lawyers who suggested that...that...the...the ultimate change would go too far in reversing the change in the law that occurred several years ago."

Speaker Satterthwaite: "Representative Sieben, to close on this Short Debate Bill."

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Sieben: "Thank you, Madam Speaker, appreciate your pointing that out. I think the Bill is very clear. It's a very short Bill. It's very easy. You don't have to be a lawyer, really to read this and understand this. What it does, very simply, is just allow a circuit judge to take into consideration the conviction of a parent against a child of a crime of a very specific list of nine, nine types of battery, aggravated battery, criminal sexual assault, criminal sexual abuse or criminal aggravated, criminal sexual abuse. Those are very clear and it must be, in considering that that the victim is a child of one or both of the parties in this dissolution of property act. Many of us talk about being advocates of victim's rights down here. I don't think there's a Bill that's any clearer, in line with protecting the rights of child victims, of child victims of battery and sexual assault crimes, so that when that marital property is divided, that property, if the judge so decides, can be used for the benefit of those children. Now we've heard a great legal dis...disagreement or opposition to the Bill that we may be setting precedent by opening up the area of marital misconduct. I think the Bill is narrowly drafted enough to not cause that to be a problem with the Bill, and I would move for the passage of the Bill and ask for a 'yes' votes."

Speaker Satterthwaite: "The question is, 'Shall House Bill 661 pass?'. All in favor vote 'aye', those opposed vote 'no'. The voting is open. Representative Levin, to explain his vote."

Levin: "Yes, Madam Speaker, explaining my 'no' vote. I think under this Bill, the judge has the authority to consider the conviction. That means that the individual who has been convicted, could end up with a larger proportion of

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the pie of the marital settlement, since he or she might be in jail, and the argument would be made that they have fewer resources. I don't think that's what is intended here, but that's exactly what could result from the passage of this legislation."

Speaker Satterthwaite: "Representative Preston, I believe you spoke in debate. For what reason do you arise?"

Preston: "Thank you Madam Speaker. Just to indicate my request that should this get the required number of votes, I'd ask for a verification."

Speaker Satterthwaite: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the Record. On this Bill there are 56 voting 'yes', 28 voting 'no', 24 voting 'present'. This Bill, having failed to receive the Constitutional Majority,...Representative Sieben."

Sieben: "Madam Speaker, I'd like to ask that this Bill be put on Postponed Consideration and with as many people voting 'present', it's obvious that there's some misunderstandings here that maybe we...could be cleared up."

Speaker Satterthwaite: "The Gentleman asked for the Bill to be placed on Postponed Consideration. A housekeeping item. There is some question about the way that the total for House Bill 3483 was verbally recorded, and so, for purposes of the record, I announce that the results on House Bill 3483 were 92 voting 'yes', 2 voting 'no', and 16 voting 'present'. The Bill received a Constitutional Majority and has been declared passed. Mr. Clerk, would you call House Resolution 1891. When we hear this Resolution, we will have the recipient of the Congratulatory Resolution come to the podium for a few words."

Clerk O'Brien: "House Resolution 1891, offered by Representative

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Satterthwaite. WHEREAS, Jim Zimmerman, a fifth grade teacher at Thomas Paine Elementary School in Urbana and a member of the Urbana Education Association, has been named a 1992 Christa McAuliffe Educator; and WHEREAS, He is one of five national recipients of this award and was honored in Washington, D.C., on May 1, 1992, by the National Education Association and the National Foundation for the Improvement of Education; and WHEREAS, Jim Zimmerman is only the second Illinois teacher to receive the prestigious award, which is given to teachers who exemplify Christa McAuliffe's pioneering spirit and leadership; and WHEREAS, Mr. Zimmerman is a specialist in technology and one of the most creative teachers in Illinois, who teaches his students to write their own computer programs and use telecommunications to "talk" with students nationally and internationally; and WHEREAS, Mr. Zimmerman has applied for and won nearly \$400,000 in educational grants to further his work; and WHEREAS, Mr. Zimmerman intends to prepare his students at Thomas Paine Elementary School in Urbana School District 116 for the high-tech working world of the future; and WHEREAS, In 1987, Mr. Zimmerman received the Christa McAuliffe Fellowship Award and received over \$25,000 for inservice training of teachers in elementary science; and WHEREAS, Mr. Zimmerman has trained more than 400 Illinois teachers in mathematics and science in a Science Literacy Project that he wrote; and WHEREAS, Mr. Zimmerman was also honored with the "Those Who Excel" award in 1991; and WHEREAS, As a 1992 McAuliffe Educator, Mr. Zimmerman will receive a \$5,000 honorarium and will help to plan a 10-day summer conference at Stanford University on "Preparing All Students for the 21st Century: Using Telecommunications to Restructure Education for

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Global Understanding"; and WHEREAS, Mr. Zimmerman has provided his students with an exciting learning experience and has shown that teachers can be successful innovators; therefore, be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Jim Zimmerman on being chosen as a 1992 Christa McAuliffe Educator, one of only five recipients nationwide, commend him on his dedication to excellence in teaching and his success in funding his ideas with State and national grants, and wish him continuing success and happiness; and be it further RESOLVED, That a suitable copy of this preamble and resolution be presented to Jim Zimmerman. Congratulates Jim Zimmerman of Urbana on Christa McAuliffe Educator award."

Speaker Satterthwaite: "The Members of the Assembly have heard the Resolution congratulating Mr. Zimmerman for his recent award of the Christa McAuliffe Award. This is a very high distinction, and I hope that Members will be attentive as we call for the passage of the Resolution. The Motion is, 'Shall House Resolution 1891 be adopted?'. All in favor say 'aye', opposed 'nay'. The 'ayes' have it, and the Resolution is adopted. With the indulgence of the Members, I would like to turn the microphone over to Mr. Zimmerman for a few comments."

Zimmerman: "Very glad to be here and also am very glad that my wife, my daughter, two of my students and my parents are in attendance to see this. This past weekend I was in Washington, D.C., along with four other outstanding teachers from across the nation, receiving the Christa McAuliffe Educator Award, which is sponsored by the National Education Association. It was both exciting and overwhelming to be one of the five teachers nationwide

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selected to receive this prestigious award. While in Washington, we also had the honor to meet and spend some time with Christa McAuliffe's mother, Grace Corrigan. To many people, Christa McAuliffe is a person bigger than life. She did things which no ordinary human being could ever do, but her mother was able to give us a perspective by saying that Christa was an ordinary person, who was able to step outside of herself and do extraordinary things. Some of those teachers, who are that caliber, are with you right now on the first floor with the Educational Technology TEC 2000. I'm very honored to stand here before you receiving your congratulations and recognition. I am also very honored to be part of the teaching profession, which has many members who daily step outside of themselves and accomplish extraordinary things. I accept this award on their behalf, and I am very proud to say I am among those who touch the future I teach. Thank you very much."

Speaker Satterthwaite: "Speaker Madigan."

Madigan: "Madam Speaker and Ladies and Gentlemen, there will be a Democratic Caucus immediately. The Caucus will be concerned with the Governor's prescription for the well-being of Illinois, called the budget, and so, the Republicans, we'll try not to be as long as you were the other night, Mr. Wennlund. We'll try not to, and if we...if we launch any attacks, it will be against Republicans, not against Democrats. So Democratic Caucus immediately in Room, I believe it's 114."

Speaker Satterthwaite: "Room 114, a Democratic Caucus, and the House will stand in recess until...one hour. We will be back at approximately 2:20."

Speaker Satterthwaite: "The hour of 2:20 having arrived, the House will be back in Session...I believe we were on the

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Order of Children and Family Law, Third Reading...J. Hoffman, on House Bill 3785. Is the Gentleman in the chamber? I don't see him. Out of the record. Representative John Dunn, on House Bill 4075. Out of the record. Representative Leitch, on House Bill 4005. Excuse me, 4105. Is the Gentleman in the chamber? Out of the record. Representative Preston, on Senate Bill 934. Out of the record. Continuing on the Special Order on Consumer Protection, Second Reading. Representative Monique Davis, House Bill 4058. Out of the record. Consumer Protection, Third Reading. Representative McDonough, House Bill 2031. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2031, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practice Act. Third Reading of the Bill."

Speaker Satterthwaite: "Representative McDonough."

McDonough: "This Bill, House Bill 30..I mean 2031 permits a home owner to request a completion date for services on his or her residence. I would request a favorable roll call."

Speaker Satterthwaite: "Representative Black."

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

McDonough: "Yes."

Speaker Satterthwaite: "He indicates he will."

Black: "Representative, can you tell me where did the idea for this Bill come from?"

McDonough: "It came from problems with constituents."

Black: "You've had problems with constituents?"

McDonough: "Representative, I received this Bill from Representative Munizzi."

Black: "Oh, Representative Munizzi?"

McDonough: "Who is now a State Senator."

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Black: "That's Senator Munizzi, I'm sorry, yes. If you could, I...this language, I find very, very confusing. You may...I'm surprised on your first Bill you don't have some staff around you because this is a very confusing Bill. It says, and I quote, 'permits a buyer of services to be performed at the buyer's residence'. What does that mean?"

Speaker Satterthwaite: "Representative Black, if we may interrupt for a few minutes. It appears that we have some obstacles up here in the front of the chamber. Jack, would you put those up so everyone can see them? My understanding is that today is Jack's birthday, and I presume because we didn't want to overtax his ability, we did not introduce a Resolution on his behalf, but we do have some balloons here to show our gratitude for his fine work, and I think it deserves another hand of applause. Seventy, is that right, Jack? I think...I think we need another round of applause for appreciation for all of the work that Jack O'Brien does for us. Representative Black did you wish to speak on this issue?"

Black: "Yes, Madam Speaker, I just...obviously there's no cake and candles and the rumor is over here that the Fire Marshal would not allow that many candles on a cake to be lit in this chamber and I just want to know if that's true. Is this your 50th birthday, Jack? Happy Birthday."

Speaker Satterthwaite: "Representative Stern, would you check the flashing light on your seat-mate's desk? Representative McDonough."

McDonough: "Madam Chairman, would you take this out of the record, please?"

Speaker Satterthwaite: "Representative McDonough requests that House Bill 2031 be taken out of the record at this time. Proceeding on Consumer Protection, Third Reading. We have

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House Bill 2691, Representative Obrzut. Out of the record.

House Bill 3247, Representative Walsh. Out of the record.

House Bill 3410, Representative Ronan. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3410, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practice Act. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Ronan."

Ronan: "Yes, Madam Speaker, I'd like to move this Bill to the Senate in shell form right now, and we'll work it out in the Senate."

Speaker Satterthwaite: "Is there any discussion? Representative Black?"

Black: "Just a quick inquiry of the Chair. Was the Floor Amendment on this Bill adopted?"

Ronan: "The Floor Amendment makes it a shell."

Black: "Well, that's why I think the Floor Amendment really helped the Bill, a great deal, as I recall."

Speaker Satterthwaite: "The question is, 'Shall House Bill 3410 pass?'. All in favor vote 'aye', opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 84 voting 'yes', 14 voting 'no', 17 voting 'present'. The Bill, having received a Constitutional Majority, is hereby declared passed. On House bill 4132, Representative Obrzut. Out of the record. On the Special Order of Municipal, County and Conservation, on Second Reading, there appears House Bill 1495, Representative Steczo. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1495, a Bill for an Act to amend the Countie Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

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Speaker Satterthwaite: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Satterthwaite: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Satterthwaite: "Third Reading. On House Bill 26.
Representative Black, for what reason do you arise?"

Black: "Yeah, Madam Speaker, on the previous Bill under
discussion, 1495, I understood the Chair to say there were
no Amendments to the Bill."

Speaker Satterthwaite: "I believe he indicated there was a
Committee Amendment and no Motions filed and no Floor
Amendments."

Black: "All right, okay, thank you."

Speaker Satterthwaite: "Representative Phelps, on House Bill
2653. Out of the record. Representative Homer, on House
Bill 2717. I can't...Out of the record. Representative
Steczo on House Bill 2922. Out of the record.
Representative Hartke. Out of the record. Representative
Homer, 3189. House Bill 3189, on Second Reading. Out of
the record. Representative Hoffman, on House Bill 3374.
Out of the record. Representative Keane on House Bill
3656. Out of the record. Representative McGann, on House
Bill 3657. On Second Reading, Representative McGann. Out
of the record. And 3661, Representative McGann? Out of
the record. Representative McGuire, on House Bill 3725.
Out of the record. Representative Wyvetter Younge, on House
Bill 3776. Representative Younge, do you wish to call this
Bill on Second Reading? Out of the record. Representative
Brunsvold is absent today, isn't he? Out of the record.
Representative Giorgi, on House Bill 4107, on Second
Reading. Do you wish to call this Bill? Out of the
record. Representative Granberg, on House Bill 4159, on

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Second Reading. Mr. Clerk, call the Bill...read the Bill."

Clerk McLennand: "House Bill 4159, a Bill for an Act to amend the Civil Administration (sic - Administrative) Code of Illinois. No Committee Amendments. Second Reading."

Speaker Satterthwaite: "Any Floor Amendments."

Clerk McLennand: "No Floor Amendments."

Speaker Satterthwaite: "Third Reading. For Representative Giorgi, House Bill 4107. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 4107, a Bill for an Act to amend the Fire Protection District Act. No Committee Amendments. Second Reading."

Speaker Satterthwaite: "Any Floor Amendments?"

Clerk McLennand: "No Floor Amendments."

Speaker Satterthwaite: "Third Reading. On Municipal, County and Conservation. Consent Calendar. Third Reading. Mr. Clerk, read the Bills."

Clerk O'Brien: "Consent Calendar. Third Reading. Second Day. House Bill 1132, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 1504, a Bill for an Act to amend the Mobile Home Landlord and Tenant Rights Act. Third Reading of the Bill. House Bill 2678, a Bill for an Act to amend the Vital Records Act. Third Reading of the Bill. House Bill 2728, a Bill for an Act to amend the Vehicle Code. Third Reading of the Bill. House Bill 2737 has been removed from the Consent Calendar. House Bill 2748, a Bill for an Act to amend the Illinois Lottery Law. Third Reading of the Bill. House Bill 2784, a Bill for an Act to Amend certain acts in relation to child support. Third Reading of the Bill. House Bill 2818, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill. House Bill 2824, a Bill for an Act to amend the Professional Boxing

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and Wrestling Act. Third Reading of the Bill. House Bill 2905, a Bill for an Act concerning funding of sustainable agriculture program. Third Reading of the Bill. House Bill 2919, a Bill for an Act concerning municipal officers recodifying certain portions of the Illinois Municipal Code. Third Reading of the Bill. House Bill 2921, a Bill for an Act to amend the Township Annexation Act. Third Reading of the Bill. House Bill 2940, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 2946, a Bill for an Act to amend the Animal Control Act. Third Reading of the Bill. House Bill 2962, a Bill for an Act to amend the Police Search Cost Recovery Act. Third Reading of the Bill. House Bill 2968, a Bill for an Act to amend Township Law. Third Reading of the Bill. House Bill 2969, a Bill for an Act to amend the Illinois Highway Code. Third Reading of the Bill. House Bill 2919 has been removed. House Bill 3037, a Bill for an Act to amend the Fire Protection District Act. Third Reading of the Bill. House Bill 3045, a Bill for an Act to amend the Nursing Home Care Act. Third Reading of the Bill. House Bill 3054, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Third Reading of the Bill. House Bill 3055, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Third Reading of the Bill. House Bill 3056, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Third Reading of the Bill. House Bill 3057, a Bill for an Act to amend the Township Law. Third Reading of the Bill. House Bill 3100, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Third Reading of the Bill. House Bill 3119, a Bill for an Act to amend the Nursing Home Care Act. Third Reading of the Bill. House Bill

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3183, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of the Bill. House Bill 3202, a Bill for an Act to amend the Health Services Education Grants Act. Third Reading of the Bill. House Bill 3208, a Bill for an Act to amend the Counties Code. Third Reading of the Bill. House Bill 3230 has been removed from the Consent Calendar. House Bill 3248, a Bill for an Act relating to the disabled. Third Reading of the Bill. House Bill 3269, a Bill for an Act to amend the Metropolitan Pier and Exhibition Authority Act. Third Reading of the Bill. House Bill 3323 has been removed from the Consent Calendar. House Bill 3331 has been removed from the Consent Calendar. House Bill 3344, a Bill for an Act to amend the Lawn Care Products Application and Notice Act. Third Reading of the Bill. House Bill 3427, a Bill for an Act to amend the Township Law. Third Reading of the Bill. House Bill 3436, a Bill for an Act to amend the Uniform Commercial Code. Third Reading of the Bill. House Bill 3454, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 3461, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. House Bill 3506, a Bill for an Act to amend the Park District Code. Third Reading of the Bill. House Bill 3569 has been removed from the Consent Calendar. House Bill 3583, a Bill for an Act to amend the Bond Authorization Act. Third Reading of the Bill. House Bill 3598, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 3599, a Bill for an Act to amend the State Finance Act. Third Reading of the Bill. House Bill 3641, a Bill for an Act to amend the Illinois Job Training Coordinating Council Act. Third Reading of the Bill. House Bill 3643, a Bill for an Act to

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amend the School Administrative Code of Illinois. Third Reading of the Bill. House Bill 3674 has been removed from the Consent Calendar. House Bill 3695, a Bill for an Act to amend the Civil Code. Calendar. House Bill 3731, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill. House Bill 3773 has been removed from the Consent Calendar. House Bill 3814, a Bill for an Act to amend the Child Labor Law. Third Reading of the Bill. House Bill 3823, a Bill for an Act to amend the Illinois Credit Card and Debt Card Act. Third Reading of the Bill. House Bill 3902, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill. House Bill 4008, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill. House Bill 4094, a Bill for an Act to amend the Uniform Commercial Code in relation to commercial paper and bank deposit collections. Third Reading of the Bill. House Bill 4166 has been removed from the Consent Calendar. House Bill 4167, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill. Senate Bill 1039, a Bill for an Act to amend the State Mandates Act. Third Reading of these Bills. Additionally, House Bill 3057 has been removed from the Consent Calendar."

Speaker Satterthwaite: "Representative Hultgren."

Hultgren: "I listened to the Clerk read those and I think I caught four Bills that were removed. I'm wondering if the Clerk could confirm and perhaps repeat those four bills that were removed."

Speaker Satterthwaite: "I believe there were more than four, but Mr. Clerk, is it feasible for you to read just the list of those that have been removed?"

Clerk O'Brien: "Those Bills that were removed from Third Reading,

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Consent Calendar, are House Bill 2737, House Bill 2919, House Bill 3057, House Bill 3230, House Bill 3323, House Bill 3331, House Bill 3569, House Bill 3674, House Bill 3711, House Bill 3773 and House Bill 4166."

Speaker Satterthwaite: "Representative Wennlund."

Wennlund: "Thank you, Madam Speaker, could we remove the...our objection to House Bill 2737 on the Consent Calendar? It was...it was an error, and we want to restore it to the Consent Calendar."

Clerk O'Brien: "House Bill 2737, a Bill for an Act in relation to habitual child sexual offenders. Third Reading of the Bill."

Wennlund: "Thank you."

Speaker Satterthwaite: "The question is, 'Shall these Bills on Consent Calendar, Third Day, be passed?' All in favor vote 'yes', opposed vote 'no'. Voting is open. This vote is on the numerous Bills on Third Reading, Consent Calendar. Have all voted who wish? Have all voted who wish? Oh, Brunsvold is gone. Mr. Clerk, take the record. On this question there are 116 voting 'yes', none voting 'no', none voting 'present'. These Bills, having received the required Constitutional Majority, are hereby declared passed. Agreed Resolutions."

Clerk O'Brien: "House Resolution 1892, offered by Representative Curran; 1893, Trotter; 1894, Hultgren; 1895, Trotter; 1896 Trotter; 1897, Pullen; 1898, Phelan; House Joint Resolution 131, Trotter; House Joint Resolution 132, Trotter; and, additionally, House Resolution 1899, McAfee."

Speaker Satterthwaite: "Representative Matijevich moves for the passage of the Agreed Resolutions. All in favor say 'aye', opposed 'nay'. The 'ayes' have it, and the Agreed Resolutions are adopted. Members are reminded that two

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Appropriations Committees are scheduled to meet at this hour. Allowing Perfunctory time for the Clerk to read Constitutional Amendments, Representative Matijevich moves that the House adjourn until tomorrow at the hour of 12:00 noon. All in favor say 'aye', opposed 'nay'. The 'ayes' have it and the House stands in adjournment until noon tomorrow with Appropriations Committees meeting immediately in their appropriate rooms."

Clerk McLennand: "Introduction of Constitutional Amendments. First Reading. House Joint Resolution Constitutional Amendment #36, offered by Representative Preston. 'BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, That there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article VI of the Illinois Constitution by repealing Sections 8 and 12, and by amending and 12.4 as follows:
ARTICLE VI SECTION 10. TERMS OF OFFICE The initial term for each Judge appointed to office under Section 12.1 shall be until the first Monday in December following the third general election after the Judge's appointment. Thereafter, if retained in office under Section 12.3, the term of office for the Judge shall be 10 years. The terms of office of Supreme, Appellate and Circuit Judges previously elected shall expire at the end of the terms for which they were elected. The terms of office of Supreme and Appellate Court Judges shall be ten years; of Circuit Judges, six years; and of Associate Judges, four years.
SECTION 11. ELIGIBILITY FOR OFFICE No person shall be eligible to be a Judge or Associate Judge unless he or she

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is a United States citizen, a licensed attorney-at-law of this State, and a resident of the unit which selects him or her. No change in the boundaries of a unit shall affect the tenure in office of a Judge or Associate Judge incumbent at the time of such change. SECTION 12.1. SELECTION OF JUDGES (a) Supreme, Appellate and Circuit Judges shall be appointed by the Governor from nominees submitted by Judicial Nominating Commissions, except when appointed by the Supreme Court in accordance with subsection (e) of this Section. (b) The office of a Judge shall become vacant upon his or her death, resignation, retirement, or removal, or upon conclusion of a term without retention in office, or whenever an increase in the number of Judges is authorized. (c) When a vacancy occurs in the office of Judge, or will occur within 6 months by a day certain, the Administrative Director of the Illinois Courts shall promptly notify the chairperson of the appropriate Judicial Nominating Commission, who shall immediately convene the Commission. (d) Within 42 days after receiving notice of a vacancy, the Commission shall submit to the Governor and make public a list of 3 nominees, in alphabetical order, who by their character, background, temperament, professional aptitude, experience, and commitment to equal justice under law are deemed by the Commission to be best qualified to fill the vacancy. All persons shall have the right to be considered for selection by a Judicial Nominating Commission free from discrimination on the basis of race, color, creed, national ancestry, or sex. No member of a Judicial Nominating Commission may be appointed to State judicial office while serving on the Commission or within a period of 3 years thereafter. The Commission may not include on a list any

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nominee who is on another list then pending before the Governor or the Supreme Court pursuant to subsection (e) of this Section to fill a vacancy in the same judicial office. The function of a list shall terminate upon the making of the required appointment therefrom. (e) Not fewer than 28 nor more than 56 days after receiving a list, the Governor shall appoint a person from the list to fill the vacancy. If no appointment is made by the Governor within 56 days, the Commission shall immediately submit the list to the Supreme Court, which shall make the appointment from the list within 28 days after receiving it. (f) A person appointed under this Section to fill a vacancy shall serve an initial term as specified in Section 10. (g) The office of Associate Judge is abolished and all Associate Judges in office on the effective date of this Section shall assume the office of Circuit Judge. Retention procedures for these Judges shall be governed by Section 12.3. The terms of these Judges, except for those in the Cook County Circuit, shall conclude on the first Monday in December following the next general election. The terms of such Judges in the Cook County Circuit shall conclude according to the following provisions: The Administrative Director of the Illinois Courts shall forthwith divide, by lot, the Cook County Circuit Judges created under this subsection (g) into 3 groups as nearly equal in number as possible. The terms of the Judges in these groups shall expire as follows: Group 1 on the first Monday in December after the next general election following the adoption of this Section. Group 2 on the first Monday in December after the second general election following the adoption of this Section. Group 3 on the first Monday in December after the third general election following the adoption of this

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Section. SECTION 12.2. JUDICIAL NOMINATING COMMISSIONS

(a) In each Judicial District, a Judicial Nominating Commission shall be created and empowered to nominate Judges for the Supreme and Appellate Courts for that District, and in each Judicial Circuit, a separate Judicial Nominating Commission shall be created and empowered to nominate Circuit Judges for that Circuit. (b) In each Judicial District and Circuit containing more than 3 million people, Judicial Nominating Commissions shall consist of fifteen members: eight nonlawyers and seven lawyers. Two of the nonlawyer members and four lawyer members, who shall be residents of the District or Circuit, shall be appointed from the District or Circuit at large. Two nonlawyers and one lawyer shall be appointed from each of three subdistricts within the District or Circuit, each of whom shall be a resident of the subdistrict from which he or she is appointed. Subdistricts shall be determined on the basis of population by the General Assembly in the manner provided for legislative redistricting under Article IV, Section 3. In each Judicial District and Circuit containing 3 million or fewer people, Judicial Nominating Commissions shall consist of 11 members: 6 nonlawyers and 5 lawyers. Every member shall be a resident of the District or Circuit in which he or she serves. (c) Half of the nonlawyer members of each Judicial Nominating Commission shall be appointed by the Attorney General and the other half by the State official or officer first in the order indicated who was elected to office and is not affiliated with the same political party as the Attorney General: the Secretary of State, the Comptroller, the Treasurer, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the

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Senate. (d) The lawyer members of each Judicial Nominating Commission shall be selected by the Supreme Court pursuant to Rule. Not more than a simple majority of the lawyers appointed to any Commission may be primary electors of the same political party. (e) Upon appointment of the initial nonlawyer members of a Judicial Nominating Commission, the Attorney General shall divide the appointees by lot into 3 groups as nearly equal in number as possible, with one of the Attorney General's appointees in each group, and shall by lot designate the groups to serve initial terms of 2, 4, and 6 years, respectively. The initial lawyer members of the Judicial Nominating Commission shall also be divided by lot into 3 groups as nearly equal in number as possible, and the groups shall by lot be designated to serve initial terms of 2, 4, and 6 years, respectively, all in the manner provided by Supreme Court Rule. Thereafter, the terms of all Commission members shall be 6 years. (f) A vacancy in the nonlawyer membership of a Judicial Nominating Commission shall be filled for an unexpired term or for a full term, as the case may be, by the Attorney General if qualified by being affiliated with the same political party as the official or officer who had appointed the person whose vacancy is to be filled, otherwise by the official or officer who is so qualified and first in the order indicated in subsection (c) of this Section. A vacancy in the lawyer membership of a Judicial Nominating Commission shall be filled for an unexpired term or for a full term, as the case may be, by the Supreme Court pursuant to Rule. (g) The chairperson of each Judicial Nominating Commission shall be selected by majority vote of all the members of the Commission. The term of a chairperson shall be 3 years unless the person's remaining term as a member of the

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Commission expires sooner. (h) A person who holds any office under the United States or this State or any political subdivision, municipal corporation or unit of local government of this State and receives compensation for services rendered in that office, or who holds any office or official position in a political party, shall be ineligible to serve on a Judicial Nominating Commission. Compensation for service in the State militia or the armed services of the United States for a period of time to be determined by Supreme Court Rule shall not be considered a disqualification. No member of a Judicial Nominating Commission may be appointed to judicial office while serving on the Commission or within a period of 3 years thereafter. (i) A member having served a full term of 6 years on a Judicial Nominating Commission may not serve on a Judicial Nominating Commission during the next 3 years. No person may serve on more than one Judicial Nominating or Review Commission at the same time, and except for initial members of Judicial Nominating Commissions appointed for two-year terms, no member may be reappointed to successive terms. (j) The Commissions may conduct such investigations, meetings and hearings, all of which may be confidential, and employ such staff members as may be necessary to perform their duties. Members of the Commissions shall not receive any compensation for their services but shall be entitled to reimbursement for necessary expenses. The General Assembly shall appropriate funds to the Supreme Court for this reimbursement and for all other administrative expenses of the Commissions. (k) Nominations shall be submitted to the Governor only upon concurrence of at least 3/5 of all members of the Commission. (l) All members of each Judicial Nominating

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Commission shall be subject to ethics and economic disclosure requirements as provided by law. SECTION 12.3. RETENTION PROCEDURES (a) Not more than twelve nor less than ten months before the general election next preceding the expiration of the term of office of a Supreme, Appellate or Circuit Judge, he or she may file in the office of the Administrative Director of the Illinois Courts a declaration of candidacy for retention in that office. Six months before the general election next preceding the expiration of the term of office of such Judge, the Administrative Director of the Illinois Courts shall notify the chairperson of the appropriate Judicial Review Commission of the Judge's candidacy. The chairperson shall then promptly convene the Commission. A Judge who holds office pursuant to appointment by the Supreme Court to fill a vacancy prior to the effective date of this Section shall not be eligible for retention in the office to which he or she was appointed, but shall be eligible for selection under Section 12.1. (b) If by concurrence of at least 3/5 of its members the Commission finds the candidate to be qualified to serve another term, the candidate shall be retained in office for a full term commencing on the first Monday in December following the election. The standard for determining qualification to serve another term shall be the same used to determine whether a person shall be recommended to fill a vacancy pursuant to subsection (d) of Section 12.1. Not less than 84 days before the election, the Commission shall prepare and submit to each candidate its finding as to whether that candidate is qualified or not qualified to serve another term. Not less than 77 days before the election, the Commission shall submit to the Administrative Director of

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the Illinois Courts a list stating by name: (i) which candidates it has found qualified to serve another term; (ii) which candidates it has found not qualified; and (iii) which candidates have withdrawn their candidacy by written notification to the Commission. (c) A Judge found not qualified for retention by a Judicial Review Commission shall have the right to stand for retention by the electorate at the general election. A Judge wishing to stand for retention must file in the office of the Secretary of State, not less than 65 days before the election, a declaration of candidacy for retention by the electorate. Not less than 63 days before the election, the Secretary of State shall certify the Judge's candidacy to the proper election officials. At the election, the name of each Judge who has filed a timely declaration of candidacy for retention by the electorate shall be submitted to the electors, separately and without party designation, on the sole question of retention in office for another term. Retention elections shall be conducted at general elections in the appropriate Judicial Districts and Circuits. The affirmative vote of 3/5 of the electors voting on the question of retention shall retain a Judge in that office for a full term commencing on the first Monday in December following the election. (d) A Judge eligible to file a declaration of candidacy for retention who fails to do so within the time specified, or having filed, withdraws his or her candidacy or fails of retention, shall vacate the office on the first Monday in December following the election, whether or not a successor has qualified. If an incumbent Judge, eligible to do so, does not file a timely declaration of candidacy for retention, the selection of a successor, if any, shall proceed immediately

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in the manner provided in Section 12.1 so that the successor may take office as soon as a vacancy occurs.

(e) An authorized reduction in the number of Judges shall be without prejudice to the right of Judges in office at the time to seek retention in accordance with the provisions of this Section. The reduction shall become effective when a vacancy occurs in the affected unit.

SECTION 12.4. JUDICIAL REVIEW COMMISSIONS (a) In each Judicial District, a Judicial Review Commission shall be created and empowered to determine qualifications for retention of Supreme and Appellate Judges, and in each Judicial Circuit, a Judicial Review Commission shall be created and empowered to determine qualifications for retention of Circuit Judges. (b) The members of a Judicial Review Commission shall be appointed as provided by subsections (b), (c) and (d) of Section 12.2 with respect to members of a Judicial Nominating Commission. (c) The terms of all members of a Judicial Review Commission shall begin 6 months before the general election in each year in which a general election is held, and shall expire on the first Monday in November of the same year. Appointments to a Judicial Review Commission may not be made earlier than 45 days before the term is to commence. (d) A vacancy in the membership of a Judicial Review Commission shall be promptly filled as provided in subsection (f) of Section 12.2 with respect to vacancies on a Judicial Nominating Commission. (e) The chairperson of each Judicial Review Commission shall be elected by majority vote of all the members of the Commission. The term of the chairperson shall be 6 months. (f) Judicial Review Commissions shall be governed by the provisions of subsections (h), (i), (j) and (l) of Section 12.2 with respect to Judicial Nominating

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Commissions, as well as by this Section. SECTION 13.

PROHIBITED ACTIVITIES (a) The Supreme Court shall adopt rules of conduct for Judges and Associate Judges.

(b) Judges and Associate Judges shall devote full time to judicial duties. They shall not practice law, hold a position of profit, hold office under the United States or this State or unit of local government or school district or in a political party. Service in the State militia or armed forces of the United States for periods of time permitted by rule of the Supreme Court shall not disqualify a person from serving as a Judge or Associate Judge.

SECTION 14. JUDICIAL SALARIES AND EXPENSES - FEE OFFICERS

ELIMINATED Judges shall receive salaries provided by law which shall not be diminished to take effect during their terms of office. All salaries and such expenses as may be provided by law shall be paid by the State, except that Appellate and, Circuit and Associate Judges shall receive such additional compensation from counties within their district or circuit as may be provided by law. There shall be no fee officers in the judicial system. SECTION 15.

RETIREMENT - DISCIPLINE (a) The General Assembly may

provide by law for the retirement of Judges and Associate Judges at a prescribed age. Any retired Judge or Associate Judge, with his or her consent, may be assigned by the Supreme Court to judicial service for which he or she shall receive the applicable compensation in lieu of retirement benefits. A retired Associate Judge may be assigned only as

an Associate Judge. (b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the nonlawyers

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appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his or her duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his or her duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint. (d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board. (e) A Courts Commission is created consisting of one Supreme Court Judge selected by that Court, who shall be its chairperson chairman, two Appellate Court Judges selected by that Court, and two Circuit Judges selected by the Supreme Court. The Commission shall be convened permanently to hear complaints

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filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his or her duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform his or her duties. (f) The concurrence of three members of the Commission shall be necessary for a decision. The decision of the Commission shall be final. (g) The Commission shall adopt rules governing its procedures and shall have power to issue subpoenas. The General Assembly shall provide by law for the expenses of the Commission. SECTION 16. ADMINISTRATION General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at its pleasure, to assist the Chief Justice in his or her duties. The Supreme Court may assign a Judge temporarily to any court and an Associate Judge to serve temporarily as an Associate Judge on any Circuit Court. The Supreme Court shall provide by rule for expeditious and inexpensive appeals. If approved by the electors, this Amendment shall take effect the next day following proclamation of the result of the vote, except that, to provide time for thoughtful compliance, Judicial Nominating Commissions shall be empanelled by the following April 1st and the Administrative Director of the Illinois Courts shall not certify any judicial vacancies

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until the following July 1st. A vacancy occurring in any judicial office may be filled, until the following July 1st, as provided in Section 12(c), Article VI, of the Constitution adopted in 1970 effective July 1, 1971, but only for a term ending upon the selection of a Judge to fill the vacancy pursuant to Section 12.1. First reading of Constitutional Amendments. No further business. The House will stay adjourned until 12:00 noon tomorrow.

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