

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

43rd Legislative Day

May 20, 1985

Speaker McPike: "House will come to order. Members will be in their seats. Chaplain for today will be the Reverend Jay Kendall, Pastor of Otterbein United Methodist Church of Charleston, Illinois. Reverend Kendall is the guest of Representative Mike Weaver. Will the guests in the balcony please rise and join us in the invocation?"

Reverend Jay Kendall: "Father of the many great things that You have given us and done for us, we give You thanks. We call upon You for guidance and wisdom that we may have sound judgment, clear thinking, that we would do what is right. May You prosper us in this land as we give You the honor and You the glory. Give us Your guidance this day. In Your name, amen."

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

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

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

Greiman: "Thank you, Mr. Speaker. Let the record show that Representative O'Connell is excused today."

Speaker McPike: "Representative Piel."

Piel: "Yes, Mr. Speaker. Would the record show that Representative Countryman, Representative Barger and Representative Virginia Frederick are absent today. Two of these switches were accidentally hit. They have been changed."

Speaker McPike: "Take the record, Mr. Clerk. 112 Members answering Roll Call. A quorum is present. Senate Bills First Reading."

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Clerk O'Brien: "Senate Bill 24, McNamara and O'Connell, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. Senate Bill 243, Van Duynes, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill. Senate Bill 294, Parke, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. Senate Bill 322, Wolf, a Bill for an Act to amend an Act in relation to the compensation of sheriffs, coroners, county treasurers, county clerks, recorders and auditors. First Reading of the Bill. Senate Bill 343, Dunn, a Bill for an Act to amend the Court Reporters Act. First Reading of the Bill. Senate Bill 344, Dunn, a Bill for an Act to amend the Code of Civil Procedure. First Reading of the Bill. Senate Bill 345, Dunn, a Bill for an Act to amend the Illinois Criminal Justice Information Act. First Reading of the Bill. Senate Bill 561, Wolf, a Bill for an Act to amend the Capital Development Board Act. First Reading of the Bill. Senate Bill 588, Mays, a Bill for an Act to amend the Illinois Educational Labor Relations Act. First Reading of the Bill. Senate Bill 800, Madigan and Breslin, a Bill for an Act to protect against the unauthorized use, duplication, distribution of computer software. First Reading of the Bill. Senate Bill 1051, Bowman, a Bill for an Act to amend the Mental Health and Developmental Disabilities Code. First Reading of the Bill. Senate Bill 1133, Tate and Hicks, a Bill for an Act to amend an Act prohibiting the local governments from regulating hunting and fishing. First Reading of the Bill. Senate Bill 1184, Bowman, a Bill for an Act to amend and Act relating to the Department of Mental Health and Developmental Disabilities. First Reading of the Bill. Senate Bill 1298, Panayotovich, a Bill for an Act to amend the Illinois Insurance Code and creates the Health Care Reimbursement Reform Act. First

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Reading of the Bill. Senate Bill 1323, Keane, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. Senate Bill 1363, Saltsman, a Bill for an Act in relation to enterprise zones. First Reading of the Bill. Senate Bill 741, Richmond, a Bill for an Act to amend the Illinois Municipal Code. First Reading of the Bill. Senate Bill 743, DeJaegher and Davis, a Bill for an Act to amend the Illinois Horse Racing Act. First Reading of the Bill. Senate Bill 755, Preston, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill. Senate Bill 758, Cowlshaw - Hastert and Brunsvold, a Bill for an Act to amend the Illinois Athlete Trainers Practice Act. First Reading of the Bill. Senate Bill 771, Dwight Friedrich, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill. Senate Bill 790, Oblinger, a Bill for an Act to amend an Act in relation to the pension and disability benefits of certain state employees. First Reading of the Bill. Senate Bill 824, O'Connell, a Bill for an Act to amend an Act relating to contractors and material men's liens, known as mechanic's liens. First Reading of the Bill. Senate Bill 859, Virginia Frederick and Churchill, a Bill for an Act to amend the Amusement Ride and Attraction Safety Insurance Act. First Reading of the Bill. Senate Bill 860, Virginia Frederick and Churchill, a Bill for an Act to amend the Carnival and Amusement Ride Safety Act. First Reading of the Bill. Senate Bill 861, Ryder - Churchill and Davis, a Bill for an Act to amend the State Employees Group Insurance Act. First Reading of the Bill."

Speaker McPike: "Page 38 of the Calendar, Constitutional Amendments. Mr. Clerk."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #1. Resolved by the House of Representatives of the 84th

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General Assembly, 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 six months after the adoption of this Resolution. Proposition to amend Section 9 of Article IV of the Constitution to read as follows: Article IV, Section 9, Veto Procedure. (a) Every Bill passed by the General Assembly shall be presented to the Governor within 30 calendar days after its passage. Foregoing requirement shall be judicially enforceable. If the Governor approves the Bill, he shall sign it and it shall become law. (b) If the Governor does not approve the Bill, he shall veto it by returning it with his objections to the House in which it originated. Any Bill not so returned by the Governor within 60 calendar days after it is presented to him shall become law. If recess or adjournment of the General Assembly prevents the return of a Bill, the Bill and the Governor's objection shall be returned with the Secretary of State within such 60 calendar days. The Secretary of State shall return the Bill and objections to the originating House promptly upon its next meeting of the same General Assembly at which the Bill can be considered. (c) The House to which a Bill is returned shall immediately enter the Governor's objections upon its Journal. If within 15 calendar days after such entry that House, by record vote of three-fifths of the Members elected, pass the Bill, it shall be delivered immediately to the second House. If within 15 calendar days after such delivery, the second House, by record vote of three-fifths of the Members elected pass the Bill, it shall become law. (d) Governor may be... may reduce or veto any item of appropriation in a Bill presented to him. Portions of a Bill not reduced or vetoed shall become law.

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Any item vetoed shall be returned to the House in which it originated and may become law in the same manner as a vetoed Bill. An item reduced in any... in amount... reduced in amount shall be returned to the House in which it originated and may be restored to its original amount in the same manner as a vetoed Bill, except that the required record vote shall be a majority of the Members elected to each House. If a reduced item is not so restored, it shall become law in the reduced amount. (e) The Governor may return a Bill together with specific recommendations for change to the House in which it originated. The Bill shall be considered in the same manner as a vetoed Bill. The specific recommendations may be rejected or accepted as follows: (1) the specific recommendations may be rejected and the Bill become law in the form in which it was originally passed and presented to the Governor under this subsection (a) by a record vote of the majority of the Members elected to each House, or (2) the specific recommendations may be accepted by a record vote of the majority of the Members elected to each House. Such Bills shall be presented again to the Governor and if he certifies that such acceptance conforms to his specific recommendations, the Bill shall become law. If he does not so certify, he shall return it as a vetoed Bill to the House in which it originated. This subsection (e) does not reduce the number of voting... votes required for any Bill to become a law if such Bill is subject to an extraordinary vote requirement of any other provision of this Constitution. Schedule. This Amendment to Section 9 of Article IV of the Illinois Constitution takes effect upon its approval by the electors of this state. Second Reading of the Constitutional Amendment. On Third Reading."

Speaker McPike: "And the Resolution will be held on Third

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Reading. Representative Nash in the Chair."

Nash: "Thank you, Mr. Speaker. The gallery, we have the children from the Plato School for the Inception, Greek Orthodox Church in Chicago. Would you stand up and be recognized, please? Thank you."

Speaker McPike: "Representative McPike in the Chair. Resolutions."

Clerk O'Brien: "House Resolution 402, Ronan and Madigan. 406, Countryman. 407, Countryman. 408, Madigan and Daniels. And 409, Pullen."

Speaker McPike: "Representative Giorgi."

Giorgi: "Hadam... Mr. Speaker, Ronan's 402 asks Congress to give us infrastructure money. 406, by Countryman, congratulates George 'Ricci'. 408 by Madigan... 407, by Countryman, notes a 40th anniversary. 408, by Madigan... find it here... equip... that the Speaker of the House in conjunction with the House Minority Leader shall appoint a special committee to arrange for the design and equipment of a prayer room. And 409, by Pullen, salutes John P. Huizinga. And I move for the adoption of the Agreed Resolutions."

Speaker McPike: "Gentleman moves the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it and the Agreed Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Resolution 404, offered by Representative Brunsvold."

Speaker McPike: "Committee on Assignment. Subject Matter - Civil Law, page 11 of the Calendar, House Bill 324, Representative Young. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 324, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

Speaker McPike: "Gentleman from Cook, Representative Young."

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Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 324, the Bill is actually Amendment #3, which is a joint Amendment agreed upon by myself and the Minority Spokesman from the Judiciary Committee, Mr. McCracken. The language from this Bill was drafted from a dissent written by Justice Simon regarding the issue of discriminatory exclusion from criminal juries based on race alone. This Bill is very important to the various minority communities, particularly in Cook County, who have alleged for a considerable time that race is one of the... that people are actually excluded from juries because of race alone."

Speaker McPike: "Excuse me, Mr. Young. Excuse me, Representative. I... We are on the Order of Civil Law and there are printouts available. The first Bill is 324. The next Bill is 563. The third Bill is 755. If you don't have one of these printouts, I would suggest that you get one so that you can have them available. The first Bill that we are on is House Bill 324. The Chair will announce the Bill number and the page number. House Bill 324, page 11 of the Calendar. Proceed, Mr. Young."

Young: "Okay. As I said, as amended, this Bill would allow the court to ask... to ask either side to explain its use of preemptory challenges and if the court found that those use... that those challenges were being used to exclude prospective jurors on the sole basis of race, the court could order another jury panel examined. I don't know of any opposition to the Bill as amended and I would ask for a favorable vote."

Speaker McPike: "Gentleman moves for passage of House Bill 324, and on that, the Gentleman from Will, Representative Davis."

Davis: "Well, I really don't know whether I'm for or against

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Representative Young's Bill, Mr. Speaker, but I... I apologize. I can't find the list of which you speak. I have one that's dated 5/17/85 on my desk and 324 does not appear on that list under Criminal Law. Now, I don't know whether we are for it or against it. I assume Representative Young is a good Representative..."

Speaker McPike: "Well, maybe you are looking at the Criminal Law. We are on Civil Law."

Davis: "Well, that could be, but this is a Criminal Law Bill, is it not?"

Speaker McPike: "I don't know. It's on the Subject Matter - Civil Law and the Gentleman has explained the Bill and has moved for the passage. Is there any discussion? Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. I, too, rise on a point of order. If we are on the Order of Civil Law, this strictly amends the Criminal Code and I don't have it on our list for Civil Law either."

Speaker McPike: "Representative, we would agree that 324 is on this list inadvertently. Representative Hawkinson has the list. McCracken. I'm sorry. Representative McCracken has the list, and we would like to proceed on this list unless there are objections to hearing this Bill. Any objections? Okay. Does anyone rise in opposition to House Bill 324? Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I'm afraid the movement of my head was read incorrectly. We had a double negative there and what I was suggesting is I would like for us to have copies of that list before we move ahead with this."

Speaker McPike: "Well, we... the Chair has supplied the copies and until there are more copies, we will proceed slowly. Representative McCracken."

McCracken: "Let me, if I might make a suggestion. It doesn't

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mollify our Membership to know that I got the copy. Can we just take five minutes out until it's distributed and then we will have a Calendar to work from. No one has got any objection to considering the Bills at this time and to moving the appropriate Bills, but we would just like a few minutes to get everybody the Calendar. I would... I..."

Speaker McPike: "The Chair has no problems with that. I suggested that I would read the first three on here so that we can get started. If you object, we will be glad to go to another Order of Business until this is distributed. We are trying to move... another Order of Business. Alright. We will proceed on this Bill and then move to another Order of Business. Does anyone rise in opposition to this Bill? Representative Young, to close."

Young: "I would just ask for a favorable vote."

Speaker McPike: "Gentleman has moved for passage of House Bill 324. Question is, 'Shall House Bill 324 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk, will take the record. On this Bill there are 75 'ayes', 35 'nos' and 1 voting 'present'. House Bill 324, having received the Constitutional Majority, is hereby declared passed. Representative McCracken informs the Chair that everyone has the printout and we will proceed on Subject Matter - Civil Law. Next Bill, House Bill 563, page 13 in the Calendar. Representative Levin. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 563, a Bill for an Act in relation to condominiums. Third Reading of the Bill."

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

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 563 is primarily a technical cleanup of some of the changes that we have made in the Condominium

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Act in the last couple of years. In addition, there are a few substantive changes that we make. First of all, last year, when we established the requirement which the secondary mortgage market wanted with respect to requiring large condominium associations to have a fiduciary bond. It turned out we set up something which is technically not available. So, we have been working with the insurance industry and the condo associations and the realtor to correct that problem. Secondly, we have reconciled two conflicting Appellate Court decisions with respect to standing of community associations in court. Thirdly, we have corrected a problem which the... was raised by the Secretary of State when last year we provided for the Secretary of State to utilize the not-for-profit corporation index to come up with a list of condominium associations. He used the word 'index'. He would prefer to get rid of the word 'index' and simply require that he keep the information on the computer. And that is what is done by the Bill. As somebody that represents condominium associations, there are a number of good changes. Most of it is purely technical. This legislation is supported by the Illinois Realtors, as well as the condominium associations and we worked out all the problems we know of with everybody that was interested."

Speaker McPike: "Gentleman has moved for passage of House Bill 563. Is there any discussion? Gentleman from DuPage, Representative McCracken."

McCracken: "Very briefly, will the Sponsor yield?"

Speaker McPike: "Indicates he will."

McCracken: "Committee Amendment #2, Representative, provides that... or makes modifications to quorum requirements. Would you explain that Amendment for the record, please?"

Levin: "I'm sorry, you are correct. That was one additional

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substantive change that we made. One of the problems that condominium associations are currently having is they cannot get enough people to come out to the annual membership meetings and the current quorum requirement is usually 50 percent of all the unit owners. The result is that not being able to get a quorum, they have, in many cases, not been able to elect boards. And the old boards will serve for a year or two or more because of this. What the Amendment provides, and this is something which was requested by the Illinois Realtors, was that a quorum at a membership meeting will be considered 20 percent of the... unit owner interest, which is consistent with the Not-For-Profit Corporation Act, but that the unit owner shall have the right, if they see fit, to increase that quorum. This will make it possible for associations to function better and it does not have any effect on the quorum required for the board of directors, nor does it have any effect on the extraordinary majorities that are required to amend declarations and by-laws or take other specified actions under the Condominium Property Act."

McCracken: "Alright. I was hoping for a brief answer to a brief question, but let me ask one more. Under what provision can the 20 percent rule be created? Is it only the by-laws or can there be some other means?"

Levin: "As I indicated in Committee, we do not specify how they can change the 20 percent. They can use the... they can amend declaration. They can amend the by-laws. They can simply get a majority of the unit owners to pass a resolution at a membership meeting or otherwise that would increase the 20 percent to a larger quorum requirement."

McCracken: "Okay, thank you."

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

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

Speaker McPike: "Gentleman moves for the passage of House Bill 563. The question is, 'Shall House Bill 563 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 111 'ayes', no 'nays' and 1 voting 'present'. House Bill 563, having received the Constitutional Majority, is hereby declared passed. House... Representative Alexander, the vote has been declared. The record will note that you wanted to vote 'aye'. House Bill 755, page 13 of the Calendar. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 755, a Bill for an Act to amend an Act concerning spouse and child support payments. Third Reading of the Bill."

Speaker McPike: "Representative Didrickson."

Didrickson: "Yes, thank you, Mr. Speaker, Members of the House. House Bill 755 as amended amends several Acts concerning payment of spousal and child support. It increases the fee that an employer may charge from one dollar to four dollars with regards to withholding these payments from the paycheck. I know of no opposition. We worked on amending this down from the original eight dollar to four dollars and as I mentioned, it's a Bill that is.. I'm carrying for the State Chamber of Commerce and the Department of Public Aid is neutral on."

Speaker McPike: "Lady moves for the passage of House Bill 755. On that, Gentleman from McLean, Representative Ropp."

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

Speaker McPike: "She indicates she will."

Ropp: "Representative, does this have anything to do, by chance, if a... let's say a father is living outside the State of Illinois. Does this Bill have any effect on his employer

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that lives, let's say, in Kentucky?"

Didrickson: "Representative, this question has popped up and I don't have an exact answer for you. It is my understanding that it does not."

Ropp: "Alright, and I wonder then if, by chance, if this problem ought to be addressed, if, in fact, there might be a reciprocal agreement. Then this... So this Bill probably has no effect on any reciprocity between this state and any other state, is that correct?"

Didrickson: "As I understand it, that's correct."

Ropp: "Okay, thank you."

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

Didrickson: "I'd just ask for your favorable support."

Speaker McPike: "Lady moves for passage of House Bill 755. The question is, 'Shall House Bill 755 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the Roll. On this Bill there are 110 'ayes', 3 'nos', none voting 'present'. House Bill 755, having received the Constitutional Majority, is hereby declared passed. House Bill 810, Representative Breslin, page 14 of the Calendar. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 810, a Bill for an Act in relation to county sheriffs. Third Reading of the Bill."

Speaker McPike: "Lady from LaSalle, Representative Breslin."

Breslin: "Thank you, Mr. Speaker. I would ask leave to return this Bill to the Order of Second Reading for the purposes of tabling Amendment #2."

Speaker McPike: "The Lady asks leave to return House Bill 810 to the Order of Second Reading. Are there any objections? Hearing none, leave is granted. Second Reading."

Breslin: "Ladies and Gentlemen, I now move to table Amendment #2

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to House Bill 810. Amendment #2 specified that deputies appointed by a sheriff shall be peace officers for all purposes. It has been drawn to our attention that this language affects adversely a ruling of the present State Labor Relations Board. That is certainly not my intent and I would like to table this Amendment on this Bill."

Speaker McPike: "The Lady moves to table Amendment #2, and on that, the Gentleman from DuPage, Representative McCracken."

McCracken: "This comes as a surprise. Didn't Amendment #2... or strike that. Would you explain again what Amendment #2 did?"

Breslin: "Amendment #2 specified that deputies appointed by a sheriff shall be peace officers for all purposes. In other words, it was a definition of deputies, which we have later found affects a State Labor Relations Board ruling and it affects it adversely."

McCracken: "And the substance of the Bill which would require the plaintiff to pay costs in an appeal is unaffected by this tabling."

Breslin: "Correct. Correct. That's correct."

McCracken: "I concur. Thank you."

Speaker McPike: "Further discussion? Being none, the question is, 'Shall Amendment #2 be tabled?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it and the Amendment is tabled. Representative Breslin."

Breslin: "Mr. Speaker, I now ask leave to have this Bill heard immediately on Third Reading."

Speaker McPike: "Third Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 810, a Bill for an Act in relation to county sheriffs. Third Reading of the Bill."

Speaker McPike: "The Lady asks leave to use the Attendance Roll Call. Waive the appropriate rules so that the Bill can be heard immediately. Are there any objections? Hearing

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none, leave is granted. The Attendance Roll Call will be used. Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, House Bill 810 is now the Bill as it was reported out of Committee. This Bill amends the Sheriffs' Merit System Act and it requires the plaintiff to pay all reasonable costs for preparing and certifying a record for judicial review. However, it provides that should the plaintiff prevail on appeal, the court should enter an order that would require the county to reimburse that person for those reasonable costs that were incurred in order to take their record up for review. The reason for this requested language comes from our local counties. We have found that many of our county boards were unable to properly budget to meet sometimes the very high cost in preparing these records for certification and review. So, we think this is a... or at least I propose that this is a fairer method and it still allows the county boards to properly budget and still allows the plaintiff to be reimbursed for their costs should they prevail on appeal. And I request an 'aye' vote."

Speaker McPike: "Lady moves for passage of House Bill 810. Is there any discussion? Being none, the question is, 'Shall House Bill 810 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 114 'ayes', no 'nays', none voting 'present' and House Bill 810, having received the Constitutional Majority, is hereby declared passed. House Bill 852, Representative Homer, page 14 of the Calendar. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 852, a Bill for an Act to amend an Act in relation to adoption of persons. Third Reading of the Bill."

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Speaker McPike: "Gentleman from Fulton, Representative Homer."

Homer: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 852 is a proposed Amendment to the Adoption Act in Illinois. It's being proposed at the recommendation of the Adoption Law Committee of the Chicago Bar Association. Current law dealing with the adoption of a minor who has had appointed to him or her a guardian with the power to consent to adoption is somewhat vague. The law indicates that where that child is in foster care, that the foster parents should be given priority over other applicants for the adoption of that child, whereas some courts have interpreted the statutes to give favored status to relatives who may apply for adoption of that child. So what the House Bill 852 attempts to do is to carefully set forth criteria which the court should... and the guardian should consider when determining with which applicant to place the child for adoption. And the Bill sets forth several criteria which are also criteria found in the... in the legal provisions with regard to what a court should consider in a dissolution case in placing a child with one spouse or the other so that they are time tested and well accepted criteria. And finally, the Bill specifically enumerates that the best... that the best interests of the child should be paramount over all other considerations and that the court has the final authority to make these decisions, notwithstanding any desire or decision made by the guardian. I would entertain any questions and would ask then for favorable consideration of the Bill."

Speaker McPike: "Gentleman moves for passage of House Bill 852.

On that, the Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Will Sponsor yield for a question?"

Speaker McPike: "Indicates he will."

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Mulcahey: "Representative Homer, this says that empowers the court to grant an adoption without the guardian's consent when the guardian has failed to consider the child's welfare and best interest. What is an example... Who makes the determination as to whether or not they are using that judgment? What criteria do you use to... regarding the guardians as to whether or not they have used their best interests regarding the child?"

Homer: "Okay. What's contemplated, Representative Mulcahey, is a situation where there are more... there is more than one application filed to adopt a child, and in those situations, there has already been appointed a guardian who has been given the conditional power to consent to the adoption. Now, one of those applications may be from a foster parent who has the present custody of the minor. Another application may come from a relative or some other party who is interested in adopting that child. It's then incumbent upon the guardian to make the initial decision as to which party to place that child for adoption, if either, but the Bill provides that it remains within the jurisdiction of the court to approve or disapprove any decision made by the guardian. And the Bill sets forth all the of the factors that both the guardian and the court should take into account when making that decision, including the child's interaction with the applicant, the family ties, the child's wishes, the child's ethnic heritage, race, the age of the child and so forth. So, there are several factors which are enumerated which must be taken into account."

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

Homer: "Thank you, Mr. Speaker. I would ask for favorable consideration of House Bill 852."

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Speaker McPike: "Gentleman moves for passage of House Bill 852.

The question is, 'Shall House Bill 852 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Representative... Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 112 'ayes', no 'nays', none voting 'present'. House Bill 852, having received the Constitutional Majority, is hereby declared passed. House Bill 1018, Representative Young, page 14 of the Calendar. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1018, a Bill for an Act to amend the Criminal Code and amends an Act to create the Minority and Female Business Enterprise Act. Third Reading of the Bill."

Speaker McPike: "Gentleman from Cook, Representative Young."

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1018 amends the Criminal Code of 1961 and the Minority and Female Business Enterprise Act that makes it a Class 2 felony to fraudulently obtain or retain certification as a minority or female owned business, to willfully make false statement to certain officials for the purpose of influencing the certification or denial of certification, to obstruct or to impede the investigation or to fraudulently obtain public money reserved for minority or female owned business. If the... Ladies and Gentlemen of the House, if you will remember, this Bill was discharged on the 15th of the month. At that time, I passed out handouts from an article from Crane Chicago Business outlining the fact of how front firms and phony joint ventures were acquiring contracts that were intending to be set asides on either the state or city level. What is happening is now that literally hundreds of companies are making false applications to participate in the state's minority business program and it's costing the state a

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great deal of dollars to investigate these fraudulent companies and to make the necessary determinations whether or not they should be certified as a minority or a female legitimate business enterprise. Because the Department receives so many federal dollars, they have to comply with federal guidelines that requires certain percentage of all the federal highway money to be spent with legitimate disadvantaged or female owned business. If I could just read to you for one second from that article in Crane's Business, it stated that the shams, many of them newly created, include white firms operating behind the corporate shells of minority firms and joint ventures that exist primarily on paper. In addition, numerous male dominated companies hiding behind female ownerships are taking advantage of city and state guidelines encouraging the use of women owned business companies. So, as a practical matter, these set asides and minority goals that are intended for either minority owned businesses or female owned businesses are, in fact, being siphoned off by these front companies and they are being done so with immunity because there are no criminal penalties against these companies at this time. What this Bill does is make it a Class 2 felony to be either the front or to be the company behind the front to apply for this certification or to fraudulently obtain the dollars. This Bill is supported by the Department of Transportation. It's also supported by Central Management Services who have... the same type of federal guidelines. I would encourage a favorable vote."

Speaker McPike: "Gentleman moves for the passage of House Bill 1018. On that, the Gentleman from DuPage, Representative McCracken."

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

Speaker McPike: "Indicates he will."

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McCracken: "Now, before I start, remember, Representative Young, I co-sponsored your Amendment to 324. Representative Young, prior to your Amendment, were there any criminal penalties for violation of this Act?"

Young: "Prior to the Amendment, the Bill was written... was drawn up inconsistently. In some Sections of the Bill, the criminal penalty was a Class 2 felony. In another Section of the Bill, the penalty was a Class 3 felony. What the Amendment did was take out the confusion and the conflicting remedies and make them consistent throughout the Bill."

McCracken: "So that all violations of the Act, pursuant to Floor Amendment... or Amendment #1 are made Class 2 felonies?"

Young: "That is correct."

McCracken: "Now, prior to your Bill, under current law, are any criminal penalties of any kind provided for in the Act?"

Young: "No, they are not."

McCracken: "Alright. Did you consider, in drafting this legislation, whether there should be misdemeanor penalties for lesser crimes or lesser violations?"

Young: "No, because of the seriousness of the nature and the amount of dollars involved to the state on two fronts, first of all the fact that the state has to make certain requirements in order to maintain the steady flow of federal dollars and secondly, because of the proliferation of false applications. It was my opinion that was shared by the Department of Transportation and Central Management that we needed to pass a Bill that would have a deterrent effect on all these false applications that are taking up so much time."

McCracken: "Okay. Now, are minority persons, I assume, defined strictly as certain types of natural persons?"

Young: "As a matter of fact, within the Department of

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Transportation, minority persons are defined. There is also a definition of disadvantaged business enterprises that can also qualify for some of these grants and that definition does not include race."

McCracken: "That definition is not included in your Bill?"

Young: "No, but anyone who makes a false application as a disadvantaged business is included in my Bill."

McCracken: "Alright, under your Bill then, a corporate holding company which did not meet the minority definitions would disqualify an otherwise qualified... say subcontractor from competing?"

Young: "No, under this Bill, a company that did not meet the definition of disadvantaged business, then there are certain contracts that they would be expected to subcontract a certain percentage of the contract to a legitimate disadvantaged or woman's business enterprise."

McCracken: "Okay, where does that appear in the Bill?"

Young: "No, the Bill merely provides the sanctions for fraudulent applications under the Act. The Bill is not itself... the Act itself."

McCracken: "Alright."

Young: "The Department of Transportation has a disadvantaged business enterprise program and within their program, they make certain set asides based on race, certain set asides based on female ownership and certain set asides based on just being a disadvantaged business."

McCracken: "But my question is... See, now you are amending the Criminal Code with this Bill, is that right?"

Young: "I am amending the Criminal Code and the Minority and Business Female Enterprise Act."

McCracken: "Alright. Now, in the Criminal Code, where do you provide for the disadvantaged business to not be disqualified from either applying or otherwise

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disqualified?"

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Young: "The Criminal Code does not deal with the qualifications of the disadvantaged business one way or another. The reason this Bill amends the Criminal Code is we are setting up a new class of criminal felony that was heretofore not in the Code."

McCracken: "Alright. Now, you then refer for your definitions to be used in the Criminal Code back to the Minority and Female Business Enterprise Act, I take it. Is that correct?"

Young: "That is correct."

McCracken: "And in page two of your Bill, starting at line 21 and following, you define... or the Act defines the minority persons who qualify, correct?"

Young: "That is correct, but..."

McCracken: "Now... Now, just let me ask the questions. Now, between lines 21 on page two and lines... and line 15 on page three of the Bill, where do you make reference to this disadvantaged business entity or enterprise? Is there... Is there any reference made?"

Young: "As I was... There is no reference made in the Bill. The disadvantaged..."

McCracken: "Okay, now, my question... That was my question. Now, to the Bill, Mr. Speaker."

Speaker McPike: "Proceed."

McCracken: "As I read the Bill, I believe that any corporation which is not owned by a natural person and a particular type of natural person, being a minority or female, would not qualify for doing business under this Act. It's my understanding that approximately 30 percent of the city contracts in the City of Chicago, for example, are set aside for minority employment and that this problem of fraudulent fronts has been relative to that problem,

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relative to the City of Chicago 30 percent issue. While the intent of the Sponsor, I think, is not... could not be faulted, it seeks... I think the practical effect is to disenfranchise certain types of corporations. There are many corporations in this country which are owned by other corporations. Those holding companies which are the owners of other corporations would be disqualified as a matter of law from participating regardless of their makeup, regardless of the makeup of the holding company. And let me give you an example. Company A owns all of the stock of company B. Not being a natural person, it does not qualify for minority status. However, the holding company could very well be John Johnson's holding company, which is minority owned. So, we have a situation here where through inadvertence, I think, we are disenfranchising or disadvantaging unnecessarily certain types of commercial enterprises. Now, this 51 percent rule is not merely a 51 percent rule of stock ownership. There is also imposed on the 51 percent stockholder or the qualifying party within a corporation or business entity, the requirement that that person or other persons who so qualify also participate in the management of the company. Now, what if a small sole proprietorship, owned by a woman, hired a man to manage the company? Hired a man to manage the company at the job site, a man who had official responsibilities, who had a power of discretion, power to hire and fire on the job site? Would that create a Class 2 felon in that woman? Would that create a Class 2 felon in that man looking for work? Is that what we are talking about here? This Bill when... in its original conception may have had some merit because there was a problem to be addressed in the City of Chicago, maybe down in East St. Louis, I'm not familiar with that area. But to create Class 2 felonies, and to

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disadvantage and to disenfranchise and to put out of business certain type of corporate entities merely in an attempt to get at a problem that is not as widespread as Crane's would have you believe is a mistake. You know a Class 2 felony is the same thing as burglary. The person that breaks into your house and burglarizes your house is a Class 2... or strike that... not your house, into a commercial enterprise, is a Class 2 felon. Now, we are talking about making the 51 percent shareholder female who hires a man to manage the business on the site a Class 2 felon. It's unwise public policy. I do not disagree with the concept or the intent. I understand that he's got a problem, but this is not the Bill. I urge a 'no' vote."

Speaker McPike: "Gentleman from Lake, Representative Churchill."

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

Speaker McPike: "Indicates he will."

Churchill: "Representative, is one part of this Bill a Section which deals with the willful obstruction or impediment of an investigation of the qualifications for minority owned businesses? Is that a part of the Bill still?"

Young: "Representative Churchill, I'm glad you asked me that because it sounds like you are talking about the actual Bill. I think Representative McCracken was mistaking this Bill with the actual Minority and Female Business Enterprise Act which passed out of this Assembly last year. This Bill does not deal with any of the contract requirements. It does not deal with creating an Act. It does not deal with any of the penalties Mr. McCracken is already talking about. What this Bill does is provide a criminal penalty to enforce the law that is already existing. So, as far as the definition of all the protected classes, those definitions are the law right now."

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Churchill: "Okay, but in this Bill, do you set up a criminal penalty for willfully obstructing or impeding an investigation?"

Young: "That is correct."

Churchill: "And how do you know that the person doing the investigation is a properly authorized person to do that investigation?"

Young: "In order for the investigation to take place, I would assume that a state's attorney would have to see fit to file charges. This is a criminal Bill. I would mention though that the Department of Transportation presently conducts its own investigation to determine whether or not certain companies should be certified as legitimate minority businesses or as female businesses. One of the problems they are facing is they are being deluged with applications from companies who are in fact determined by the Department of Transportation not to be legitimate female or minority owned businesses. However, once they make that determination, there is nothing they can do other than not give them the state business they are trying to seek. What this Bill does at the Department's recommendation is it makes it a penalty to fraudulently apply for minority or female status when you are, in effect, not a female or male operated business. And Representative McCracken's example of a 51 percent business female owned enterprise, that would qualify under the Act and would be allowed to participate in the program."

Churchill: "Representative Young, you have answered a lot of questions, none of which I have asked. My question, I'm trying to determine whether or not if somebody walks into a business and starts asking questions about whether it's minority owned and who the shareholders are and who works there and who controls that and it's a... How do you

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determine whether it is or it is not a state employee?"

Young: "Okay, the Department of Transportation is the one, and first of all, people... the Department does not go into business. The investigation starts when somebody submits an application to be certified as a legitimate minority or female owned based company. At that point is when the investigation begins."

Churchill: "Okay, and the investigation begins... someone walks in the door of the business and they start asking questions and the person refuses to answer. At that point, under your Bill, they become guilty of obstructing or impeding a state agency employee from making an investigation. Is that not correct?"

Young: "Whether or not they would be guilty would be up to the determination of the court."

Churchill: "But they could be guilty."

Young: "Whether or not charges would be brought would be up to the determination from a state's attorney."

Churchill: "But they could be guilty, right?"

Young: "If they have, in fact, submitted paperwork claiming minority or female status, then they would be expected to answer questions regarding that status."

Churchill: "Okay, and how does the person who is expected to know this and answer these questions, how does that person know that the person asking the question has the proper credential to ask it?"

Young: "He would have to identify himself, of course, and first of all, you have to understand, anyone who is going to be questioned would only be questioned after they submitted an application claiming minority or female status."

Churchill: "I understand. I guess my point is this: In many of the Bills that we considered in the Judiciary Committee this year, we included the knowing standard. Nowhere in

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this Bill do I see a knowing standard, so if someone would not answer a question, it is conceivable that they could be charged with willfully impeding an investigation even though that no one had shown them a credential showing that they were the proper person to ask the questions. You do not have a knowing standard in this Bill."

Young: "I would suggest that the word willfully, which is used throughout the Bill, that I, as a defense attorney, I don't think you could convict my client of willfully without also proving knowingly."

Churchill: "Mr. Speaker, to the Bill."

Speaker McPike: "Proceed."

Churchill: "I would just say that throughout the course of what we have done in the Judiciary Committee this year, we have tried to put in a standard that the person who commits a crime knows that the person who is... that the crime is being committed against is a police officer, or is an investigating officer, is somebody who has the authority to do that. This Bill is lacking in the knowing standard. And therefore, I would say that it's a Bill we should not support."

Speaker McPike: "Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A lot of the discussion which has occurred this morning regarding this Bill pertains not to this legislation, but rather to legislation which passed last year setting up the Minority and Female Business Enterprise Act. I would remind the Members of this chamber that that legislation passed with a very significant vote out of this House and with the support of the Governor. We have run into a difficulty in that many of these operations have come to our attention, not just in Chicago, not just in East St. Louis, but throughout the State of Illinois, it

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has come to our attention that non-legitimate minority companies have been set up in order to take advantage of the set aside legislation. I submit to you, Ladies and Gentlemen, that that occurrence impedes the... it impedes the implementation of the legislation that we supported in this House, that the Governor supported, that the Senators... that the Senate supported and it also makes that legislation a fallacy. We have... If, indeed, the minority and female business set aside is to be a reality, it is important that we see to it that female owned firms are actually controlled by women, that minority owned firms are actually controlled by minorities. And that is all that this legislation does. It does not have anything to do with the definition of what is a minority or what isn't a minority, what's a disadvantaged enterprise, what isn't a disadvantaged enterprise. Those things have been determined and defined before. They have been determined and defined in federal law. They have now been determined and defined in state law. I submit to you the Federal Government has standards in this area. This legislation simply tracks the federal standards for fraud. With regard to some questions that just came up, the element of knowing and willful... knowing violation is present in the Bill if you take the Bill out and read it, it's very clear that where the Bill throughout itself refers to willfully, that that has historically always been interpreted as requiring... requiring a guilty knowledge... requiring a mens rea. So the element of knowing what it is that is taking place is here in the legislation. All that it does is says that any person who deliberately, knowingly, willingly goes out there and commits a fraud in this area of business endeavor should stand in the same shoes as anybody else who commits a fraud or, indeed, who

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burglarizes a commercial establishment. That's all the legislation does and I encourage your support for it."

Speaker McPike: "Gentleman from Marion, Representative Friedrich."

Friedrich: "Well, all I can say is that this whole law is a big mess down our way. It's a disaster. The only minority contract we have ever had came out of East St. Louis. He went through the town and left a bunch of unpaid bills and some unfinished work. As far as I'm concerned, I'd be willing to abolish the whole thing."

Speaker McPike: "Representative McCracken, are you seeking recognition?"

McCracken: "Point of personal privilege. My name was used in debate. I'll be very brief."

Speaker McPike: "Proceed."

McCracken: "The Sponsor seeks to leave the impression that I'm confused about what the Bill does and what's old law and what's new law. Well, if you look at page three of the Bill, you'll see that there is a definition called, 'Control, Subsection 9', on page four beginning at line 8 thereof. That is new law. That control, when combined with old law which defines minority and female owned business creates the following anomaly. In order to qualify as a female or minority business, you have to both (1) own 51 percent of the stock and exercise control as newly defined in the Bill. As newly defined in the Bill for the first time. You have to do both and if you don't do both, you are guilty of a Class 2 felony if you have applied as a minority contractor. So don't tell me I'm confused."

Speaker McPike: "Representative Young, to close."

Young: "Okay, thank you, Ladies and Gentlemen. This is a very important Bill. It's not just important to the City or to East St. Louis. It's important state-wide. This state, we

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receive over \$900,000,000 in federal highway dollars that has a federal regulation as far as to the distribution of those dollars. A certain percent, which is ten percent state-wide has got to go to legitimate minority and female businesses. This is not our law. This is a federal law. Representative McCracken used the example that this is the same penalty we impose upon a burglarer. Well, I would suggest that the crime is very similar to burglary. There has been questions raised about the knowing element, but to me, I think it's ridiculous to insinuate that someone could apply for status as a minority or a female owned and controlled business when they either... are not. You cannot know... You either know that you have 51 percent minority, 51 percent female or you do not. If we do not pass the Bill, it will get out to the contractors in this state, it will go out to the front companies in this state, they will all get the impression that in spite of requests from the Department of Transportation and Central Management, that this Body endorses fraudulently obtaining state work that is set aside for minority and female owned businesses. I urge your 'yes' vote so we do not send out the wrong idea to the contractors in this state."

Speaker McPike: "Gentleman has moved for passage of House Bill 1018. Question is, 'Shall House Bill 1018 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Gentleman from Cook, Representative McAuliffe, to explain his vote."

McAuliffe: "I'm explaining my 'no' vote, Mr. Speaker and Ladies and Gentlemen of the House. This Bill would add willfully obstruct or impede the investigation of qualifications of a minority or female owned business requesting certification. They are going to make a new class of... of felons in Illinois. We are going to put all the businessmen in

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Illinois in jail because they don't comply with this Act. This is going to cause a lot of trouble for the business community in Illinois and it just further ruins the business climate in our state."

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

Cullerton: "Thank you, Mr. Speaker. What... We are on the Order of Civil Law, but when we get to the Order of Criminal Law, all the Republicans will be able to stand up and vote to raise the penalties to put people in jail, but after all, this is a corporation that might be found guilty and oh, my God, we better not get too tough on them. And hey, where's the knowingly Amendment? Where's the knowingly Amendment? We gotta... We gotta look these things over with a fine tooth comb. I vote 'aye'."

Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 61 'ayes', 35 'nos', 15 voting 'present'. And the Gentleman from DuPage, Representative McCracken."

McCracken: "Poll of the Absentees, please?"

Speaker McPike: "No... Representative McCracken..."

McCracken: "Verification, verification, verification."

Speaker McPike: "Gentleman asks for a Verification of the Affirmative. Representative Young requests a Poll of the Absentees. Mr. Clerk."

Clerk Leone: "Poll of the Absentees. Christensen. Countryman. Virginia Frederick. Krska. O'Connell. Pangle. And Steczo. No further."

Speaker McPike: "Proceed with the Verification of the Affirmative Roll."

Clerk Leone: "Poll of the Affirmative. Alexander. Berrios. Bowman. Braun. Breslin. Brookins. Brunsvold. Bullock. Capparelli. Cullerton. Currie. DeLeo. Deuchler. Dunn. Flinn. Flowers. Giglio. Giorgi. Greiman. Hannig.

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Hartke. Hicks. Huff. Kirkland. Koehler. Kulas.
Laurino. LeFlore. Leverenz. Levin. Matijevich.
Mautino. McNamara. McPike. Mulcahey. Nash.
Panayotovich. Phelps. Preston. Rea. Rice. Richmond.
Saltsman. Satterthwaite. Shaw. Slater. Soliz.
Stephens. Stern. Sutker. Terzich. Turner. Van Duyn.
Vitek. Washington. White. Wolf. Anthony Young.
Wyvetter Younge. Zwick. And Mr. Speaker."

Speaker McPike: "Representative Nash would like leave to be verified. Mr. McCracken... And Representative Homer."

Homer: "Mr. Speaker, how am I recorded?"

Speaker McPike: "Gentleman is recorded as voting 'present'."

Homer: "Would you record me as voting 'aye'."

Speaker McPike: "Representative Homer switches from 'present' to 'aye'. Representative Vitek is... is leaving and would like to be verified. One at a time. Representative Bowman would like to be verified. Representative McNamara would like to be verified. Representative Keane goes from 'present' to 'aye'. Representative Ronan from 'present' to 'aye'. Representative Farley from 'present' to 'aye'. Let me repeat those, Mr. Clerk. That was Representative Keane, Representative Ronan, Representative Farley, all from 'present' to 'aye'. Representative Christensen 'aye'. Representative DeJaegher from 'present' to 'aye'. Representative McCracken."

McCracken: "... Know when... I know when I'm beat. I withdraw the Roll Call."

Speaker McPike: "Mr. Clerk, what's the count? On this Bill there are 67 'ayes', 35 'nos', 10 voting 'present'. House Bill 1018, having received the Constitutional Majority, is hereby declared passed. House Bill 1553, Representative Steczo. Out of the record. House Bill 1636, Representative Satterthwaite. Out of the record. House

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Bill 2084, Representative ,Hallock. Out of the record.
House Bill 2364, Representative Soliz. Read the Bill, Mr.
Clerk. Page 21 in the Calendar."

Clerk Leone: "House Bill 2364, a Bill for an Act to amend the
Illinois Public Aid Code. Third Reading of the Bill."

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

Soliz: "Mr. Speaker... Mr. Speaker, Ladies and Gentlemen of the
House, this is a Bill which provides for the enumeration of
certain factors that can be considered in connection with a
personal injury recovery of a public aid recipient. It
sets forth the specific factors that the court must
consider in order to determine a set off from the public
aid recipient's recovery in a personal injury judgment.
Now, this Bill is in conformity with a precedent
established in a legal case. It's also a Bill which has
been amended to the satisfaction of the public aid,
Illinois Department of Public Aid. To my knowledge, there
is no opposition on the Bill and I respectfully move
support for this piece of legislation."

Speaker McPike: "Gentleman moves for passage of House Bill 2364.
Is there any discussion? Being none, the question is,
'Shall House Bill 2364 pass?' All those in favor signify
by voting 'aye', opposed vote 'no'. Have all voted? Have
all voted who wish? Clerk will take the record. On this
Bill, there are 112 'ayes' no 'nays', none voting
'present'. House Bill 2364, having received the
Constitutional Majority, is hereby declared passed. House
Bill 2369, page 7 of the Calendar. Out of the record. And
in addition to this Order of Business, one Bill
additionally. House Bill 2431, Representative Olson. Read
the Bill, Mr. Clerk."

Clerk Leone: "Page 48 of your Calendar."

Speaker McPike: "Page 48 of the Calendar."

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Clerk Leone: "On page 49 of your Calendar, House Bill 2431, a Bill for an Act to amend an Act in relationship to support and maintenance. Third Reading of the Bill."

Speaker McPike: "Gentleman from Lee, Representative Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2431 is a update redraft of House Bill 3068 last year, the child support collection Bill, which we passed. It amends Chapters 23 and Chapter 40 relative to the Public Aid Code and the Dissolution of Marriage Act, and basically seeks to meet the objections of those who did not support the legislation last year because it failed to offer a reasonable alternative for courts to make some definitive guidelines. Representative Currie is our principal Co-Sponsor and she will close on this, with your leave. Amendment 32 becomes the Bill and I'll just go through the things included in the Amendment so that it might answer any questions that anyone might have. It clarifies that the guidelines set forth relate to the supporting party's net income so there is no question about that. Specifies that departures from the guidelines are based upon the party owing the duty of support or the court finding reason for a higher or lower level amount based on relevant factors. The Bill defines net income as the total of all incomes from all sources minus various deductions that are specified in the Amendment which becomes the Bill and I will enumerate those for you. The definitions of those deductions allowable have been improved in the following ways. Number one, state and federal income tax included added language properly calculated withholding or estimated payments, mandatory requirement contributions required by law or as a condition of employment, union dues, liberalizes the requirements of dependent individual health, hospitalization insurance premiums. Previously, in

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the legislation drafted last year, the law required that this insurance was mandatory and that there would only be a \$25 deduction to account for the cost of that. This legislation further specified that this insurance should be provided if it's in the court's discretion of coverage. Some additional deductions include...further include in the court's discretionary are repayment of debts that are reasonable and necessary for the production of income. Medical expenditures that are necessary to preserve life or health and reasonable expenditures for the benefit of the child or other exclusive of gifts. In the area of short term debt, it will be recognized that for the length of that obligation, there will be a self executing modification of the support order upon the termination of the payment. And then one added provision was added here at the request of the Cook County State's Attorney. Language is included to require that at the time of the hearing, the party owing the duty of support shall provide a form affidavit showing the calculation of net income. If net income cannot be determined because of default or other reasons, the court shall order an amount considered to be reasonable for the particular case. Final orders shall be in a dollar amount. This was intended to help the clerk responsible for collecting payments not to be dealing in percentages and specific dollar amounts. I believe there are a couple of other Bills that were offered this year to address this issue and I think we have satisfactorily met the test and the challenge of those, Senator Marovitz and Berman and 91, and Representative Johnson in 364. We'd be happy to answer any questions."

Speaker McPike: "Gentleman moves for passage of House Bill 2431. Is there any discussion? Gentleman from Macon, Representative Dunn. Representative Dunn."

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

Will the Sponsor yield for a question or two?"

Speaker McPike: "Indicates he will."

Dunn: "To what extent was the subject matter of Amendment #2, which is now the Bill, considered by a Committee of this Body?"

Olson: "Representative Dunn, the Amendment that was offered in your Committee was technically poorly drafted and we agreed to amend it into an agreeable form and offer it as Amendment #2 to meet the objection."

Dunn: "But the... the substantive subject matter of this Amendment was not discussed by any Committee of this General Assembly this spring, was it?"

Olson: "It... It was offered, Representative, when... when Department Head 'Koehler' came in to your Judiciary I one morning in the last week while we were in Committee hearings. I came over from Executive to offer the Amendment and he explained Amendment #1, but also indicated at that time that it needed to be dressed up."

Dunn: "To what extent does the Amendment allow a deduction in the calculation formula for mortgage payments?"

Olson: "Hang on a second. Alright. I do not have that, Representative Dunn."

Dunn: "Does this Amendment amend the Marriage and Dissolution Act, as well as the Public Aid Code?"

Olson: "Yes, it... It amends both Chapter 23 and Chapter 40, Sections 504 and 505 in Chapter 40. 1106, 1107, 1224 and 1359 and 1010 in Chapter 23."

Dunn: "And does the... Insofar as it amends the Marriage and Dissolution Act, does it still use the word 'shall'? Does it mandate that after you calculate the amount of support according to the formula, that that... that that amount shall be used unless the parties can prove otherwise?"

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Olson: "I think it still includes the presumptive guidelines, 20 to 50 percent in child support and 30 to 55 if there is child support and maintenance. But the..."

Dunn: "And in arriving at the amount to be considered by the formula, then I again have the same question. What... how does it take into account mortgage payments for shelter, for housing, owed by either the payor or the payee?"

Olson: "We'll have that for you in just a second, John. We are making an inquiry. John, the answer is that the mortgage payments are not covered, but a special finding of the judge might include it based on relevant factors. It gives the court some discretion."

Dunn: "So if the... if the payor and in a typical example, it would be the father of the child is taking over the former marital domicile, the residence of the parties while they were married or has since the time of divorce acquired a residential property of his own and is paying rent for that place of shelter or paying mortgage payments, there can be no subtraction from his gross income for that purpose, is that correct?"

Olson: "Part of the Amendment includes, John, that in the court's discretion, consideration of repayment of debts that are reasonable and necessary for the production of income may be utilized at the discretion of the court."

Dunn: "And the language is that the above guidelines... the guidelines shall be applied unless the party owing the duty of support shows or the court finds that a reason for the departure is based upon consideration of factors one through seven of Subsection (b) of this Section or in Paragraphs 2(a) through 2(e) of Subsection (a) of Section 505. What are those factors?"

Olson: "Well, I believe, Representative, the areas we described when we included the definitions and also the allowable

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deductions."

Dunn: "Well, it's a long Amendment and it's an important matter that caused general controversy throughout the state this year and I don't think the subject matter of this Amendment was discussed thoroughly. I... let me ask this at this point. Have the Illinois Bar Association or the Chicago Bar Association either one taken a position on this Amendment?"

Olson: "I am advised, John, that they have agreed with the concept. In my own realm, having been a former circuit clerk, I ran this past member of the 15th Judicial Circuit, both people representing..."

Dunn: "But you are not authorized to stand here and say that the Illinois Bar Association supports this Amendment, are you?"

Olson: "I am not... I am not authorized to..."

Dunn: "And the Illinois Bar Association, of course, would... would include lawyer groups which would, by reason of the nature of their practice, be inclined to support concepts like this and other groups which were inclined to oppose things like this. So they... They have not taken a position either way, nor has the Chicago Bar Association, have they?"

Olson: "I have heard nothing from them, Representative Dunn."

Dunn: "And there are some groups around the state that represent fathers. There is a group called Fathers Fight For Rights and groups of that nature. Have they taken a position with regard to this Amendment?"

Olson: "Haven't... haven't heard from them."

Dunn: "What groups that are normally interest in this type of legislation can you represent to the General Assembly have taken positions either for or against Amendment #2 to this Bill."

Olson: "John. John. Those people... Those people that have a

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strong interest in allocating monies that might go to... to dependent children that we might be collecting are in support of this legislation. Also, the Advisory Committee to Public Aid, while they were still as a part of our group, were supportive of this legislation."

Dunn: "Now let's go down the factors again which apply to the discretionary matters of deduction. Where are those in the Bill, and repeat them again."

Olson: "Alright. Could I run... just run through them from the top?"

Dunn: "Well, where are they in the Amendment? What page are they on?"

Olson: "Hang on. Hang on. While we're looking up the pages, I'll run them by you, John."

Dunn: "Okay."

Olson: "These are the definition of the deductions that are allowable to arrive at net income. State and federal income tax included added language properly calculated..."

Dunn: "I can't hear you. I can't hear you."

Olson: "Okay. State and federal income tax includes added language properly calculated withholding or estimated..."

Dunn: "I'm sorry. You'll have to speak louder. I can't hear you."

Olson: "John, page eight or page nine, then maybe I wouldn't have to repeat those."

Dunn: "The limit on health... health insurance premiums has been removed. Is that correct?"

Olson: "That's correct."

Dunn: "Now, subparagraph eight refers to the court's discretion. It says, 'In the court's discretion consideration may be given only to those expenditures for repayments of debts that represent reasonable and necessary expenses for the production of income...', and so on. Does that conflict

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with other language which would appear to authorize consideration of mortgage payments someplace else?"

Olson: "I don't believe it is in conflict. You're talking about (h) on page nine? Which... Are you talking about Section 8?"

Dunn: "Section 8 on page nine."

Olson: "Okay. 'In the court's discretion, consideration may be given only to those expenditures for repayments of debts that represent reasonable and necessary expenses...' I don't believe that would be in conflict. '...for the production of income, medical expenses (sic - expenditures) necessary to preserve life or health, and reasonable expenditures for the benefit of the child.'"

Speaker McPike: "Representative Dunn, could we end this dialogue and speak to the Bill?"

Dunn: "Well, the... I don't know if anyone else is going to speak to this Bill, Mr. Speaker. The reason I'm asking these questions is that this is the stepchild of legislation which was passed by this General Assembly last spring at a time of crunch without consideration by a Committee of this House. It was presented in some form to the House Judiciary Committee this spring, but it makes substantial changes in the legislation, and one of the deductions, which it fails to allow for, is the deduction for shelter. Everyone has to live some place. And what this Bill says is that a paying parent - a parent who does not have custody of a child, but a parent who has obligation to pay money for the support of that child - must pay according to a certain formula. And that parent cannot plug into that formula any place unless they fight an uphill battle over a statutory presumption against them, they cannot plug into that formula any place their own cost of shelter. That's crazy. This is an improvement over last year's Bill, but I

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would recommend to the General Assembly, the Members here, that you take a hard close look at this legislation, because you went home last year and found it controversial all across the state. If we are going to plug in formulas for the payment of child support and make them rigid and make them inflexible, those formulas should be applied after consideration by the interested parties, the various Bar groups in this state. The Sponsor of this Amendment, this Bill, has indicated to this General Assembly that the Illinois State Bar Association has taken no position on this Bill at this time. The Chicago Bar Association has taken no position on the Bill at this time. There has not been input from the general public who pay the bills. There has not been input from the general public who are on the receiving end of these Bills. There have not been general hearing in connection with legislation with regard to the interest of the children. There are some groups who are on the receiving end who are for this legislation. It is an improvement from last year, but who knows whether it is right or not. We should grind to a halt and either repeal the old law or make sure we do it right. I submit to the Members of the General Assembly, if we are here today to tell people all over this state who have to pay child support according to a calculated formula based upon their income which will not allow them to deduct the cost of their own shelter, we have made another big mistake. I would urge a 'no' vote on this Bill until we straighten all the matters out that are important with regard to this legislation."

Speaker McPike: "The Gentleman from Livingston, Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I think this is an important piece of legislation. It may be an

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attempt to correct what Representative Dunn indicated what was the mistake last Session. I happen to believe last Session's Bill was a mistake. The thing I wonder about is why the Illinois Department of Public Aid thinks it should dictate standards for all levels of income. Now not everybody in this state is on public aid, and they don't need to set standards for child support for those who aren't. The state might have an interest, a public policy, in setting standards for support for those people who do draw public aid, but their legislation which was passed here a year ago did make no distinction as to income level. But you apply the current law in Illinois to a millionaire, and it's patently as unfair as it has been in the past to let those people on low incomes go without enough support. I would suggest that there's better legislation pending in this General Assembly to address this... this problem and that we should vote against this Bill."

Speaker McPike: "The Gentleman from Jefferson, Representative Hicks."

Hicks: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2431 addresses a Bill that we did last Session. And I would like to commend the two previous speakers. I think it is a very, very bad situation we've gotten ourselves into, and I would join the other Gentlemen in hoping that we look at repealing last year's Bill. And I stand in opposition to the Bill. Thank you."

Speaker McPike: "The Lady from LaSalle, Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, I disagree with all of the previous speakers. The Department of Public Aid... except the Sponsor, correct. The Department of Public Aid brought us the Bill last year. We have found that there were some difficulties with it; however, this Bill... brings back balance. It brings back

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to the system a mechanism for fairly assessing what should be child support payments. We have found in Illinois that when child support payments are not paid by parents, who are due and owing, the burden falls back to you and I - the taxpayer. We know that's inappropriate. This Bill is appropriate, and we ought to be sending it to the Senate."

Speaker McPike: "The Gentleman from Lee to close, Representative Olson."

Olson: "Thank you, Mr. Speaker. I'm going to defer to the Cosponsor, Representative Currie, to close on this Bill."

Speaker McPike: "The Lady from Cook, Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. I think there must be some misconception about what this Bill does and what the present state of the Illinois state statute having to do with the Marriage and Dissolution of Marriage Act already provide. Last year, this Assembly said presumptive guidelines make sense. Last year, this Assembly said when the average male earner in this country brings in 24 thousand dollars a year and the average child support order in this country averages 2,400 dollars a year, there's a problem. This Assembly said, 'Let's establish guidelines, presumptive guidelines, so that the court can make sure child support awards are adequate to keep children off the public aid rolls, to keep children housed, fed and clothed.' There were some technical problems with the Bill we enacted last year, and this legislation, House Bill 2431, is an effort to respond to complaints we had from members of the Bar Association. This Bill does not repeal presumptive guidelines, as some of you may wish that it did, but it certainly goes a long way to meeting legitimate objections raised by Members of the general public and members of the Bar to the legislation enacted in June of 1984. You don't have the

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opportunity in your vote on House Bill 2431 to repeal presumptive guidelines, but you do have an opportunity to make sure that the guidelines make sense, make economic sense, not only for the custodial parent and the child but also for the noncustodial parent. I don't think there's any legitimate reason for voting any way but 'yes' on this Bill. I don't know whether the Illinois State Bar Association or the Chicago Bar Association have a position on this Bill, but it is neither of those groups that is charged with responsibility to make public policy for the children of this state. In order to protect our children and in order to protect our public welfare rolls, the only responsible vote is 'yes' on House Bill 2431."

Speaker McPike: "The Lady has moved for the passage of House Bill 2431. The question is, 'Shall House Bill 2431 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Representative Satterthwaite to explain her vote."

Satterthwaite: "Mr. Speaker and Members of the House, the lawyers in my legislative district who have talked to me about the Bill that was passed last year have indicated that they feel that it is a good idea to have guidelines to help to determine at what level child support shall be provided. They were unhappy with some of the limitations and felt that the issues that needed to be addressed were not all included in the legislation that passed last year. I believe that the Sponsor and the others, who have worked on this legislation, have done a very fine and conscientious job of providing more flexibility and showing the courts that they are guidelines that need consideration on a case by case basis. And I think that this has been a fine job of adjusting a Bill to the needs of the people out in the field."

Speaker McPike: "Have all voted? Have all voted who wish? The

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Clerk will take the record. On this Bill, there are 77 'ayes', 24 'nos', 9 voting 'present'. House Bill 2431, having received a Constitutional Majority, is hereby declared passed. Subject Matter - Criminal Law appears House Bill 82, Representative Pangle, page 10 of the Calendar. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 82, a Bill for an Act in relationship to certain criminal offenses. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Kankakee, Representative Pangle."

Pangle: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 82 deals with the problem of prostitution. The Bill has been discussed in Committee. It passed unanimously. It's a mandatory sentence for solicitating, pimping or being a prostitute. If you can... get convicted three times in a five year period, there's a mandatory sentence. I would be happy to answer any questions."

Speaker McPike: "The Gentleman has moved for passage of House Bill 82. Is there any discussion? Being none, the question is, 'Shall House Bill 82 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 103 'ayes', 2 'no's', 7 voting 'present'. House Bill 82, having received a Constitutional Majority, is hereby declared passed. House Bill 124. Representative Brookins, are you holding this for an Amendment? Page 10 of the Calendar, House Bill 124. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 124, a Bill for an Act to amend Sections of the Code of Criminal Procedure. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Cook, Representative

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Brookins."

Brookins: "Mr... Mr. Speaker and Ladies and Gentlemen of the House, this is a speedy trial Bill... Bill. And what it does, it provides that a person charged with murder, a Class X Felony or a Class 1 Felony in which death or serious bodily harm is inflicted against a person indicative of a heinous... behavior or... cruelty shall be tried within 90 days from the date of the court's finding of probable cause at the preliminary hearing, or waiver of preliminary hearing or in the case where a defendant is charged by the Grand Jury - 90 days from the date of arraignment (sic - arraignment) except under specific circumstances. I ask for passage of this Bill."

Speaker McPike: "The Gentleman moves for passage of House Bill 124. And on that, the Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. I rise in opposition to House Bill 124. On the surface this is made to sound as if it's a pro prosecution Bill, that we should try persons who are charged with these so called heinous offenses within 90 days. In actuality it does one of two things. Either it does nothing because the speedy trial at this point is 120 days from date of incarceration, and this would make it 90 from the date of the probable cause finding. Or worse, it provides a trap which will let persons charged with murder and other offenses go free without any trial whatsoever if they're not brought to trial within 90 days. The present speedy trial rule of 120 days applies to persons in custody. This 90 day rule would apply whether the person was in custody or not. I think it's a bad idea, and we ought to vote 'no'."

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

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

Speaker McPike: "Indicates he will."

Homer: "Representative Brookins, I remember when we had the Bill in Committee there were discussions at that time, I believe with Representative McCracken, where, I thought, there was going to be an Amendment to the Bill where it would restore the 120 days and delete the 90 days from arraignment provision. And as I recall, the Bill was called a second time in Committee, and on that basis and with that representation that there would be an Amendment if the Bill passed out. Can you clarify that?"

Brookins: "Representative, you're correct. And I... But my understanding was that the Amendment would provide that the 90 days would start after the arraignment and, therefore, meet the guidelines of the 120 days."

Homer: "Okay. Representative Brookins, I think... I think that, basically, the Bill does very... one real excellent thing and that was to set forth the criteria under which a court must consider before it would grant a continuance to the defendant. But the other part of the Bill that was found objectionable in Committee also remains in the Bill, and that's the part that... that changes the 120 day standard to a 90 day from arraignment standard. And I'm pretty certain that when the Bill was called a second time it was with the understanding that there would be an Amendment on that."

Brookins: "Mr. Speaker. Mr. Speaker. Mr. Speaker."

Speaker McPike: "Representative Brookins."

Brookins: "Mr. Speaker, can we take it out of the record so I can have such an Amendment prepared?"

Speaker McPike: "Certainly can. The Sponsor asks this Bill to be taken out of the record, and it will be done. House Bill 231, Representative Nash, is also waiting for Amendments."

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Take it out of the record. House Bill 291, Representative Brunsvold, page 11 of the Calendar. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 291, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 291 addresses a problem that has been brought to my attention by some local law enforcement officers. It adds a new Section... new Section 31-1(a), paragraph dealing with disarming a police officer. At present time, taking a weapon from an officer or bodily inflicting harm on the officer is the only... is the only... only legal course the courts have to... to addressing disarming a police officer. It's either theft of the weapon or aggravated battery. There is no... nothing in the code that addresses a disarming of a police officer. The language in the paragraph was worked out with Committee, and we finally, I think, have it in good form so that anyone attacking a person around his house, for example, that he did not know was a police officer could not be held for a Felony 2 because he did not know that... that man, in fact, was a policeman. So I would be happy to answer any questions."

Speaker McPike: "The Gentleman moves for passage of House Bill 291. Is there any discussion? The Gentleman from McLean, Representative Ropp."

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

Speaker McPike: "Representative Breslin in the Chair."

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

Ropp: "Representative, could you describe a situation where you wouldn't know you would be disarming a police officer?"

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Brunsvold: "Well, if you were awakened late at night, and you looked out the window, and you saw someone creeping by the house, and you, for some reason, could open the window and, more or less, disarm the person either with a ball bat or something like that, and you were to knock this person out and it was, in fact, a police officer after a thief, you would, in fact, then have disarmed a police officer and... but you didn't knowingly do it because you didn't know he was a police officer, you couldn't be held for a Class 2 Felony."

Ropp: "In other words, it's an attempt that you don't know he's a police officer, not that you don't know you're trying to disarm him."

Brunsvold: "Again. Could you ask that again?"

Ropp: "The intent is that you did not know he was a police officer..."

Brunsvold: "Right."

Ropp: "...not that you did not know you were attempting to disarm him."

Brunsvold: "Right. You have to know this individual is a police... is a police officer for this to be... held for a Class 2 Felony."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the question is, 'Shall House Bill 291 pass?' All those in... Representative Brookins, did you want to speak? Representative Brookins."

Brookins: "Yes, thank you, Madam Speaker. I'd like to speak in support of this Bill. And I'd like to cite a little incident that happened in Chicago where two police officers were disarmed, and in disarming them they both were slain. This happened not too long ago. This happens, and I'd like to say that this is a good Bill, and it certainly deserves our support. Thank you."

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Speaker Breslin: "The question is, 'Shall House Bill 291 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 113 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 319 appearing on page 11 on your Calendar, Representative Braun. Clerk read the Bill."

Clerk O'Brien: "House Bill 319, a Bill for an Act to amend Sections of an Act to revise the law in relation to clerks of court. Third Reading of the Bill."

Speaker Breslin: "Representative Braun."

Braun: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, this Bill passed last Session by a very substantial margin, but wound up getting caught over in the Senate during the deadline period. It simply calls for the keeping of a census in regard to the use of peremptory challenges by clerks of the court. I know of no opposition to the legislation, and I encourage your support."

Speaker Breslin: "The Lady has moved for the passage of House Bill 319. And on that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "This Bill has been considered for a few Sessions now, and there's always been opposition to it. I'd like to put it in perspective for the Members of the Body, very, very briefly. 319 is an attempt to develop statistical evidence on the issue of whether or not there is systematic and purposeful exclusion of jurors based on race being conducted by the prosecutor. The reason for the desire to gather the evidence is as a basis of reversal of a criminal conviction. Apparently but not clearly a defendant able to prove that systematic and purposeful race discrimination in

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the selection of a jury could secure a reversal of his conviction. The reversal may or may not be based upon the evidence. It may or may not be based on the fact of guilt. The reason for this Bill was in response to Justice Simon's decent in a case which upheld the use of peremptory challenges and their inviability. 324, which recently passed out of this chamber, goes far beyond the current state of the law and allows for both a finding of fact by a Judge as to the existence or nonexistence of race discrimination and a remedy on a trial by trial basis. Now, I understand that 324 may not become the law. But one remedy that 324 does not give you is a reversal on a conviction. I don't think we want convictions of guilty persons reversed if, in fact, that is a guilty person. Secondly, the other superiority of 324 over 319 is that it does not rely on statistical evidence or the interpretation of statistical evidence to prove discrimination - something which, I think, a lot of us would agree is... is a very poor basis of doing so. House Bill 324 would allow for a finding to be made by a court as to the existence or nonexistence of discrimination, so that the evidence which would be gathered over the course of time, if 324 became the law, would be more reliable evidence and not merely the interpretation of statistics. The Sponsor may argue that we don't know which of either Bill is going to pass so we should pass them both out. I don't agree. 324 is a superior model and is one supported by many people on both sides of the aisle, and I think 319 has deficiencies that just cannot be corrected. And I respectfully oppose it."

Speaker Breslin: "Is there any further discussion? There being no further discussion, the Lady from Cook, Representative Braun, to close."

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

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House, I've been here for a while, and I have not too often heard of opposition to legislation because you prefer one approach to another when both are conceded to be good approaches. This approach came about from Justice Simon. It simply calls for record keeping. It does not relate directly to the issue that was raised in the comments now. All it requires... All it calls for is additional information to be kept. There can never be anything wrong with having information about how our court system works. I encourage your support for this legislation."

Speaker Breslin: "The question is, 'Shall House Bill 319 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 69 voting 'aye', 44 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 360 appearing on page 11 on your Calendar, Representative Homer. Clerk, read the Bill."

Clerk O'Brien: "House Bill 360, a Bill for an Act to amend Sections of the Illinois Public Aid Code and the Criminal Code. Third Reading of the Bill."

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker. Ladies and Gentleman, House Bill 360 is a Bill which would provide some consistency to the Criminal Code with regard to the monetary threshold over which a crime... the transition of a crime between a misdemeanor and a felony. Three years ago, the General Assembly increased the threshold from 150 dollars to 300 dollars for a felony for the offenses of theft and for criminal damage to property, but left at 150 dollars other various and assorted provisions of the Criminal Code. House Bill 360 would attempt to make all of those

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provisions consistent at the 300 dollar level. That would include retail theft, deceptive practice, public assistance fraud and arson. So, that's all that House Bill 360 does, and I would ask for your favorable consideration."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 360. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 3...' Representative Terzich, on the question."

Terzich: "Representative Homer, did this Bill get out of Judiciary Committee last Session?"

Homer: "Yes, it did."

Terzich: "And it was overlooked?"

Homer: "It was what?"

Terzich: "This... This Section was overlooked in the Judiciary Committee in the last Session?"

Homer: "No. The Judiciary Committee overlooks very little, Representative."

Terzich: "Oh, but this was one that they did. That's terrible."

Speaker Breslin: "The Gentleman from Knox, Representative Hawkinson."

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

Speaker Breslin: "He will yield for a question."

Hawkinson: "Representative, have the Retail Merchants withdrawn their opposition to this Bill?"

Homer: "No, it's... I don't have any specific knowledge that they have. It's my understanding that... that that organization remains in opposition to the provision with respect to retail theft."

Hawkinson: "Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall House Bill 360 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This

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is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 77 voting 'aye', 33 voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Cullerton is recognized for a Motion."

Cullerton: "Yes, I'd like to put House Bill 410 in Interim Study."

Speaker Breslin: "Are you the Chief Sponsor of that Bill, Representative?"

Cullerton: "No. No, I'm not. No, I was going to make a Motion to continue the Order of Special Business for the labor Bills till tomorrow until the Call of the Chair."

Speaker Breslin: "The Gentleman moves to postpone the labor Bills, Subject Matter - Labor Bills, until tomorrow at the Call of the Chair. Is there any objection? Seeing no objection, the Motion carries. Continuing, Ladies and Gentlemen, on the Special Subject Matter of Criminal Law appears House Bill 410, Representative Johnson. It appears on page 11 of your Calendar. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 410, a Bill for an Act to amend an Act relating to firearms and firearm ammunition. Third Reading of the Bill."

Speaker Breslin: "Representative Johnson."

Johnson: "Perhaps we should sound the... the bugle horns here. This is an issue that... There we go. See what power I have in this Assembly. We'll see what power I have when the Bill's called. This... This Bill, Madam Speaker and Members of the House, is one that you've obviously or should have received a lot of communication on, not only from involved interest groups but from constituents who believe strongly in this subject matter. House Bill 410, itself, would establish the State of Illinois as the sole

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level upon which the matter of handgun regulation or specifically firearms regulation can occur. As you know, there are cities and villages, several in the State of Illinois, that have ordinances prohibiting the possession of firearms and in some cases handguns, and I suppose that's the primary area of regulation. It's my feeling and I think the feeling of a vast majority of the constituents that I represent and I think in the State of Illinois that (a) the area of gun regulation ought to be at the state level. That's for several reasons, the primary one which is that I don't believe that a patchwork of laws that make somebody a criminal in one village and a law abiding citizen in another are either enforceable or sensible. And (b), and I think all of us would be candied in this regard, that the matter of one's constitutional right to bear arms, regardless of how the courts interpret that constitutional guarantee, ought to be protected, and that people ought to have the right to... to bear arms. Now we can go on, and I suppose one of us will in closing, with a litany of arguments on either side of this issue and some of the truisms that people either tend to degrade or support according to their position on the issue. But the bottom line is... is this, that the most effective means of gun control, quote, unquote, in this state or anywhere else is effective and enforced laws that provide for tough and enforced penalties upon people who misuse firearms. There's no statistical evidence anywhere to indicate that those municipalities or various units of government that have imposed gun control in its classic form have any decrease in the crime rate or otherwise. The bottom line is that people ought to have a right to bear arms. There's a variety of reasons why one would want to exercise that right, not the least of which is the ability to protect

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your own home and your own family under appropriate circumstances. Now, I'm not going to stand up here, I don't have it in me to do twice in a week, give an impassioned speech, but I believe strongly in this guarantee. I believe strongly that there ought to be statewide regulation, and I believe equally strongly that we ought not to have three, or four, or five or six municipalities who regulate on their own any more than I believe that Bloomington-Normal ought to be able to pass a special law on sex crimes and then Lexington and Chenoa to have a different law in that regard. It's a matter of statewide significance. It's a matter that ought to be regulated at the state level, and it's a matter that individual municipalities ought not to be acting on. And I think that the State of Illinois ought to have as its public policy that people have a right to use and to possess firearms for appropriate circumstances and in appropriate ways. Where guns are misused, we ought to penalize people that misuse them, but we ought not to have this series of regulations that don't make sense, aren't enforceable and violate people's basic constitutional guarantees. I'll be glad to answer what questions I can."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 410. And on that question, the Lady from Cook, Representative Currie."

Currie: "Thank you, Madam Speaker. First a parliamentary inquiry. How many votes will it take to pass this Bill?"

Speaker Breslin: "This Bill preempts home rule and will require 71 votes for passage."

Currie: "71 votes. Thank you. And may I request at this time, Madam Speaker..."

Speaker Breslin: "Excuse me. Representative Johnson, for what reason do you rise?"

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Johnson: "If I might, and with certainly no disrespect to the... to the Speaker, have a more specific ruling in that regard. As the Speaker is aware, there are various forms of preemptions, and some take a simple majority and some take an extraordinary majority. It's our position, for the record, that this is the form of preemption under the Constitution given the fact that the state's occupation of the field that ought to occupy or require only a simple majority. We're not going to appeal the ruling of the Chair, but if you could be more specific we'd appreciate it."

Speaker Breslin: "Okay. Representative Johnson, we have reviewed the Bill, and we have reviewed the previously rulings of the Chair. It is the Chair's belief that this Bill requires an extraordinary majority for passage. In 1982, Speaker Ryan, at the time, specifically went through the entire proposal, and he, at that time, decided that it was... that this Bill would require an extraordinary vote for passage. In addition to that, the Bill specifically limits a municipalities power to tax. Therefore, under Section 6 of Article VII, meaning the local government Article, (g)... Subsection (g), it specifically says that the General Assembly by a law approved by the vote of three-fifths of the Members elected to each House may deny or limit the power to tax. This Bill specifically does that and, as a consequence, will require an extraordinary majority for passage. On the question of whether or not House Bill 410 should pass, does the Lady from Cook, Representative Currie, still wish to speak? She does. Representative Currie."

Currie: "Thank you, Madam Speaker and Members of the House. I think the ruling you've just made is a... is a splendid one. I also would request that should this... should this

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vote, when we come to a Roll Call, seem to have 71 affirmative votes that we will have at that point, I would make the request for a verification. To the Bill itself, Madam Speaker and Members of the House. This seems to me to be the fanatics at work and play, not only with respect to guns and firearms in the State of Illinois, but also at the very roots of Illinois government as we know it, as we understand it and as we adopted it in the 1970 Constitution. This is a battle to maintain the priority of handguns over lives in the State of Illinois, and it does not make very good public policy sense. In our 1970 Constitution, we said that home rule units of government may, quote, '...exercise any power and perform any function pertaining to its government and affairs including the power to regulate for the protection of the public health and safety. These powers and functions of home rule units shall be construed liberally.' At issue here in this Bill, House Bill 410, is not only Morton Grove, not only Evanston, not only Oak Park, communities that have banned handguns in their municipalities because they think those handguns out of control present a public health and safety threat to their residents, but it's also an attack on most of the municipalities in the State of Illinois. How many of you come from communities where there are ordinances saying that you can't discharge a firearm at will in the public streets, in the public sidewalks, in the neighboring backyards? How many of you represent communities where there are zoning ordinances that say that in certain kinds of communities you can't have a McDonald's franchise or you can't have a liquor store. Under the provisions of House Bill 410, your communities can continue to regulate McDonald's franchises. They can continue to regulate 7-eleven's, liquor stores and taverns, but they cannot

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regulate a gun shop. That is whacko. In this battle to maintain pride of place for handguns over lives, I hope the Members of this Assembly will have the good sense to say that these tactics, these National Rifle Association tactics are not sensible tactics for the people of the state. In the name of sanity and in the name of home rule powers for our local governments, I urge "no" votes on House Bill 410."

Speaker Breslin: "The Gentleman from Coles, Representative Weaver."

Weaver: "Thank you, Madam Speaker. I rise in support of this Bill because of some of the effects that we will see downstate. We have a lot of areas in my district, in the rural areas, where we see hunters who traverse not only between townships but between counties, and they may find themselves in violation of the law several times over simply because they've gone on a hunting trip that exceeds their own township. I recently received a call, as a matter of fact it was this morning, from an individual in my district who was against this Bill because he was against firearms and particularly handguns. And I think part of his problem was he did not understand what the law would do. His argument was that we have too many deaths caused by handguns. He did not also understand that without this piece of legislation communities could not only restrict handguns, but they could do what has already occurred in a knee jerk reaction fashion. They could require the members of that community to own handguns. I think we have to avoid the possibility of a patchwork quilt of law enforcement in such a critical area as firearms and firearms ammunition. And I... I ask and beg for your support of this legislation."

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

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Lady from Cook, Representative Braun."

Braun: "Forgive me. I'm sorry. Thank you, Madam Speaker. Ladies and Gentlemen of the House, last week the Superintendent of the Chicago Police Department was called upon to comment on this legislation and its effect on home... home rule municipalities. I would like, at this time, to share with you his statement. Superintendent Rice said, quote, 'This Bill will have a devastating effect on law enforcement throughout the state and particularly in Chicago and the surrounding metropolitan area. The Chicago Police Department is unequivocally opposed to this Bill. The Chicago gun registration ordinances are invaluable assets to police investigations. The solution of some heinous crimes has begun with or been aided by identification of a weapon used through the gun registration system. Without such control, there will be certainly a drastic increase of guns in our city. Accordingly there will also be a commensurate increase in the potentiality of accidental incidents, family violence and criminal... acquisition of guns by theft and burglary. If we are to avoid further proliferation of handgun crimes and violence, we must, at a minimum, maintain gun regulations and restrictions which are imposed and enforced at the municipal level.' I believe, Madam Speaker, Ladies and Gentlemen of the House, the Superintendent's concern proceeded not only from a law enforcement concern, but also from a concern about the power of local governments to make local laws. All of you have come from different areas, areas which jealously guard their prerogative to make laws in areas such as this. I encourage that you stand by those municipal governments at this time and vote against House Bill 410."

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

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Regan: "Thank you, Madam Speaker, Members of the House. Just as early as this morning, at 10 o'clock, an officer of the law called my office and stated an incident that... he went through two weeks ago. He was called for a home invasion, went into the home and found a woman and her daughter raped and stabbed to death. Had this women had a gun to protect herself, I believe that that probably would not have happened. I know that it's an old straw that if you make guns illegal you're going to save a lot of people's lives in accidental shootings; however, if you do that, the only ones that have the guns are going to be the criminals. I strong... firmly opposed... I go right along with Tim Johnson, the Representative, in the support of this Bill."

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

Greiman: "Thank you, Speaker. And I appreciate the last Gentleman's remarks. He must be the Chamber of Commerce from Dodge City where we'll all carry a weapon on a sidearm, and everybody'll... you know, it'll be a jungle. That's what... That's what Mr... the Gentleman from Will suggests that we ought to have. But I want to tell you about my constituency, my district back home or down home or up home, I guess, like they say, up home. It's a little community of about 20 thousand plus. It's called Morton Grove, Illinois. People there decided that they wanted to ban guns. They said, 'We don't want... We want to ban guns.' And they had an ordinance. And they had public comment, and they had people coming in and pretty soon the rifle lobby, and the pistol lobby and a lot of people of Morton Grove by the way, too, who live in Horton Grove, didn't like that ordinance. But the trustees and the Mayor voted for it. Mayor 'Flickinger' supported it, and it passed in Morton Grove. And it went to the Supreme Court

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of the United States of America, and they said that the village of Morton Grove was within its rights, within the Constitution to do that. Now a little later on came the first municipal election thereafter, and a whole group of people came and they... from outside, from inside the town to do battle with the village fathers. And the village fathers won overwhelming victory. And this last spring, they had the same issue - shall gun control... shall we rescind the ordinance. And the Mayor 'Flickinger' was overwhelmingly, overwhelmingly and incredibly reelected with every precinct... winning every precinct in both the main township and Niles Township areas. Now, I know you're not interested in the election returns in my home area, but the people of Morton Grove apparently are happy with that. They like that. Their neighbors... Their neighbors, who are trustees, decided that's what it would be, not some - as my friends over there always say, 'Some bureaucrat from Springfield is affecting my life - some bureaucrat from Washington.' Not those people. Your neighbors... Their neighbors in Morton Grove decided that they should not have guns. Now since we're doing a little geography, let me tell you about the community right next door to Morton Grove, also in my district. That community's name is Skokie, Illinois, and one of the trustees offered an ordinance exactly the same as the Morton Grove ordinance. And they had a huge number of people, a thousand people came to the high school to discuss this. And there was lots of tension, lots of passion, lots of... lots of strong feelings, and the village trustees in Skokie rejected the ordinance. They rejected it. But they made the decision about what they thought was best for their community. Now we have these people who would like... I guess they'd like to sit on boards of trustees instead of the General

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Assembly. Now I suppose Decatur and... that probably has a board of trustees, and Champaign and Rantoul, that has a board of trustees... I don't know why those fellows just don't run for those... for those boards of trustees, maybe Mayor of Rantoul. That would be a terrific spot for the major Sponsor of this one, or some town near Decatur, like Taylorville or something like that. That would be a terrific place if you want to sit on a village board. But if you want to come down here, then you ought to respect local government. You ought to respect the commitment that people have for doing things in local government. And we ought to let home rule units, we ought to let the communities decide their own fate, their own future, and we should vote 'no' on House Bill 410."

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

Davis: "Well, thank you, Mr. (sic - Madam) Speaker and Ladies and Gentlemen of the House. The prior speaker is almost always a bit humorous, sometime flippant in his remarks, and he does represent his district fairly. And I think that goes without question. His knowledge of downstate geography is abysmal, however, but that's beside the point. I would simply suggest to you that this General Assembly sets public policy for the whole state, and it is often... not often, but it is sometimes, I should say, that we do set policy that's contrary to... to an individual community's desires. I can recall with a great deal of clarity the debate on turning 19 and 20 year olds over night into criminals by raising the drinking age to 21. I often said that's fine, as long as it stops short of 49. Those of us who opposed raising the drinking age quietly accepted the notion that that should be the case because it was a matter of public policy in this General Assembly by a three-fifths majority - did exactly that some five or six years ago. We

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now have a question of public policy in front of us that many of us, in fact, the overwhelming majority, in my opinion, believe that their constituents want the right to keep and bear arms without being a criminal in their own particular community, whether it be Horton Grove, whether it be Skokie, whether it be Chicago or whether it be Taylorville or whatever other town's close to Decatur. So I suggest to you that I think at this point in time, the issue's in front of us. The Chair has ruled a three-fifths majority. That is a safeguard in the Illinois Constitution. I urge a support for this Bill, because I think, as a matter of public policy, this state and all of our constituents or at least a three-fifths majority would like us to pass this measure."

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

Bowman: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, I represent a community, the City of Evanston, which has a gun ban on its City law books. That ban was placed there after very, very careful deliberation. The deliberation spanned several years. There were many hours of testimony providing ample opportunity for public input, and the police department was very strongly in favor of the local ordinance. And that seems to me has been true everywhere a local ordinance has been adopted -- that the police departments are always on record being strongly in favor of those ordinances. Now we support our local police in almost every other instance in this... in this chamber, in this General Assembly. I can't think of a single instance where the local police departments have come to us and ask for support and we have not given it to them. So it seems to me when the local police, in conjunction with local officials, giving careful deliberation to these

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matters decide that it is a matter of public safety in that community that we should not respect that. I am standing in opposition to this legislation because I believe we should respect that - whatever the community decides to do. Let me, in conclusion, just remind you that in the 19 centuries, the frontier was being settled. Everyone had a handgun. Everyone had a handgun. And yet, there were efforts, local efforts to control handguns. If you walked into a saloon in Dodge City, you were probably asked to check your firearm at the door. And that's what these local communities are asking, Ladies and Gentlemen. We want people to check their firearms at the door. That's what we're saying, and that's why I'm in opposition to this legislation."

Speaker Breslin: "The Gentleman from McHenry, Representative Klemm."

Klemm: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. You know, I've heard a lot of discussion about this Bill, and I was really almost intending to vote against the Bill. But I've changed my mind for a reason that we debated last... a couple years ago. And that was that I received some information and read in the newspaper about the municipality, I believe it is of Oak Park, that now wishes to enforce the gun ban in their municipality. And they intend to enforce it by asking the Secretary of State for a listing of all the people registered with firearms in their municipality. And then they intend to send them, I understand, notification that they will, indeed, come to their homes and apparently enforce this law. You know, when we first debated this some time ago the concerns of... of allowing municipal elected officials to uphold the law was, I think, of sound value. I think it was spoken about today. What we were concerned, I think of most of us, is

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that this could perhaps lead to a police state. And I don't think I want to be sitting at home and having the police department of my municipality pounding on my door and trying to drag out any firearms that I may have. I don't think that's what we intended it to be. And this apparently is what those municipalities are starting to do. I certainly believe that elected officials should certainly be able to do what they think is right, but apparently, maybe, they are starting to look at it differently than what we were first told. So, in this particular case, Ladies and Gentlemen of the House, I believe that maybe we are... we should really look at it as a state problem and not the municipalities, since each one seems to be enforcing it differently. And I don't think that was our intent."

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

Berrios: "...previous question."

Speaker Breslin: "Representative Berrios moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'nos' have it, and the main question is not put. The next person to speak on this issue is the Gentleman from Cook, Representative Harris."

Harris: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, I stand to speak in actually two positions today - one as the Representative of a town called or a village called Arlington Heights and another as a long standing member of the National Rifle Association. As a member of the National Rifle Association, I happen to feel very strongly that the citizens of this country have a constitutional right to keep and bear arms. And I think

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that the infringements on those rights have been improper and, perhaps, certainly illogical. However, I would like to add that as the Representative of a town called Arlington Heights, we had a referendum last April which asked a very simply question. And we put it to the people of our village, of our municipality, as to whether or not they wanted a handgun ban. It was overwhelmingly, overwhelmingly defeated - two to one. And I think that's what would occur throughout this state and throughout this nation. I happen to think we sent a signal to the State of Illinois, to the United States, that when given the opportunity to vote, people will not vote in favor of a handgun ban. Since we've sent that message, which I think is a far more important message than what we're discussing here because it gets a lot more visibility, since we've sent that message around... around the state, especially around the state, do we see handgun ordinances popping up like they did previously? No, we don't. There are not more than two or three municipalities which are even remotely, at this point, remotely considering a handgun ordinance. And I think the reason for that is we defeated it so soundly in Arlington Heights that they're saying, 'Hey, the people don't want these types of things.' Which brings us to another question. If there's a constitutional right to keep and bear arms, we have also given our communities a constitutional right to be a home rule community. So we have two constitutional guarantees, if you will. Well, which one supersedes? It seems to me that the locally elected people should have the authority to pass the laws and... and enact the powers that we have given to them. I think it is inappropriate for us, at this time, to stand up here and say, 'We've got a problem here in this state. We're going to mandate state legislation to

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take care of some... to take care of problem which really doesn't even exist.' There are... There is simply not a wave of ordinances here that we need to protect against. If there... If there is in the future, six months, a year down the road, we can bring this Bill back, but to pass this Bill now is not the appropriate time. The Bill deserves to be defeated. As much as I feel that it's improper to infringe the right to keep and bear arms, it's also improper to curtail the home rule power that we've established in our Constitution. I think this Bill deserves a 'no'."

Speaker Breslin: "The Gentleman from Jefferson, Representative Hicks."

Hicks: "Yes, Madam Speaker, thank you very much. Ladies and Gentlemen of the house, we've heard the geography of several speakers prior to me, and we've heard about the different municipalities they represent. And let me give you a little bit of history about my area of the state. On a Sunday afternoon in the fall when you come down to my area of the state if you want to see a large gathering of people you go to what we call a turkey shoot, and you take your shotgun with you. And if you're fortunate enough, you may take home a ham or a turkey, but in some parts of the state you can't do that. As a matter of fact, you can't even drive through some parts of this state to come to one of my turkey shoots. I had a couple myself last year, and I think it's a fine situation. So that led me a little bit down the belief of thinking that what's happening with this Bill all over the state, and I did a little investigation. And I looked at some of the records and some of the data that's kept on our state as far as the crime rate goes. You know, in my part of the state you have the right to have a gun. And the parts of the state that you do not

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have currently, under current law, the crime rate is higher. That doesn't make much sense to me when in my part of the state you have the right to bear arms, and yet in those municipalities that have found that it's a right thing to restrict somebody their constitutional right, they have a larger crime rate than I have. Now that doesn't quite make sense to me. That's why I would urge you to take a very serious look at this Bill and vote 'yes'. That's the right vote. Thank you."

Speaker Breslin: "The Gentleman from Macon, Representative Tate."

Tate: "Thank you, Mr... Madam Speaker. Ladies and Gentlemen of the House, this is an issue that certainly raises all types of emotion and sometimes hysterical conversation which is indicative of some of the speakers we've had this evening. I'd like to just raise several different points about the issue that we're addressing today. The first one is, it seems like the dialogue today has been isolated to a few municipalities in this state that a few residents within those municipalities are being affected by, 'Morton Grove, the City of Chicago, Oak Park, Arlington Heights or whatever. I would encourage all of the Members to consider that virtually every citizen in this entire state is being adversely affected by the hodgepodge network of local ordinances that this state has allowed to be enacted. I would... I would suggest to all of you that what we have allowed to happen in this state is to make virtually law abiding citizens in other municipalities that choose the right to keep and bear arms, that travel through this state suddenly, because a board of trustees have enacted an ordinance, are in violation of the law and automatically become a criminal when they cross those municipal boundaries. I suggest to you that's not fair. That's not consistent, and that's not the public policy that our

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constitutional fathers, which met in 1970 to develop the Illinois Constitution, had the intent to do. I would suggest to one of the speakers that alluded to the fact that the Supreme Court has already ruled on this issue, the issue was divided. The Supreme Court did not rule upon the issue of our 2nd Amendment, our constitutional rights that is very explicit in the Federal Constitution. I would also suggest to one of the speakers that rose in... to address that law enforcement agencies throughout this state are in favor of this Bill, I would ask each and every one of the Members in this chamber to call their local law enforcement agencies to talk to their policemen, to talk to their county sheriff, and I'll tell you that they'll be in favor of this ordinance because they know what criminals can do. They know what it's like, and they know that people should have the opportunity to defend themselves. I would also suggest to you that those of you that think that our local municipalities that have this right feel that this is a right of local municipalities. I would tell you that all of you should look at the State of California. The State of California had a statewide referendum on this issue. It was the largest vote turnout in the history of California, and it was overwhelmingly rejected. And virtually every Democratic statewide leader in the State of California that supported bans was defeated because they supported those bans. I think the people have spoken in Arlington Heights. The people have spoken in the State of California. More than 26 states have passed preemption laws since Morton Grove passed their local ordinance. This is an issue that deserves the rights of individuals to be considered. It gives us the opportunity to tell our forefathers that we believe that when they sat down and wrote the Constitution that they did the right thing. It's no longer an issue of

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allowing seven members to sit down on some local village board and pass whatever kind of law they passed just because they believe that they feel they're doing the right thing. This is an issue that goes to the fundamental heart of what this country's based on - our 2nd Amendment rights. And I encourage an 'aye' vote."

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

Saltsman: "Madam Speaker, move the previous question."

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

Johnson: "Representative Greiman, Representative Currie, Representative Bowman are very sincere in their belief that at whatever level it's appropriate the... in... one terms the right to bear arms, another possession of dangerous firearms ought to either be flatly prohibited or substantially limited. They're sincere in that, and I know they're sincere because for term, after term, after term they've introduced legislation to require at a statewide level that people either have to register their firearms to the point of inability to possess them or flatly prohibit the possession of... of handguns. But lets face it. Contrary to all the argument on this through editorial pages and otherwise, you're either for... you're either pro gun or you're anti gun. You either believe in classic gun control or you don't. And all the debates to the contrary and some very sincere people at various levels have conducted the debate at these levels. The fact is, you're either going to vote on one side or the other of this

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issue. A number of groups that have been recited by Representative Braun and others oppose this Bill and support classic gun control. A number of other groups take the opposite position - the National Rifle Association, a whole series of wildlife organization and firearms organization. And contrary to the assertions of at least one speaker, a vast majority of local law enforcement officers support this effort and oppose classic gun control. And they do it for at least one major reason and that is that gun control doesn't work. It doesn't work because it devests the law abiding citizen of a chance to defend himself in appropriate circumstances. It infringes on the basic freedoms of the individual. And in addition to that, they know, as everybody in here really does in their heart, that passage of this Bill or defeat of this Bill and continuation of passage of ordinances at a local level is simply going to leave the guns in the hands of the people who misuse them, the criminals. They're not going to listen to making something a petty offense or a violation of a city ordinance if they're going to misuse guns anyway. And to take them away from law abiding citizens who would use them in appropriate circumstances and appropriate ways for either sporting purposes, or self-defense or otherwise. This is a basic issue. It interests me that many of the same people, who have spoken out against this and who have defended the ability to devest people of their 2nd Amendment and their 14th Amendment rights, are the same people who in respect to the 14th Amendment, who in respect to the right to freedom of assembly, the right to free speech, the right to various religious freedoms, have been the most vocal proponents of those constitutional guarantees. You either believe in the Bill of Rights, you either believe in the 14th Amendment

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and their counterpart provisions in the Illinois Constitution or you don't. And if you do you ought to be consistent. You ought to support this Bill. You ought to tell the people of Illinois, and the people of Morton Grove, and Evanston and Chicago that we believe people have a right to bear arms. We believe the Constitution means something, and we believe in today's society that the ability of ordinances to make a patchwork of laws doesn't work. That the statewide policy of this state ought to be to encourage the right to bear arms. I believe this is a necessary Bill. Unfortunately circumstances of those various municipalities have required this, and I think it's important to say as a matter of public policy of Illinois what this Bill says. I urge a 'yes' vote. It's a clear anti or pro gun vote, and I think the appropriate people who look at this issue recognize it as that. I urge a 'yes' vote."

Speaker Breslin: "The question is, 'Shall House Bill 410 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. The Lady from Kane, Representative Zwick, one minute to explain your vote."

Zwick: "Thank you, Madam Speaker, Members of the House. I'd like to explain my 'no' vote by differing actually with a lot of the things that have been said earlier, particularly by the Sponsor. I don't think this goes to the heart of the gun control issue. What this is is an issue of local control. For example, in my area and many areas of in the state we talked about hunting earlier. Well we don't allow hunting within our village limits. I think that's a good ordinance. This would strike that down. It would not only say that you couldn't pass ordinances dealing with handgun control or whether you can have them in your homes, it

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deals with whether you can hunt within a village. It goes to things like whether you can deal with zoning. That is something that we clearly stated in our 1970 Constitution - the right of local governments, not only home rule governments, but the right of all of our local governments to determine their own fate. We're talking about neighborhoods, cities, villages. I think that they should have a right to pass ordinance as they, the constituents of those cities, and villages and neighborhoods, want them to.

I think we have a right to peace of mind in our homes. If we want piece of mind by passing these kinds of ordinances or any kinds of ordinance, we should be able to go to our village boards, to our city councils, to those people that we elect locally. That is why I oppose it. I am not either pro or con on the gun control issue on this Bill. That is not what this Bill is about. This Bill is about local control. It's whether you support your cities and villages having a right to determine what they want in their local neighborhoods, and I would urge your "no" votes. Thank you."

Speaker Breslin: "The Gentleman from Cook, Representative Shaw, one minute to explain your vote."

Shaw: "The... Thank you, Madam Speaker and Ladies and Gentlemen of the House. The only thing that I would like to say about House Bill 410, I think this... I think this happen to be a good Bill; but, furthermore, I think that one of the speakers has suggested that it should go if villages like Oak Park and the other villages that have just taken guns... I think it should go to a referendum. Let the people decide. Who are we, as politicians, sit up and make decisions just to take people's gun right out of their hands. I don't think that's right. But if I were going through Oak Park today, I could be arrested if I had a

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handgun in the car. I think that's a bad ordinance. I don't think that the Constitution of this state intended for it to be that way. And I think this Bill needs more support, more green votes up on that board. Furthermore... Furthermore... Furthermore, why don't they... why don't they eliminate... At Christmastime you see all kind of handguns being sold in the stores. Why don't we eliminate that? We encourage youngsters to go out and get handguns, to buy them. We buy them for our children and take them home and give them to them. But here today we going to sit up here and take the guns right out of the hands of responsible adults. This is not going to take the guns out of the hands of the criminals. We know this. Every Member in this House know this."

Speaker Breslin: "The Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Madam Speaker. Members of the House, I think we ought to take recognition from those constituents from Skokie who voted to do away with this kind of ordinance allowing them to retain handguns. If there was ever an example in this world, we can follow their heritage in that in the country of Germany many years ago handguns were taken away from every citizen. Many of those constituents who live in Skokie today lost many of their parents, many of their sons and daughters because of the fact they did not have weapons in order to defend themselves. I think this is an opportunity to vote 'yes' so that that Holocaust should never happen again in this country."

Speaker Breslin: "The Gentleman from... Marion, Representative Friedrich."

Friedrich: "Madam Speaker, Members of the House, they tell me that an ostrich puts his head in the sand and thereby fools himself into thinking nobody can see him. I think we've

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got some people with their head in the sand who believe if they vote 'no' on this that it will stop criminals from having handguns. It couldn't be farther from the truth. The criminal doesn't care whether it's against the law or not because he's committing a far more serious crime. I'd like to be able to travel through the State of Illinois and have one set of rules, and I don't think we should set up provinces. That's what we're trying to stop in this Bill, and I'd like to see some more green votes up there."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 70 voting 'aye', 32 voting 'no' and 11 voting 'present'. Representative Johnson, for what reason do you rise?"

Johnson: "Would you please poll the absentees?"

Speaker Breslin: "The Gentleman requests a Poll of the Absentees."

Johnson: "And the 'present' votes? Poll the 'present' votes. Ask them especially if they might..."

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

Clerk O'Brien: "Poll of the Absentees. Countryman. Virginia Frederick. Krska. O'Connell and Steczo. No further."

Speaker Breslin: "Representative Johnson, for what reason do you rise?"

Johnson: "I would ask to place this Bill on the Order of Postponed Consideration."

Speaker Breslin: "The Gentleman asks that this Bill be placed on the Order of Postponed Consideration, and it shall be placed there. Ladies and Gentlemen, the Chair would like to go now to the Order of House Bills Third Reading - State and Local Government. And the Chair recognizes Representative Cullerton for the purposes of a Motion."

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of

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the House. I would move that we suspend Rule 12(b) and go to the Order of State and Local Government located on page 23 on the Calendar."

Speaker Breslin: "The Gentleman has moved that this House suspend Rule 12(b) in order that this House may now immediately consider House Bills on Third Reading under the Order of State and Local Government. Is there any objection? Hearing no objection, the Motion carries. On the Order of House Bills Third Reading - State and Local Government, appearing on page 23 on your Calendar, appears House Bill 85, Representative Terzich. Clerk, read the Bill."

Clerk O'Brien: "House Bill 85, a Bill for an Act in relation to the sale of used motor vehicles. Third Reading of the Bill."

Speaker Breslin: "Representative Terzich."

Terzich: "Yes, Madam Speaker, Ladies and Gentlemen of the House, House Bill 85 creates the Illinois Used Car Buyers Protection Act. Last Session, in our wisdom, we did pass the Lemon Law for the people of the State of Illinois dealing with new automobiles. House Bill 85 addresses the used cars. And what the Bill requires, dealers who sell three or more used vehicles per year to provide a consumer written warrantee lasting 60 days or three thousand miles for vehicles with less than 36 thousand miles or a 30 day or one thousand mile for vehicles that exceed 36 thousand miles for vehicles sold in excess of 15 hundred dollars. And it provides that the warrantee, which requires dealers to repair the vehicles or pay repair costs, shall cover the engine, transmission, drive axle, brakes... radiator, steering, or alternator or generator. And it provides that a dealers warrantee responsibilities are valid after the warranty period provided the dealer is notified of the problem prior to the warrantee expiration. Recently there

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was a federal Act that was enacted earlier this month; however, all it simply stated was that there's supposed to be some type of advise. A used car is an extremely important purchase for a person, and he should be notified of some type of warrantee or guarantee on the product that he does buy. This is a limited warrantee. It only covers expensive automobiles that are in excess of 15 hundred dollars. The Bill was recently adopted in the State of New York and is working exceptionally well. And I would urge your support of House Bill 85."

Speaker Breslin: "The Gentleman moves for the passage of House Bill 85. And on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 85 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Gentleman from Macon, Representative Dunn."

Dunn: "Thank you, Madam Speaker. Just to make it part of the record that although my name does appear as a Cosponsor on the Bill, my name has in fact been removed as Cosponsor of this legislation."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 28 voting 'aye', 49 voting 'no' and 34 voting 'present'. This Bill, having failed to receive the Constitutional Majority, does not pass. House Bill 312, Representative Soliz. Representative Soliz. Clerk, read the Bill."

Clerk O'Brien: "House Bill 312, a Bill for an Act to provide justice for all citizens and residents of Illinois. Third Reading of the Bill."

Speaker Breslin: "Representative Soliz."

Soliz: "Madam Speaker, Ladies and Gentlemen of the Assembly, this is a Bill which I've introduced to try to bring about some

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changes with respect to the certification of interpreters in judicial proceedings. I want to make it very clear that at the present time the law requires that when there is a need, when a person does not speak the English language fluently and that person demonstrate that they need an interpreter, the law requires that the... an interpreter be provided. And in most counties, in fact, there is and there are interpreters provided, and all of those interpreters are paid by the county. In Cook County, for example, there's an interpreters division within the Circuit Court of Cook County. The interpreters are provided as needed in judicial proceedings, and the county, therefore, pays for these expenses. What I am trying to do with this law is simply require that these interpreters be certified by the state through a procedure that will insure that interpreters are competent, that they interpret adequately when they present themselves before a court of law to interpret in judicial proceedings. Now this law also requires that in judicial proceedings for juvenile offenders that interpreters be provided and that they be competent. Now in this particular instance, through an Amendment that was adopted the other day, the interpreters would be paid by the state; however, the expenses would be... no, they'd be paid by the county; however, their expenses would be reimbursed by the state. What we are trying to do essentially with this Bill is share the cost of the interpreters. The counties would continue to pay for the interpreters in judicial proceedings; however, in juvenile proceedings, the counties would be entitled to be reimbursed by the state. I think that this is a very important Bill, because it will allow that in judicial proceedings court interpreters be competent. There'd be some assurance that the person that's interpreting is, in

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fact, a competent interpreter. At the present time, I've seen many atrocities committed because lawyers, clerk court personnel and others just pick up any person off the street or off the hallway and ask them to act as an interpreter. Many times that interpreter does not know how to competently translate or interpret in a judicial proceeding. Therefore, what we are seeking to do is remedy an injustice that presently occurs in our Circuit Courts throughout this state by assuring that the interpreters that perform this function are adequately prepared to perform and interpret in judicial proceedings. And I, therefore, move and request the support of this piece of legislation."

Speaker Breslin: "The Gentleman moves for passage of House Bill 312. And on that question, the Gentleman from Lee, Representative Olson."

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Would the Sponsor yield please?"

Speaker Breslin: "He will yield for a question."

Olson: "Juan, I have a... a question relative to the... to the fiscal impact here. I come from a Circuit Court where we did utilize interpreters from time to time, appointed in specific cases without a great amount of cost. Does this apply to all criminal and juvenile cases?"

Soliz: "It... It applies to... See the interpreters provision is not being changed by this particular law. The interpreters are presently required in misdemeanor and felony criminal cases. They are not required in petty offense cases, and that's already the law. Those standards would not be changed by this law. The only thing that it would require is that if an interpreter performs that function in your district that they take an examination and they be qualified interpreters - that there'd be some screening to

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assure that they're competent interpreters, and that they know the language and that they're able to translate, or, for example, in the case of deaf mute, of interpreting for the deaf mute that they're able to do that and there's some assurances that they're competent. That's the only thing that this Bill would do."

Olson: "The question that I would add would be, the cost would accrue to the state or would the cost accrue to the local government?"

Soliz: "Presently in criminal proceeding, the cost is already incurred by the counties. There is no changes in that particular provision. However, in juvenile proceedings, there's no provision for the county paying for these expenses. So what it would allow is in juvenile proceedings that the state reimburse the county for the expenses. That's just to try to share essentially the burden of this expense."

Olson: "Have you had an opportunity to discuss this with the court system in Cook County? Are they supportive?"

Soliz: "Yes, in fact we have... In fact, Judge 'Gulley' has... has... sent me a fiscal note and has... that has been filed with the Clerk already."

Olson: "And Cook County feels comfortable with this where you would probably have the most maximum impact?"

Soliz: "Yes, to my knowledge."

Olson: "Thank you."

Speaker Breslin: "The Gentleman from Knox, Representative Hawkinson."

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

Speaker Breslin: "He will."

Hawkinson: "Yes. Representative, I have some questions regarding the practical impact on downstate counties. Who will do

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the testing and certification of... of the interpreters?"

Soliz: "That would be done by the Office of the Courts, the state."

Hawkinson: "Judge Gulley's Office?"

Soliz: "Yes, that would be."

Hawkinson: "Alright, and they, under this legislation, will set up standardized testing..."

Soliz: "Yes."

Hawkinson: "... in a variety of languages commonly found within the state?"

Soliz: "Yes, that's correct."

Hawkinson: "Will they maintain a central registry then that will list the available interpreters by county, or locality, or will it be broken down that way?"

Soliz: "The law provides that the Office of the Courts would then distribute a list to the county... the Circuit... the Chief Judge of the county."

Hawkinson: "Is there any estimate as to what the cost of the certification procedure will be... for an... for an individual interpreter?"

Soliz: "I anticipate for individual interpreter... See, that cost is already provided for."

Hawkinson: "No, I'm not talking about the cost of the individual interpreter appearing in court. I'm talking about the... is there going to be any cost to a person who wants to be certified as a certified interpreter? Will he or she have to pay a fee to be certified?"

Soliz: "We anticipate that they would pay a fee to take the examination to be certified."

Hawkinson: "Is that fee set in your legislation?"

Soliz: "No, it isn't. I would anticipate that it would not be a burden."

Hawkinson: "And that will be set by Judge Gulley's Office, by the

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Administrative Courts."

Soliz: "That's correct."

Hawkinson: "What will happen in the event that a... a county runs into a situation where they need an interpreter, say in French, and one is not available in that county, and an interpreter... and you've got a pending criminal case, someone in custody who does not wish to waive the right to an interpreter. Practically speaking, what will happen?"

Soliz: "That's provided for in this statute. Essentially, it's a waiver provision. In case of a certified interpreter is not available, the specific Circuit Court or court could then waive that provision and proceed with... with the proceeding."

Hawkinson: "So, the court on its own could conduct some sort of an examination of the interpreter to determine the interpreter's qualifications and decide to proceed even though the certification is not present."

Soliz: "That's precisely provided for in the statute. That's correct."

Hawkinson: "Thank you very much."

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

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

Speaker Breslin: "He will."

Soliz: "Yes."

McCracken: "Representative, who currently pays for the use of interpreters in juvenile court in Cook County, I mean for their actual appearance? Does the county pay for that?"

Soliz: "My understanding is Cook County, the Circuit Courts."

McCracken: "Alright. Amendment #3 then would change that practice and allow reimbursement, not only for the creation of the certification program, but also for the interpreter's appearance in the Cook County Juvenile Court

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System, is that correct?"

Soliz: "In... In the Juvenile... that's correct."

McCracken: "Okay. To the Bill, or strike that, I have one last question. How much... do you have an estimated cost for that reimbursement?"

Soliz: "No, I don't."

McCracken: "Alright. Do you know how many interpreters appear in the Juvenile System, or how large your Juvenile System is in Cook County?"

Soliz: "Could you repeat the question, please? ... Representative McCracken."

McCracken: "Well, I asked originally, do you know how many interpreters are used on an annual basis, an average? Any... or how much it would cost on an annual basis?"

Soliz: "In Juvenile Court, there's no fulltime interpreters provided for."

McCracken: "So..."

Soliz: "In fact, they are only used on a part-time basis."

McCracken: "Okay. Do you have any cost figures on what it's costing the county currently?"

Soliz: "No, I don't."

McCracken: "Alright. To the... To the Bill, and to the Amendment in particular."

Speaker Breslin: "Proceed."

McCracken: "Amendment #3 would change not only the system for... or create a new manner by which Cook County could escape payments for some of its court system. There is one cost associated with this Bill, and that is the creation of the program and its administration by the Office of Courts run by Judge Gulley. That is a cost which would be common to all of the counties that the state would share equally in. Amendment #3, and I think something that downstate people on both sides of the aisle should be aware of, is that not

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only would the administrative costs of the new program be absorbed by the General Assembly, but for the first time the interpreter cost for the Juvenile Court of Cook County and Cook County alone would be absorbed by the General Assembly. So, I think that that is a reason that downstaters should consider this Bill very carefully. If it's good enough for the other counties to pickup the cost of the interpreter and leave only the administrative program to the Office of the Courts, it should be good enough for the Cook County Juvenile Court System. And I think you should consider very carefully the differing treatment given that county in this Bill. Thank you."

Speaker Breslin: "There being no further discussion, Representative Soliz, to close."

Soliz: "I'd just like to make one clarification. As far as reimbursement, this would be statewide. So, for example, if an interpreter is necessary in Peoria or in Springfield or anywhere in the state for juvenile proceedings, they could get reimbursement from the state. As to criminal proceedings, there would not be any reimbursement. Because presently, the counties throughout this state pay for this expense themselves. So, the only expense really that we are talking about is the creation of this certification procedure, which I anticipate would be much larger the first year, but then subsequently would be much... would be much lesser in subsequent years. I would like to, just in closing, indicate that in Committee hearing we had an interpreter that is a highly proficient and an interpreter of many years, that testified about the need for this kind of procedure. She testified that she seen many cases where due process has been denied where judges weren't able to understand the accused or the witnesses, where lawyers weren't able to communicate with witnesses, simply because

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the interpreters that were present were not competent or qualified to interpret in the language of that particular proceeding. The present law already requires that interpreters be provided in judicial proceedings. What we are simply doing is taking some steps to assure that the interpreters that interpret in judicial proceedings are competent and that they are able to interpret in those particular proceedings. I'm asking for the support, and the vote of the Members of this General Assembly on what I feel is a very just and fair Bill that will bring about some justice for the court system as well as for many non-English speaking citizens throughout the state. But at the same time, would not really amount to a huge burden or large expense to the state. I think the expense is nominal... it's nominal, and adverstes the benefits that it will bring about in the court system and to citizens of this state. And therefore, I'm asking for the support of this General Assembly on this particular Bill. Thank you."

Speaker Breslin: "The question is, 'Shall House Bill 312 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 79 voting 'aye', 34 voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 449, Representative Giglio. Are you ready? Representative Giglio."

Giglio: "Hello. Madam Speaker, could I take this out of the record for a minute?"

Speaker Breslin: "Yes, out of the record. House Bill 459, Representative Terzich. Clerk, read the Bill."

Clerk O'Brien: "House Bill 459, a Bill for an Act to amend Sections in the title of the Property Fire Loss Act. Third

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Reading of the Bill."

Speaker Breslin: "Representative Terzich."

Terzich: "Madam Speaker, Ladies and Gentlemen of the House, House Bill 459 amends the Property Fire Loss Act, and it provides that the authorized fire service that has a responsibility to investigating fire losses may request any insurance company to release the information that's pertinent to the fire loss. The insurance companies that... that have investigated fires or are investigating a fire loss may release any factual information in their position that's pertinent to this type of loss which deals with arson. It also contains a reciprocal provision whereby the... service will also release information to the insurer, and I would move for its adoption."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 459, and on that question is there any discussion? There being no discussion, the question is, 'Shall House Bill 459 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? The Clerk will take the record. On this question, there are 114 voting 'aye', none voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 467, Representative Steczo. Out of the record. House Bill 521, appearing on page 24 on your Calendar. Clerk, read the Bill."

Clerk O'Brien: "House Bill 521, a Bill for an Act in relation to antitrust immunity for activities of units of local government and school districts. Third Reading of the Bill."

Speaker Breslin: "Representative McCracken."

McCracken: "Thank you, Ladies and Gentlemen of the House. House Bill 521 is an Amendment to a Bill passed last year and

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signed into law which sought to limit federal and state antitrust liability against units of local government. In about 1982, there was a decision by the United States Supreme Court wherein it was held that municipal units of government were subject to the antitrust laws for anticompetitive conduct. That has been examined at both the Appellate and Supreme Court levels in the meantime, and in a recent decision, "Town of Halley", the United States Supreme Court questioned the wisdom of the 1982 "Boulder" decision while not reversing it. However, the court did observe that it was not entirely consistent to judge what are essentially nonprofit unit or entities by profit motive standards in the context of competition. House Bill 521 is an attempt to modify or amend the law passed last year, which sought to limit immunity, but only antitrust immunity. There is no intention to limit liability either of employees or units of local government consistent with any other Act or cause of action whether statutory, or it common law. The only thing we seek to render immunity on is the federal and state antitrust laws, and I ask its favorable passage."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 521, and on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 521 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 115 voting 'aye', none voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 571, Representative Flinn. Clerk, read the Bill."

Clerk O'Brien: "House Bill 571, a Bill for an Act to amend

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Sections of the Revenue Act. Third Reading of the Bill."

Speaker Breslin: "Representative Flinn."

Flinn: "Thank you, Madam Speaker and Members of the House. House Bill 571 provides that the Board of Review shall have the power to appoint hearing officers to conduct hearings and examine witnesses and gather evidence, not make decisions. This Bill comes about because of a situation in St. Clair County where the... there were many years when the assessments were not made. And finally, our multiplier got so high, that the assessor decided to... there was no choice but to reassess the entire county. But in the process, so many people misunderstood what the assessments were doing when they doubled the assessments. We were more than double on the multiplier... that there were 30 thousand protest. There was not enough people on the Board of review to hear all of those so they appointed other county employees who were qualified. They were challenged in court, and the Circuit Court ruled in their favor. But there is some ambiguity in the law, and we'd like to change it at this point. We may never need this, but there's something that needs to be changed about the law in this regard. I would like... I would be glad to answer any questions, but I'd ask for a favorable vote."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 571, and on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 571 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 110 voting 'aye', none voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 604. Out of the

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record. House Bill 631, Representative Terzich. Clerk, read the Bill."

Clerk O'Brien: "House Bill 631, a Bill for an Act to amend Sections of an Act to create sanitary districts. Third Reading of the Bill."

Speaker Breslin: "Representative Terzich."

Terzich: "Madam Speaker, Ladies and Gentlemen of the House, House Bill 631 amends the Metropolitan Sanitary District Act. In 1983, the General Assembly passed legislation to restore the Sanitary District's Construction Fund, and the purpose of this Fund is to finance construction of smaller projects without issuance of bonds, therefore, realizing the savings in interest cost. Since much of the District's activity involved flood control, this Bill expands the use for this Fund to include the construction of a Flood Control Facilities. The Bill also restores the Construction Working Cash Fund and authorize the issuance of bonds to create the Fund. It further authorizes a one-half cent annual levy, which will be used to maintain the authorized level of Fund without the issuance of additional bonds after the Fund is created. This legislation will make the Construction Fund more fully effective and will result in a tax savings by eliminating annual short-term borrowing against each year's facilities... each year's levies. The flood control... the definition of construction will allow authority to replace, remodel, complete, alter construction and enlarge flood control facilities, as well as, sewage treatment works currently covered by the provision. The state... also the aggregate amount of the tax levy by the Board of Commissioners does not include any amounts levied for the construction purposes. And the Bill applies only to the Chicago Metropolitan District and does not affect any other sanitary district in the state. This Bill did

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pass the House in the 83rd General Assembly, but it did get tied up in the Senate Committee. It's a tax saving program. It sets up the Working Cash Fund. And I would be more than happy to answer any questions and appreciate your support."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 631. And on that question, the Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you, Madam Speaker. Will the Sponsor yield to a question, please?"

Speaker Breslin: "He will yield for a question."

Cowlshaw: "May I ask, please, is it so that both of the taxes proposed in this Bill involve an increase without referendum?"

Terzich: "No, at the present time... that the... it does not provide for any tax increase at the present time. I understand that they can levy... It establishes the authority to levy an additional tax on property within the district at a rate not to exceed, .005 percent, should the district need additional monies to maintain the Construction Working Cash Fund created by the issuance of bonds. This bond... tax may be levied beginning in 1986, thereafter. But at the present time, they do have the authority without referendum to tax, I believe, up to 10 percent without referendum. So, they can do that right now without referendum."

Cowlshaw: "Alright. If there is no change, according to this legislation, in the allowable tax rate that presently exists for the Metropolitan Sanitary District, then what is the purpose of the Bill?"

Terzich: "The purpose of the Bill is to establish a Working Cash Fund, which at the present time... that they would have to go and purchase the bonds to complete the construction

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project and the bonding rate at any given time may be high or low. By establishing the Working Cash Fund, they would be able to borrow from the Working Cash Fund rather than the issuance of bonds, and therefore, there'd be a substantial savings to the people of the district. They wouldn't have to go out and pay the high interest rate on bonds. This, I understand, is a common practice within municipalities, and at the present time, they have a similar provision in their Corporate Working Cash Fund."

Cowlshaw: "May I understand then that if this Bill is enacted, there is no possibility whatsoever that the tax bill for any citizen who lives in the Metropolitan Sanitary District would increase as a result of this legislation."

Terzich: "The... At the present time, the tax rate that they can do now is by statute... I believe is like 10 percent. They can establish a .005 to establish the Working Cash Fund. They would have to establish, but it would not go over that levy of .005. I said that they can do it after the issuance of the bond. It could go beyond that, but the .005 would establish the Working Cash Fund. In other words, they have to get the Funds so that they can borrow it. So, they would establish, not to exceed the .005."

Cowlshaw: "Yes. Let me rephrase my question and suggest that perhaps it would be appropriate to answer this question with a simple yes or no. If this legislation is enacted, is it possible for the tax bill to be paid by any resident of the Metropolitan Sanitary District to increase as a result of the passage of this Bill?"

Terzich: "While the Bill authorizes an additional tax levy for the Construction Working Cash Fund, it is not to be interpreted as an automatic tax increase. The tax may be levied annually beginning with the 1986 Budget Year in order to maintain the Working Cash Fund without the

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issuance of additional bonds. Once they establish, they adjust the bonds that they may not necessarily have a tax levy of .005. But, yes, they may, but not to exceed that. Because they do have to establish. But they would also then be able to borrow from the Working Cash Fund and not have to issue bonds which may be in excess of the .005 levy. I hope that's understandable."

Cowlshaw: "Yes. I want to thank you very much for your succinct answer to my questions."

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

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

Speaker Breslin: "He will yield for a question."

Piel: "Representative Terzich, just out of curiosity, now this is authorizing the transfer between the two Funds, correctly... correct?"

Terzich: "Yes."

Piel: "Okay. Now, in the Construction Fund, what type of a balance do they have there now of unused monies?"

Terzich: "Excuse me."

Piel: "In the... the present Construction Working Cash Fund, what kind..."

Terzich: "They don't have a Working Cash Fund. This is what we're doing, is we're establishing a Working Cash Fund by this legislation. Right now, that they have to on the construction, I believe they have to issue the bonds and buy bonds at the present time. This will establish a Working Cash Fund."

Piel: "Alright. The... the question that I have... Excuse me. I'm sorry. The question I have... Alright. Let's... Let's just go on to one other point. The MSD's levy in '85 for Construction Fund was what?"

Terzich: "What... I'm sorry there's lot of noise, Representative,

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I couldn't hear you. What their levy was on the Construction Fund last year?"

Piel: "'85. Right."

Terzich: "'85."

Piel: "Because you're asking for a Working Cash Fund for this purpose, and I was just wondering what their levy was in '85."

Terzich: "It would be whatever it would take to pay off the bonds."

Piel: "No, I'm asking what there... what there present levy is. Obviously..."

Terzich: "Well, their present levy is that they can levy up to 10 percent, I believe, or point... I'm not sure exactly what that is, but..."

Piel: "Point 10 percent."

Terzich: "Right. Well, they can levy up to that amount, and they would do that depending upon the amount of bonds that were necessary. Now, that might be .006 or .007 whatever was necessary for the bond indebtedness."

Piel: "Wait a minute. Wait a minute... You misunderstood what I'm trying to ask. You're saying that you want to authorize them, you know, to create this Fund. But, you know what my question is, what are... Alright. They're presently... They're presently authorized .10 percent EAV. But my question would be, what are they presently using? I mean obviously... I mean if you're trying to, you know, put this into affect, you know, they have to be pretty... somewhere pretty close to the top, or else it's been depleted completely."

Terzich: "I..."

Piel: "I'm sorry, what?"

Terzich: "I'm... I'm trying to find a figure for you. I don't... I don't readily understand, you know, the question. I

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assume that you want to know how much they borrowed for the Working Cash Fund last year, or how much levy..."

Piel: "Construction Fund."

Terzich: "Alright. Bob, the only thing that I have here... The years... The Corporate Working Cash Fund bond sale as of March 15, 1983, I believe, the principal was 48 million maturing at 4.8 million dollars each year through 1985 and '84. The interest cost range is between .7 and 9 percent and the net interest cost is 7.82."

Piel: "No. No. I'm sorry. No. What I'm trying to get across is you want to establish a Construction Working Cash Fund without referendum."

Terzich: "Right."

Piel: "They're presently authorized .10 percent EAV."

Terzich: "Right."

Piel: "Now, with them presently being offered that my question to you is, where are they at this point if they need more? I mean if they're not using any of it, it's stupid to just turn around and have a non-voter approved referendum."

Terzich: "I didn't say that. I said that the point of the Working Cash Fund at the present time is to establish so they wouldn't have to borrow. They can go up to the 1 percent without referendum."

Piel: "What I'm trying to say, Bob... Alright. Let me... Let me make a little bit clearer. Where they're sitting right now, what they are using in their Construction Fund is very miniscule in... compared to what they are authorized to use. They are nowhere near what they are authorized to use. So, if they are not anywhere close to what they're authorized to use, why do we need a non-voter approved backdoor referendum to increase something where they're nowhere close to it at the present time?"

Terzich: "Well, from what I understand for the small amounts of

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the construction and so on, that is not economically feasible to go out and borrow this money at high interest rates. And this is the reason for it."

Piel: "They're given the EAV. You're trying to establish a Working Cash Fund to wear the taxpayers. Who do you think is going to pay for this? The taxpayers are going to pay for it. The taxpayers are paying this right now."

Terzich: "That's correct..."

Piel: "But what I am saying... What I am saying is presently you have a Cash Fund where you have authorized a .10 percent EAV. It's.. What they are using on the MSD right now is nowhere close to that figure. You want to establish another Fund, non-voter approved Fund, by a backdoor. Basically, you want to increase the people's taxes, when the Fund doesn't even need it at the present time. Ladies and Gentlemen, I would... To the Bill, Madam Speaker."

Terzich: "Well, I'd like to answer that question for you, right now."

Piel: "Ladies and Gentlemen, you can... That wasn't a question, Bob."

Terzich: "Oh."

Piel: "Ladies and Gentlemen, to House Bill 631. I would ask the Members of this Assembly to look at this Bill very closely. It's a situation... I hope you were listening to the dialogue between the two of us. Presently, they have a Fund. They're using less than 10 percent of that Fund. He wants to go with a non-voter approved referendum to... or without referendum to increase this where it is technically not needed at the present time. I would ask for a 'no' vote on House Bill 631."

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

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Terzich: "Well, unfortunately that statement... Everything that the Bill provides that the district can do right now. There is no backdoor referendums. There's nothing that they cannot do now that this Bill provides. This Bill simply provides an economical way of borrowing money and still completing the projects, and it's simply a case of either pay me now or pay me later. The Working Cash Fund has worked very very well in many many municipalities. We did pass the legislation last year. It has been proven that it's a cost saving benefit to the taxpayer and a more efficient way of doing business. The Metropolitan Sanitary District, by the way for any of you who think that, they have been voted the most outstanding district in the United States of their cost efficiency in providing services to the constituency. And this is another example of how they want to do and give the best services to the taxpayers by doing it in the most economical and business manner. And I would urge your support."

Speaker Breslin: "The question is, 'Shall House Bill 631 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 43 voting 'aye', 61 voting 'no' and 5 voting 'present'. This Bill, having received the Constitutional Major... having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 702, Representative... Excuse me. Representative Terzich, for what reason do you rise?"

Terzich: "Well, Madam Speaker, you know, either I'm standing over here or no one looks or, you know, my button doesn't work or something like that. Is it possible to get any attention from the... you know the Chair, or do you just run through?"

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Speaker Breslin: "I'm sorry, Sir. That's my fault. Did you wish to explain your vote?"

Terzich: "Well, yes, I... I would like to explain my vote. This is an extremely important Bill for the people of my district, and I'd like to have the opportunity."

Speaker Breslin: "Representative, our problem is that the vote has already been declared as lost."

Terzich: "Well... Yes, but the problem also is I tried to get the attention of the Chair. Doesn't everybody else get the right to, you know, poll the Absentees or ask for a verification or am I not entitled to that?"

Speaker Breslin: "Representative, you would need 47 votes even to put it on Postponed Consideration. Representative Terzich, unfortunately due to my error, we cannot go back and reconsider this vote. It has already been declared, and declared lost. The only recourse at this point is if you can find someone who is... who would move to reconsider, you could have that vote. And Representative Mautino, is that the purpose for which you rise?"

Mautino: "Yes."

Speaker Breslin: "Yes. Representative Mautino moves to... having voted on the prevailing side, he moves to reconsider the vote by which House Bill 702 (sic - House Bill 631) lost. That House Bill was House Bill 631, and the Motion requires 60 votes for adoption. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Piel, for what reason do you rise?"

Piel: "I don't have anything to say."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this Motion there are 75 voting 'aye', 36 voting 'no' and none voting 'present'. The... Representative Mautino."

Mautino: "Thank you very much, Madam Speaker. Now, I believe

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Representative Terzich and I would like to have a vote on 631 so that he may place it on Consideration Postponed."

Speaker Breslin: "The matter before the House is, 'Shall House Bill 631 pass?' And as soon as we clear the board, we'll take a vote on that. The question is, 'Shall House Bill 631 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. And Representative Terzich is recognized for one minute to explain his vote. Representative Terzich, to explain your vote."

Terzich: "Well, yes, like I mentioned before, we did pass this Bill last Session. There's no increase. It only affects the Chicago Metropolitan Sanitary District, and I would appreciate your support."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 51 voting 'aye', 58 voting 'no, and 3 voting 'present'. Representative Terzich, for what reason do you rise?"

Terzich: "I'd like to put it on Postponed Consideration."

Speaker Breslin: "The Gentleman asks that this Bill be placed on the Order of Postponed Consideration, and the Bill will be placed on the Order of Postponed Consideration. House Bill 702, Representative Kirkland. Clerk, read the Bill."

Clerk O'Brien: "House Bill 702, a Bill for an Act concerning working cash funds. Third Reading of the Bill."

Speaker Breslin: "Representative Kirkland."

Kirkland: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This Bill addresses various local government working cash fund provisions to expand the sources from which such funds may be funded. Currently, the working cash funds... working cash funds can be funded either by an annual tax levy or by increasing indebtedness by a bond... bond issue. This would allow them to appropriate funds, transfer surplus money from other funds, or deposit other

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surplus... other contributions into the working cash funds as long as these monies being put in are not already earmarked. The amount of money in any working cash fund, however, cannot exceed the maximum stated by statutory or case law. This Bill would add financial flexibility at the local level, particularly eliminating the need during times of cash shortage when property taxes aren't coming in and so forth. To eliminate the need to issue tax anticipation notes or use other indebtedness mechanisms. Now, come on... come on... of the Bill's supporters are the Illinois Municipal League, the Urban Counties Council, the Illinois Library Association, the Chicago Park District. The Bill originally included the Metropolitan Sanitary District and the Chicago School Finance Authority and the Chicago School Board. They were taken out of the Bill in order to get it out of Committee. It passed 13 to nothing in Committee."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 702. And on that question, the Gentleman from Cook, Representative Terzich."

Terzich: "Representative, isn't this the same principle as this previous Bill about a working cash fund? Is this going to be a tax increase without a referendum?"

Kirkland: "Absolutely not."

Terzich: "Well, how are you going to do it? I mean, is this similar to my Bill of working cash..."

Kirkland: "This allows surplus funds from other funds to be put into the working cash funds."

Terzich: "Well, where are they going to get it?"

Kirkland: "They're not used in the fund they were originally raised for."

Terzich: "You mean they tax people without using the money or what?"

Kirkland: "Some... sometimes the numbers obviously don't come out

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the way they plan."

Terzich: "Well, what are they going to do with the money after they save it? But they... right now they... do they issue bonds or what?"

Kirkland: "What? What's the question?"

Terzich: "Say, can I buy bonds for this working cash fund or where do they get the money?"

Kirkland: "No, they can already issue bonds for the working cash fund. This would allow other surplus funds to be put... to be put in the working cash fund to allow it to help defray ordinary and necessary expenses."

Terzich: "Well, how would that work? Is it any different than the other Bill?"

Kirkland: "It would just work the way working cash funds now work except those funds would have an opportunity to have money from other sources other than the current sources, which include levying a tax."

Terzich: "Well, otherwise, that's money they... otherwise... you know... the taxpayers I assume put their money in there didn't they?"

Kirkland: "I'm sorry."

Terzich: "They overbudget or what? What happens now if you don't have this Bill? What do they do now?"

Kirkland: "You can only raise money for the working cash fund either by issuing... having a bond issue or having a tax levy."

Terzich: "Don't they have to abate the money if they... they don't spend it?"

Kirkland: "They do under the current law."

Terzich: "Well, then why would you do such a thing? I mean why don't you abate the money? Would you explain Amendment #1, please?"

Kirkland: "Amendment #1. Amendment #1 simply takes out the

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Metropolitan Sanitary District and the Chicago School Finance Authority and the Chicago School Board, and that was frankly necessary to get it out of Committee."

Terzich: "Why was it necessary? I mean other words your saying that your Bill was a good Bill, as established a working cash fund which is a good principle, but you took out the Metropolitan Sanitary District and the City of Chicago because that's not efficient business... or way of doing business, is this what you're saying?"

Kirkland: "That's the way it appeared. The Committee saw it and you can't always get everything..."

Terzich: "No, I'm asking you. I'm not asking the Committee. You voted 'no'."

Kirkland: "Well, I had to... I had to get the Bill out of Committee to get it on the floor."

Terzich: "Well, you voted 'no' on my Bill didn't you?"

Kirkland: "Yes."

Terzich: "Why... why is that? I mean it was your Bill originally ... include it... if you want to include it..."

Kirkland: "If you want to ask questions about this Bill feel free."

Terzich: "I mean, but you included it in your Bill, but you voted 'no' on it because it was mine and now you want to exclude it from your Bill so you can get people to vote for it. Now, it's a better Bill because you took out the, you know, good business practice from the district in the City of Chicago."

Kirkland: "I didn't say it was a better Bill. I said it appeared to me that to get it out of Committee and to benefit other units of local government, the... the Committee preferred to have the Metropolitan Sanitary District taken out."

Terzich: "Well, it appears to me you're trying to stroke the House and maybe you'll get the same vote that I got. So,

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it will show you what a good Bill your working cash fund is, too."

Kirkland: "Okay."

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

Hastert: "Will the Sponsor yield?"

Kirkland: "Yes."

Speaker Breslin: "He will yield for a question."

Hastert: "Mr. Sponsor, on this Bill the... or what would happen to these funds say in your school district you have an educational fund and you have money left over, what would happen to that money?"

Kirkland: "In the education fund?"

Hastert: "Yes."

Kirkland: "As I understand it, it could be put into the working cash fund and used in the working..."

Hastert: "But what would happen if you didn't have this Bill?"

Kirkland: "I don't know. All I know is it couldn't... I don't think it could be transferred into the working cash fund under current law."

Hastert: "Right. So, what you're doing is you're devising a methodology, here, that you can take lapsed funds and spend them out right before the fiscal year is over. Is that correct?"

Kirkland: "Well, you spend them out under the circumstance of... of eliminating the need in times of cash shortage to issue bond issues or to levy tax to fill that working cash fund again."

Hastert: "Do you do anything at all to change the way working cash funds are bonded? Otherwise, if you... if you spend out from a fund that isn't... that hasn't a surplus at the end of a fiscal year, do you delete from the amount that you can bond for a working cash fund by that requisite

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amount?"

Kirkland: "I'm sorry. I don't understand the question."

Hastert: "Otherwise, if you have 'x' amount of dollars in an educational fund for instance and that is lapsed out and you transfer that money to working cash fund, okay?"

Kirkland: "Okay."

Hastert: "Now, are you... that same 'x' amount are you prohibited from bonding for that extra amount or not? Can you still bond for your same amount and transfer those funds into working cash fund?"

Kirkland: "I think you could bond... Yes, I think you could bond for that amount to put money in the working cash fund. This eliminates the need to bond to do that under... under the circumstance of a surplus existing in the other fund, and I think thereby you save interest and so forth."

Hastert: "Thank you. To the Bill."

Speaker Breslin: "Proceed."

Hastert: "Well, Ladies and Gentlemen of the House, I really think we ought to take a long look at this Bill. To me, it looks like the Sponsor of this Bill maybe has a very good intention for doing so, but it looks like their taking anything that you have in excess amounts and finding a way to spend it out through a working cash fund, or whatever type of instrument you want to make this. You know, it kind of takes away the impedance to do a good job of budgeting and to... you know to make a determination where dollars go, if you're going to take all the dollars at the end of the year and spend it out through another fund. I really think this loosens up some of the tighter controls that we have on municipal and local government. And I would think everybody ought to take a double look at this Bill."

Kirkland: "Okay, may I respond?"

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Speaker Breslin: "No, the Gentleman spoke to the Bill, but there is no further discussion. So, Representative Kirkland is recognized to close."

Kirkland: "Yes, first of all let me stress that this Bill in no way increases the maximum amount that can be put into a working cash fund as set by statutory or case law. It would simply allow greater flexibility at the local level to use funds that are already existing to fund those necessary and ordinary expenses through working cash for which they're... because tax receipts come in in an uneven pace or whatever aren't currently available to meet those expenses. I ask for an 'aye' vote."

Speaker Breslin: "The question is, 'Shall House Bill 702 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 21 voting 'aye', 83 voting 'no', and 3 voting 'present', and the Bill fails. House Bill 707, Representative Kirkland. Clerk, read the Bill."

Clerk O'Brien: "House Bill 707, a Bill for an Act to amend the Open Meetings Act. Third Reading of the Bill."

Speaker Breslin: "Representative Kirkland."

Kirkland: "Thank you. This Bill is even simpler. It amends the Open Meetings Act which exempts some meetings from coming under its auspices, and one is meetings where the acquisition of real property is being considered. This would add where the sale of property is being considered to a... to that category of meetings that need not be open to the public. The purpose of the Bill is to allow negotiations to occur for the sale of property like it occurs and can occur under the Open Meetings Act for the purchase of property so that a local government need not tip its hand on... on the price. It will accept or not

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accept through having to negotiate that and discuss that in public. I ask for support."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 707. And on that question, the Gentleman from Madison, Representative Wolf."

Wolf: "Thank you, Madam Speaker. I rise in support of House Bill 707. I think this Bill closes a loophole that should've been closed a long time ago. We've had many instances over the past several years of public properties that have had to be sold, and I'm speaking specifically of school properties. School boards under the present statute have had to divulge information with regard to sales of school properties that you just simply don't have to divulge in the private sector. I think this is a very good Bill and should be supported."

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

Cullerton: "Yes, will the Sponsor yield?"

Kirkland: "Sure."

Speaker Breslin: "He will yield for a question."

Cullerton: "Representative Kirkland, I want to congratulate you for getting this Bill out of the Committee unamended and on the House floor for Third Reading. Representative Ryder and I had a Bill that specifically dealt with the issue that Representative Wolf just spoke about, that being the school board sale. And we... Representative Johnson forced an Amendment on us in Committee that had us amend it to only allow them to discuss the price in private. But that... your Bill appears to deal with the acquisition or the sale in general, right?"

Kirkland: "Yes."

Cullerton: "So, that could be what we're going to buy. Give me some examples. So, we're going to buy it from."

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Kirkland: "Well... It allows... The Open Meetings Act now allows you to discuss what you're going to buy. This would allow you to discuss what you're going to sell to discuss... to negotiate what you'd accept or not accept".

Cullerton: "It's in no way limited, then, to the price, right?"

Kirkland: "No, it's not limited to the price."

Cullerton: "And of course our Bill only dealt with the... the school boards. This deals with any public body, correct?"

Kirkland: "Correct."

Cullerton: "Well, I want to congratulate you for having this back up to our Bill that's over in the Senate, and I hope that next time when they want to pass this Bill if this doesn't, you know, become law, they ask you to Sponsor that School Board Bill."

Speaker Breslin: "There being no further discussion, Representative Kirkland, is recognized to close."

Kirkland: "Just ask for an 'aye' vote."

Speaker Breslin: "The question is, 'Shall House Bill 707 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 87 voting 'aye', 14 voting 'no', and 10 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 805. Out of the record. House Bill 808, Representative Giglio. Clerk, read the Bill."

Clerk O'Brien: "House Bill 808, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Breslin: "Representative Giglio."

Giglio: "Madam Speaker, Ladies and Gentlemen of the House, House Bill 808 prohibits the municipalities from increasing the vending machine license fees without notice in a public hearing. What... What's been happening, the municipalities

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have been increasing these fees without letting the people know who own these vending machines, and I think it's very improper, very unjustified, and I would ask for your favorable support."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 808, and on that question, is there any discussion? There being no discussion, the question is, 'Shall House Bill 808 pass?' All those in favor... excuse me. The Lady from Cook, Representative Braun wishes to speak on the issue."

Braun: "I just have a question of the Sponsor."

Speaker Breslin: "Proceed."

Braun: "Why would you want a preempt home rule for something like this, Representative?"

Giglio: "Well, because the... the majority of the increases truthfully has come up from the City of Chicago without notification. The people had asked me to present this Bill. I feel very bad that they just do without any question. They think it's totally unfair."

Braun: "In that case, I have a Parliamentary Inquiry of the Speaker. How many votes are required for the passage of..."

Speaker Breslin: "Proceed. We're looking at it right now. While we're looking at it, the Gentleman from Champaign, Representative Johnson, would like to speak. He had the same question. Very good. Is there anyone else who would like to speak while we look at the Bill? Representative Braun, this Bill does preempt home rule and does require an extraordinary majority for passage. It, therefore, requires 71 votes for passage. The question is, 'Shall House Bill 808 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? The Clerk will take the record. On this question, there are 66 voting 'aye', 38 voting 'no', and 4 voting 'present'. Representative Giglio asks for a Poll of the Absentees. Representative Braun, for what reason do you rise?"

Braun: "If this goes to verification, I'd like a Poll of the Affirmative, but I think Representative Giglio may."

Speaker Breslin: "Poll the absentees, Mr. Clerk."

Clerk Leone: "Poll of the Absentees. Countryman. Virginia Frederick. Greiman. Krska. Laurino. O'Connell. Panayotovich. Stecko. Wyvetter Younge."

Speaker Breslin: "Representative Giglio."

Giglio: "I would request to put it on postponed consideration."

Speaker Breslin: "The Gentleman requests that this Bill be put on the Order of Postponed Consideration, and it shall be placed on that order. House Bill 811, Representative Homer. Clerk, read the Bill."

Clerk Leone: "House Bill 811, a Bill for an Act to add Sections to the Code of Civil Procedure. Third Reading of the Bill."

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker and Ladies and Gentlemen. House Bill 811 would amend the Code of Civil Procedure to provide a three year statute of limitations, or rather a three year period from the date of the filing of a complaint for the recovery of illegally collected or assessed taxes on public utility services. It is basically addressing a situation where a group of tax payers file a class action suit against a municipality or the state alleging that there has been an illegal assessment of utility taxes for whatever reason. Current law provides that there is no limitation on the period of retroactivity as to how far back a court may order a refund where, in fact, it has been shown that,

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in fact, the taxes were illegal. This Bill is an attempt to make some type of a reasonable time period of recovery, and the Bill proposes three years, which is consistent with many other provisions in the Civil Practices Act for the recovery in such instances. I know of no opposition to the Bill, and I would ask for its approval."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 811. And on that question, the Gentleman from Madison, Representative McPike."

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

Speaker Breslin: "He will yield for a question."

McPike: "Representative Homer, I'm trying to... I'll be honest with you. I'm a little confused on the Bill, and I'm trying to find out who is ultimately liable for this tax?"

Homer: "Okay. That's a good question, and the courts have not yet decided. But in the area of public utility taxes, the statutes impose the tax on the public utility itself."

McPike: "Pardon me."

Homer: "The... Our statutes actually impose the tax on the public utilities itself, but there's another provision that allows the public utility to pass the cost of that tax onto the consumer. So, in an action by tax payers or by consumers, they can chose to sue and have sued both the unit of government, either the municipality or the state, as well as the public utility. And the courts have not been in agreement as to who bears the responsibility for those actions."

McPike: "Well, the tax itself is imposed on the utility, is that correct?"

Homer: "Correct."

McPike: "And so that... And the Bill then says that a tax imposed on the utility, what? What does the Bill say then?"

Homer: "Okay, the Bill says this... the Bill doesn't shift the

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burden as to who might be liable. The courts will have to determine that. I would think that the liable party for a refund should be the unit of local government. After all, that's the... that's the entity which is getting the... the ultimate benefit of the tax. But the Bill... the Bill doesn't address that relationship between the utility and the municipality or the state. What the Bill says, that if there's a class action suit brought, and in fact, it's been determined that a refund is due on owing. That the court is limited to a retroactive period of three years of refund, and it can't go back beyond three years. For example, if there's been a tax on the books in the same form for a period of 14 years and 14 years after it was on the books, there was a class action suit and the courts said, yes, it's an illegal tax, and it shouldn't be collected. Currently, there's no guideline in the statutes as to how far back the refund would extend. This Bill attempts to say that that... there shall be a limit of three years. That the courts shall be limited to awarding a refund for three years. The purpose and the rationale behind that approach is that the action was not brought in a timely fashion. The injured party here, the plaintiff, sat on their right of action in that example for a period of 14 years. And the public policy is, we ought to encourage these actions to be brought promptly, and we ought not to go back beyond a reasonable period of time in awarding a refund in these cases."

McPike: "To the Bill, Madam Speaker."

Speaker Breslin: "Proceed."

McPike: "Well, I think the difficult thing about this Bill is trying to decide who is being protected by the Bill. And I'm not clear in my mind as to who is being protected. We impose a tax on utilities. If the court would determine

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that a illegal tax is imposed, the utility in my judgement would ultimately be responsible for returning that to the consumer. Rather it's one year, two years, or ten years, I'm not sure that the General Assembly should pass legislation that would protect the utility from imposing... from being liable for this tax. Now, if... the confusing thing is that the Sponsor doesn't know nor do I, who is ultimately responsible for this. And I think it's difficult to vote on a Bill not knowing who you're trying to help, or not knowing who you're trying to protect. If, indeed, we're protecting the utility, then I vote "no".

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

Hastert: "Would the Sponsor yield?"

Speaker Breslin: "He will yield for a question."

Hastert: "Yes, Representative Homer, a question, is this just utility taxes, or does this affect property taxes on utilities?"

Homer: "No, this is limited, Representative Hastert, to the messages, gas revenue and public utility electric tax."

Hastert: "I can't hear you."

Homer: "Am I on? This Bill is limited to the three public utility taxes; messages, electric and gas."

Hastert: "So, just the tax on utilities themselves, not messages tax, but on the utility tax itself. Alright. As otherwise, it doesn't affect the 'Duck Creek' situation or property taxes that they've been ordered to rebate or things like that."

Homer: "That's correct. It has no bearing on those at all."

Hastert: "Alright. Thank you."

Speaker Breslin: "There being no further discussion, Representative Homer, to close."

Homer: "Thank you, Madam Speaker. Let me just address finally in

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closing, Representative McPike's concern and make it... make certain that if I can, that we all understand what... who pays the public utility taxes. It is true that the law imposes the tax on the utility, but the law also allows the utility to turn around and pass that cost along to the consumer. There's really no protection here being afforded to the utilities. The protection afforded here would be to the State of Illinois, which imposes a messages and public utility tax, and to certain municipalities, which also impose that tax. The utility itself simply acts as a conduit. They are the collector of the tax. They really have no... nothing to gain by increased taxes, or nothing to lose by decreased taxes. It's the unit of local government that's at stake here. And unless, we provide some sort of reasonable protection against the state or the municipality, then we open up the possibility that years after they've spent this revenue that they would be open subject to liability for a refund going back ad infinitum into the past. This Bill just simply would set a reasonable standard of three years retroactive. It would be consistent with other provisions of the Civil Code. It's being... It's promoted and endorsed by the Illinois Tax Payers Federation of Illinois, and I know of no group in opposition to the Bill. I would ask for your support."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 811. The question is, 'Shall House Bill 811 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 87 voting 'aye', 15 voting 'no' and 7 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 833, Representative Hastert. Clerk, read the Bill."

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Clerk O'Brien: "House Bill 833, a Bill for an Act to amend the Code of... a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Breslin: "Representative Hastert."

Hastert: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 833, really a pretty simple Bill, it deletes some obsolete language from the Revenue Act. Specifically, it repeals Sections relating to miscellaneous duties of the Department of Local Government Affairs. The Local... the Department of Local Government Affairs no longer exists. So, it addresses that problem. I'd be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 833. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, Representative Hastert, will you pledge to us that you'll not concur with any Senate Amendments to this fine Bill?"

Hastert: "Well, I've seen Senate Amendments that sometimes make Bills better. I don't know."

Cullerton: "That's true. You keep an open mind then on... What would happen if this Bill didn't pass in its present form?"

Hastert: "Well, we'd still have... still be carrying obsolete language on the books and of course we wouldn't want to do that."

Cullerton: "No. You think this would actually keep... make those big thick books smaller then, if this Bill passes."

Hastert: "Well, we're just trying..."

Cullerton: "Could save money. Could save money..."

Hastert: "Save money. It's a tax payer's, you know, piece of legislation. Certainly just trying to do a good job."

Cullerton: "Do you know of any opposition to this Bill?"

Hastert: "Not that I know of."

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Cullerton: "Well, I think it's a fine Bill, and I'd stand to support it, as long as we have such a fine Sponsor keeping the... keeping his name on the Bill."

Speaker Breslin: "The question is, 'Shall House Bill 833 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 111 voting 'aye', 3 voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 881, Representative Koehler. Clerk, read the Bill."

Clerk O'Brien: "House Bill 881, a Bill for an Act to amend an Act permitting the accumulation of funds for self-insurance in public libraries and library districts. Third Reading of the Bill."

Speaker Breslin: "Representative Koehler."

Koehler: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. May I please request leave to return House Bill 881 to... to Second Reading for the purposes of tabling Amendment #1?"

Speaker Breslin: "The Lady asks leave to return this Bill to the Order of Second Reading for the purposes of tabling an Amendment, is there any objection? Hearing no objection, the Lady has leave. Proceed, Representative Koehler."

Koehler: "Thank you, Madam Speaker. I move to table Amendment #1 which was adopted in Committee to House Bill 881. This has the approval of the technical staff on both sides of the aisle and has the support and... both the Republican and Democrat staff and people."

Speaker Breslin: "The Lady moves to table Amendment #1 to House Bill 881. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have

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it, and the Amendment is tabled. Are there any further Amendments or Motions?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Representative Dunn, for what reason do you rise? The Lady asks leave now for immediate consideration of House Bill 881 on Third Reading. Third Reading. The Bill is now on Third Reading. The Lady now asks leave that this Bill be heard immediately, is there any objection? Hearing no objection, the Lady has leave by the use of the Attendance Roll Call to hear House Bill 881 on Third Reading. Representative Koehler."

Koehler: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 881 was requested by the Illinois Library Association to permit municipal library boards of directors of a public library and the board of trustees of a library district to accumulate funds. After they have accumulated these funds under current statutory authority, they may then pool these funds with other units of local government for the purpose of self-insurance. This Bill has the support of the Illinois Library Association, and there is no known opposition. I would ask your support of House Bill 881."

Speaker Breslin: "The Lady has moved for the passage of House Bill 881. And on that question, the Gentleman from Cook, Representative Leverenz."

Leverenz: "Will the Sponsor yield?"

Speaker Breslin: "She will yield for a question."

Leverenz: "Did the Amendment that you tabled delete everything after the enacting clause and rewrite the original Bill, is that what the Amendment #1 did?"

Koehler: "Well, Amendment #1 was an Amendment requested by Representative Barger that he felt would make the Act more clear. However, upon the consultation of the technical

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staff from the Democrat side and from the Republican side. It was... It was agreed that perhaps the Bill as originally introduced would accomplish the purpose for which we were aiming, and that was to allow the libraries to accumulate funds."

Leverenz: "Did the Amendment that you tabled delete everything from the enacting clause?"

Koehler: "Yes, it did."

Leverenz: "Then you rewrote the Bill with the Amendment, and now you stand up on a Committee Amendment and tabled that Amendment."

Koehler: "Well, that Amendment was tabled at the request of your technical staff. And if you have a particular problem with that, well then perhaps you might..."

Leverenz: "If I have a problem I'm suppose to go see my technical staff. Earlier you said you wanted to table the Amendment."

Koehler: "Well, I had... they had a problem with it so I went to see them."

Leverenz: "Madam Speaker, to the Bill."

Speaker Breslin: "Proceed."

Leverenz: "It sounds like this would provide for the comingling of monies at local levels. The Lady indicates that it deals with surpluses, and that doesn't really sound like a good idea to me. Thank you."

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

Dunn: "Will the Sponsor yield?"

Speaker Breslin: "She will yield for a question."

Dunn: "Now that the Amendment is taken off the Bill, my analysis says that the provisions of this Bill are already covered by existing Illinois Law. If so, why do we need this legislation?"

Speaker Breslin: "Representative Koehler."

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Koehler: "Representative Dunn, the provisions of the current law does allow the libraries to... to self-insure themselves and that is part of current statutory authority. So, on that particular item, you are correct. However, what current statute does not allow is for libraries to accumulate those funds to then put together with other units of government for the purposes of self-insurance. So, what we are doing here is allowing them to accumulate funds. And you are very perceptive in raising that particular question, because that was brought out in Committee and we were able to clarify the legislation with regard to that particular point. So, you have raised a very valid question."

Dunn: "Now, if...if funds are accumulated, then what does the Bill authorize you to do with these funds once they're accumulated?"

Koehler: "The Bill only authorizes the accumulation of the funds. Current statutory authority, as I said earlier, already allows them to self-insure. So, what we are doing is allowing them to accumulate the funds to then invest in self-insurance, which most units of local government are currently allowed to do. And libraries would like to join with them for the purposes of self-insurance."

Dunn: "Alright, I have no further questions."

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

Cullerton: "Yes, I just wanted to make it clear to Representative Koehler that she keeps on referring to the technical staff. I'd prefer that she refer to them as the attorneys that work for the Speaker."

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

McCracken: "Will the Sponsor yield?"

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Speaker Breslin: "She will yield for a question."

McCracken: "What is the purpose of the Bill? Is it to allow a pooling with other libraries or library districts, or is it merely to allow for the accumulation of funds within a single library or library district? What is the purpose?"

Koehler: "The purpose of the Bill is to allow for the accumulation of funds."

McCracken: "Within a single district?"

Koehler: "Yes."

McCracken: "Okay. Well, then the Speaker's attorneys were correct. The Amendment should've come off. The Bill does what the Sponsor intends it to do. So, let's vote it up."

Speaker Breslin: "The question is, 'Shall House Bill 881 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Gentleman from Champaign, Representative Johnson, one minute to explain your vote."

Johnson: "Well, with all respect to the people who oppose this Bill for some reason or another, this is a noncontroversial Bill, requested by the libraries, makes sense for our local district, and there really isn't any good sensical reason to vote against it. Everybody ought to be up there green."

Speaker Breslin: "The Lady from Sangamon, Representative Oblinger."

Oblinger: "Madam Speaker and Members of the General Assembly, I have some difficulty with this. By Amendment #1 everything was deleted, which is the self-insuring for an individual library, then when you delete Amendment #1 that takes out the pooling. I don't think there's any Bill left, and I'm wondering what we're voting on."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 85 voting 'aye', 13 voting 'no', and 10 voting 'present'. This Bill, having

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received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, it should be noted that we have only 35 more minutes of Session today. You cheer now, however, we have been moving at the rate of five Bills per hour. At this rate, less than 25 percent of all Bills remaining on the Calendar will be heard by deadline time. The next Bill to be heard is Representative Bullock's Bill, House Bill 903. Clerk, read the Bill."

Clerk O'Brien: "House Bill 903, a Bill for an Act to amend an Act concerning state advertising. Third Reading of the Bill."

Speaker Breslin: "Representative Bullock."

Bullock: "Since the gracious Speaker has already editorialized on this Bill, I'll be very brief. It amends the Purchasing Act. It alleviates simplicity in State Government. It merely requires that agencies in state government comply with the regulations of the Central Management Services Department when they, in fact, advertise contracts. I know of no opposition to the Bill. It came out of Committee 18 to 0, and I'd urge an 'aye' vote."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 903. And on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Madam Speaker, Ladies and Gentlemen of the Assembly, just so everybody knows, it's the Democrat philosophy that Bills have to be passed, and it's the Republican philosophy that if we never get to them, it doesn't matter. Beyond that, this is one we should've never gotten to, and I urge a 'no' vote."

Speaker Breslin: "The Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Mr. Speaker... Madam Speaker. There are... are occasions in this Body when certain Bills get out of Committee in an essence to speed up the process. There are

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certain provisions of State Government that make it difficult for all of the advertising to go through one agency, primarily for speed, for efficiency in government. And this is one of those provisions that would certainly not speed up the process of bid letting particularly in the area of the lottery, which has been so effective. And I'm going to be very cautious about voting for this Bill."

Speaker Breslin: "Representative Bullock is recognized to close."

Bullock: "Well, thank you, Madam Speaker. I attended... attempted to comply with the request of the Chair out of immense respect for the Chair, but since we've had some 'nay' sayers comment on the Bill, let me just take a minute to explain to you the substance of this Bill and why it will positively impact on State Government. In State Government, we found in the State Government Reorganization Committee that there are approximately 15 million dollars in contracts in the State of Illinois regarding advertising. We found that in 4 or 5 agencies there's duplication, unnecessary duplication in State Government which add unnecessarily to the cost of State Government. This provision would, in fact, reduce waste and maybe in some instances prevent fraud in State Government as it relates to outside advertising contracts. If you believe that one corporation that is based outside of Illinois should be responsible for dispensing in the neighborhood of 10 million dollars of advertising contract, then you will vote 'no' on this Bill. If you think the tax dollars in Illinois should be spent wisely and equitably and that the sun should shine in on all contracts and we should allow all advertising contracts to at least have the standardization from the Department of Central Management Services regardless of the administration, then you will vote affirmatively on this Bill. The Bill attempts to

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establish some standards for outside advertising contracts in State Government, and it does not intend to reinvent the wheel, but in fact says, the Department of Central Management Services standardization for contracts will apply to all advertising contracts in State Government. If you're for good government, you vote 'no'. If you're for a sham and coverup, you'll vote 'no'."

Speaker Breslin: "The question is, 'Shall House Bill 903 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final passage. Have all voted who wish? The Clerk will take the record. On this question, there are 65 voting 'aye', 47 voting 'no', and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 909, Representative Terzich. Clerk, read the Bill."

Clerk O'Brien: "House Bill 909, a Bill for an Act to amend an Act to create sanitary districts. Third Reading of the Bill."

Speaker Breslin: "Representative Terzich."

Terzich: "Yes, Mr. Speaker (sic - Madam Speaker), Ladies and Gentlemen of the House. This Bill extends the time frame from which an eligible list of candidates must be established to within one year from the time the temporary appointment is made. The Bill also clarifies that the appointment of a position of an essentially temporary and transitory nature may not be made for more than 120 days. The other temporary appointments can be held for one year consistent with changes in the time frame for establishing the eligibility list. The Bill applies to the Metropolitan Sanitary District of greater Chicago and does not affect any other district in the state. And what it does provide is that rather than the 60 days, it extends that they must have the test within one year to be consistent with the

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practice, because if there's one opening right now that they have to do it within 60 days, which they might have 2,000 or 3,000 people. It's also been challenged that this is too short of a period and a time frame, and also, that a vacancy cannot be established if there's a disability, and I would urge your support."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 909. And on that question, the Gentleman from Cook, Representative Young."

Young: "Would the Sponsor yield?"

Speaker Breslin: "He will yield for a question."

Young: "Representative Terzich, I... I don't quite understand the need for this bill, is there a particular reason why the sanitary district can't fill vacancies within 60 days?"

Terzich: "Yes, there is. For example, there just might be one vacancy, Representative Young, and that they would have to establish. Also, on a temporary basis that... if someone is on disability, he might be on disability for 6 months, a year, or maybe 2 years, and they simply appoint someone in that temporary position. I did state that they cannot have it more than 120 days, and also, they would have to take it off the eligibility list that may be established. All this simply states is that they have within one year to establish the test. Because what happens, if there's a vacancy right now, 60 days is very impractical. So, if... even if it's 60 days, or 90 days, or 6 months, once the list is posted then they take it off that list. So, it's basically a time period whether that test was given after 60 days, or 90 days, or a 120 days, or so on, it wouldn't make any difference as far as the list is concerned."

Young: "From the time the vacancy occurs until the list is established am I correct in assuming that a temporary appointment is... is working the position?"

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Terzich: "The temporary appointment may not be made for more than 120 days."

Young: "So, under your Bill, as it's written, if there's a temporary appointment that takes place and after a 120 days a list is not been established or the test hasn't been given, what happens to that position?"

Terzich: "Alright. From what I understand, the Bill clarifies that appointments of a essentially temporary nature may be for 120 days. The other ones is established for one year. At the present time, the other temporary appointments can be held for one year, and these are consistent with the change in the time frame for establishing the eligibility list."

Young: "So, this Bill will extend the time a temporary appointment can serve from 120 days until a year."

Terzich: "No. No. Right now for a temporary appointment they can put someone in a temporary appointment for up to one year. The other one for a 120 days, which may be temporary in nature. For example, if you worked at a Department, you were an engineer, and you went on disability, they would have to assign a temporary employee to fill that vacancy, but the vacancy would not be established because you were still on disability. So, you know, you may come back. So, they really couldn't put the thing out for bid. I say, all this simply states is that they want up to 1 year to get the test in order. For example, if there was one vacancy and after 60 days they might have 2,000 people applying for one position."

Young: "To the Bill, Madam Speaker."

Speaker Breslin: "Proceed."

Young: "With all due respect to Representative Terzich, I think this is a bad Bill with unemployment situation in Cook County as it exists. I don't think there's any reason why

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the sanitary district can't fill all vacancies within 60 days."

Speaker Breslin: "There being no further discussion, Representative Terzich, to close."

Terzich: "Yes, Madam Speaker, this is simply within a time frame that the Bill does establish that the eligible list for candidates must be established within one year. It doesn't say 60 days, or 90 days, or that it will be done after one year. It simply states that they give them a sufficient amount of time to establish the test, create the list, and it is to give them the flexibility up to one year, but it might be only 60 days. This has been approved by the district and the personnel, and also has been challenged at the present time because the 60 days right now is very impractical and does not work. And this would simply give them the flexibility up to one year. It doesn't say it is one year, and I'd appreciate your support."

Speaker Breslin: "The question is, 'Shall House Bill 909 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are... Representative Shaw, for what reason do you rise?"

Shaw: "Verification of the vote."

Speaker Breslin: "On this... On this question, there are 64 voting 'aye', 42 voting 'no', and 4 voting 'present'. The Gentleman has... The Gentleman from Cook, Representative Shaw, has requested a verification of the affirmative. The Gentleman from Cook, Representative Terzich, asks for a Poll of the Absentees. Representative Piel, for what reason do you rise?"

Piel: "Leave to be verified, please."

Speaker Breslin: "Representative Piel asks leave to be verified,

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Mr. Shaw. Mr. Shaw, for what reason do you rise?"

Shaw: "Withdraw the Motion."

Speaker Breslin: "The Gentleman withdraws his verification. We, therefore, need not proceed with the Poll of the Absentees. On this question there are... Representative Cullerton asks to be voted 'aye', therefore, on this question there are 65 voting 'aye', 42 voting 'no', and 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 940, Representative Ropp. Clerk, read the Bill."

Clerk O'Brien: "House Bill 940, a Bill for an Act to amend Sections of the Civil Administrative Code. Third Reading of the Bill."

Speaker Breslin: "Representative Ropp."

Ropp: "Thank you, Madam Speaker, Members of the House. As many of you well know, a lot of local units of government are finding it difficult to secure enough funds to buy needed equipment particularly in the area of heavy equipment like 2 ton trucks, or maybe earth movers, and so forth. House Bill 940 states that the Department of Transportation shall notify those units of local government that have requested used equipment, used vehicles from the state to receive first option to receive them, or to purchase them at the appraised value. It's an attempt to allow that extra year, or so to be utilized by local units of government so that they don't have to spend a lot of hard earned tax dollars to purchase brand new equipment when many of those energizing road commissioners and township officials can make some of those pieces of... some of those vehicles operative for another year or two and save money. I welcome any questions, and also, welcome your support."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 940. And on that question, the Gentleman from

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Macon, Representative Dunn."

Dunn: "Will the Sponsor yield?"

Speaker Breslin: "He will yield for a question."

Dunn: "The Bill provides that DOT shall give notice to local governments, what happens after notice is given? Is that taken care of someplace else, or is...?"

Ropp: "Yes, the local units of government then would come in and take a look at the equipment and at the appraised value would have the option to purchase that equipment and take it back and utilize it. Maybe repair it if it needs repair."

Dunn: "Well... Well, what's the time frame in which... is that all set out someplace elsewhere in the statutes?"

Ropp: "I'm not..."

Dunn: "Is there... Do they have 10 days, 20 days, 30 days to come in? Do they have to buy at a certain price, or are there bids by local governments, or what are the mechanics, that's what I'd like to know?"

Ropp: "I don't think it really states that. It just gives them notification so that they can come in and in the normal operation of Department of Transportation they would be able to first come first serve pick-up the equipment."

Dunn: "And one other question with regard to Amendment #1, does this Bill now provide that the notification shall be given both when DOT decides to sell and when they decide to replace?"

Ropp: "No, the term sale has been taken out because sometimes they trade. It's only replace, which is symbolic to either trading or outright selling. So, anytime they replace."

Dunn: "Well, let me ask this, if a local government doesn't buy, what happens to this property?"

Ropp: "They normally would contract with whoever purchases many of these items in the essence to trade them in to replace

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them to get new equipment."

Dunn: "Thank you."

Speaker Breslin: "The Gentleman from Adams, Representative Mays."

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

Speaker Breslin: "He will."

Mays: "As a follow-up to Representative... previous Representative's line of questioning, at what point does the notice go, once the decision has been forwarded from Transportation to CMS, or once CMS has okayed it and gotten it back to Transportation? What kind of information also will be involved in the notification?"

Ropp: "Here's an example. I'm a local township official, maybe the township supervisor, and I know that in our operating budget the road commissioner needs a brand new road maintainer. I would make that request to the Department of Transportation. Should they, in fact, have a vehicle that has outlived its usefulness in terms of what the state determines would be... as soon as it's been declared by the Department of Transportation that they are... have no further use for it, they would send out a letter to my particular township and say, 'I have this vehicle that is ready for disposal.' Immediately then I would come forth, having heard that, and would offer the appraised value if I felt it was worth that much, and be able to return home with said piece of equipment."

Mays: "Does DOT appraise these or does Central Management Services?"

Ropp: "DOT."

Mays: "Does DOT sell them or does Central Management Services?"

Ropp: "It's my understanding the Department of Transportation would."

Mays: "Well, to the Bill, Madam Speaker. To the Bill, Madam

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Speaker."

Speaker Breslin: "Proceed."

Mays: "I... I agree with the intent that you're trying to get across. I do believe, however, that it... the Department of Transportation does not have the power to sell or appraise. It's my understanding that that power rests with the Department of Central Management Services. And I also believe that the, you know, the procedures ought to be more spelled out as to when the appraisal is due and when notice is due to the given local units of local government. Having said all that, however, I do believe the intent is similar to that that we have seen before us in terms of surplus property from institutions of higher education. And so I support the concept. I'm going to support this Bill tentatively, but I do believe it needs to have further clarification as to which department, number one, and what the procedure should be thereafter."

Speaker Breslin: "The Gentleman from Marion, Representative Friedrich."

Friedrich: "Sponsor... Would the Sponsor yield?"

Speaker Breslin: "He will."

Friedrich: "Do you contemplate this equipment being brought to one central location for sale?"

Ropp: "I would think that it would probably be in the general area in whichever the Department of Transportation would be using it, and it would not necessarily have to always come to Springfield. If there are areas in southern Illinois that this equipment would be, I see no advantage in moving it into a central place, although that would be subject to the rules and regulations by the Department of Transportation."

Friedrich: "Well, Madam Speaker, even with that, I can see where Springfield, Carbondale, Effingham, a few more towns who

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have the district office in their town would have all the goodies drug up before Cairo, and Centralia, and Quincy and a few more people got a shot at it. And there's only so much of it would be worth buying it anyway, and it'd be gone by the time my folks get there."

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

Mautino: "Thank you. Will the Gentleman yield?"

Speaker Breslin: "He will."

Mautino: "Gordy, I'm sorry. I missed maybe the first points or two raised to you on this question. Is it not the current situation where the... a sale is consummated with the Department of Transportation locally here, and then if you want to get a vehicle, if you were a local unit of government, you'd have to go down to that individual who kind of has a monopoly with it now? Is that the situation we have?"

Ropp: "Well, right now the Department of Transportation's somewhat, as you mentioned, has a monopoly, and generally all of the equipment goes to one particular entrepreneur. What I'm attempting to do here is to allow local units of government... granted there may be more units of government that want certain pieces of equipment than we have in surplus or nonuseable. I think by this Bill we're at least allowing some units of government to be able to pick up some pieces at a much lesser price and be able to utilize them for a couple of years before they would currently have to go out and spend a lot of money to get brand new equipment. So we're trying to save some dollars locally by using used equipment for another year or two."

Mautino: "Sounds like a good Bill. Thank you."

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

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

Berrios: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the main question is put. Representative Ropp to close."

Ropp: "Thank you, Madam Speaker. I welcome your support. We're attempting to save money and allow local units of government to put one more year of use on used vehicles that the state has no longer use of."

Speaker Breslin: "The question is, 'Shall House Bill 940 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Leverenz is recognized to explain his vote."

Leverenz: "Well, I'm going to be the lone red vote, I guess, because the Bill does not do with the Amendment what the Sponsor says. You can notify all the municipalities in the state that the Department of Transportation is going to replace its trucks and all of its cars, but they may trade them all in so that is of inconsequential information to any unit of local government. If they're going to sell them off, that's what the municipalities should know about. And the Gentleman should probably table Amendment #1, and the Bill would do what he wants it to do. Unless it's being used as a vehicle unto itself, and it'll come back in a different form from the Senate."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 105 voting 'aye', 9 voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Going to the Order of House Bills Second Reading - Education Reform, on page 33 on your Calendar, appears House Bill 2387, Representative Currie. Clerk, read the

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Bill."

Clerk O'Brien: "House Bill 2387, a Bill for an Act to amend the School Code. Second Reading of the Bill."

Speaker Breslin: "Representative Vinson, for what reason do you rise?"

Vinson: "Madam Speaker, as I read the Calendar, isn't this Order of Reading proposed for Tuesday, May 21st, 1985?"

Speaker Breslin: "Except that it is on Second Reading. It is proposed for Third Reading on Tuesday."

Vinson: "Well, how can you go to a Special... a Special Call on a day when it's not on the Calendar?"

Speaker Breslin: "It's... It's on the Calendar, on page 33, Representative Vinson. We're hearing these Bills so that they are ready for Third Reading tomorrow as scheduled."

Vinson: "But Madam Speaker, on the Calendar on page 33, House Bills Second Reading - Educational Reform is proposed for Tuesday, May 21st, not Monday, May 20th."

Speaker Breslin: "I... I think the purpose for the date is so that they can... people know that they are going to be heard on Tuesday on Third Reading."

Vinson: "Well, it says Tuesday on Second Reading on the Calendar on page 33."

Speaker Breslin: "That's true. It does. Proceed, Representative Currie. Representative McCracken, for what reason do you rise?"

McCracken: "Well, now that the Speaker's talking to Representative Vinson, I don't have anything to say."

Speaker Breslin: "Mr. Clerk, have you read the Bill a second time?"

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

Speaker Breslin: "Are there any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Breslin: "Are there any Floor Amendments?"

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Representative..."

Clerk O'Brien: "Floor..."

Speaker Breslin: "Excuse me. Representative Davis, for what reason do you rise?"

Davis: "Well, Madam Speaker, is it your intention then to abandon the Order of Business of State Regulation or are you going to carry that over, Madam Speaker? And I have never seen a Second Reading Bill on Special... Special Order of Call before. Is there some reason that you have that Bill on Second Reading? Well, I'd just like an explanation from the Chair."

Speaker Breslin: "Yes, we will continue, as to your first question, we will continue the Order of House Bills Third Reading - State and Local Government Affairs, and..."

Davis: "So you just are going to abandon State and Local and then come back to it after you do this one Bill. Is that correct?"

Speaker Breslin: "No. That's not correct."

Davis: "No."

Speaker Breslin: "I said that we were going to take those Bills that we were expecting to hear tomorrow on the date that they are posted for under State Regulation. Representative Davis, we had an 8 o'clock schedule that we had planned to adjourn by."

Davis: "Yes."

Speaker Breslin: "Now if... as you can see, there are too many Bills on State and Local Government in order to hear all of them by 8 o'clock."

Davis: "There are also too many on Education Reform."

Speaker Breslin: "That's true. We will try to hear as many as possible, Sir..."

Davis: "That's the second true. That's the second true we've got out of you. Is there a reason why 2387 is on Second

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Reading on a Special Order of Call? Is it perhaps that you don't wish to go to the Order of Second Reading on the Regular Call?"

Speaker Breslin: "I have no idea, Sir."

Davis: "You have no idea?"

Speaker Breslin: "The Bill is on the Calendar, and it has been called. Proceed, Mr. Clerk."

Clerk O'Brien: "Floor Amendment #2, offered by Representative Keane, amends House Bill 2387 on page nine by deleting line 22 - 26 and inserting in lieu thereof..."

Speaker Breslin: "Representative Keane."

Keane: "Thank you, Mr. (sic - Madam) Speaker. My Amendment amends out what I think is complicating language. Basically we set out a system by which teachers will be evaluated. We set out a system by which teachers can be evaluated, and then it indicates that if the administration fails to comply with the procedure, the teacher can not use that, the failure to comply with the procedure, as a defense. And my Amendment would strike that language. I'd be happy to... I'd be happy to answer any questions regarding my Amendment."

Speaker Breslin: "The Gentleman has moved for the passage... or the adoption of Amendment #2 to House Bill 2387. And on that question, the Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Thank you, Madam Speaker. I rise in opposition to this Amendment. This does exactly opposite of what the purpose of the Bill is. And actually, if this Amendment were adopted, it would completely gut the Bill. I would urge a 'no' vote."

Speaker Breslin: "The Gentleman... The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Madam Speaker, I... I rise in concert with the previous

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speaker and also oppose this Amendment. We get some meaningful language in and people who are not participants in this chamber, who do not have the responsibility that we have as elected Members of this Legislature, decide what ought and ought not happen. With all due respect to the Sponsor of the Amendment in whom I have a great deal of personal respect, I rise in opposition and ask my colleagues to join me in opposition to this Amendment to House Bill 2387."

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

Greiman: "Thank you, Speaker. I, too, rise in opposition to this Amendment. This Amendment would... One of the things that we talked about was that if we leave here in June and have not made a significant process for looking at the system, and ridding of bad teachers and evaluating teachers in appropriate sensitive fashion, then we will have failed in all aspects of reform. If we were to add this provision that Mr. Keane requests, we would be making it more difficult. We would be making the process almost impossible to ever look at a teacher's competency. If we defeat this, and Mr. Keane has raised an interesting problem, we want to be fair and evenhanded. In Amendment #5, which is coming down the pike, there is language which cushions the language of the original Bill, and I suspect will give Mr. Keane much of what he's interested in. Accordingly, I think it's important that we defeat this Amendment. Thank you."

Speaker Breslin: "The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you, Madam Speaker. I join with the prior speakers in urging this Amendment be defeated. Thank you."

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

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The Lady from... There being no further discussion, the Gentleman from Cook, Representative Keane, to close."

Keane: "I think... I think we have reached an... This Amendment has done what politics has failed to do. It's united Leadership on both sides of the aisle. Therefore, I think that you really have before you an outstanding Amendment. What the Bill... What the Amendment does... I'm also advised we want a Roll Call. I would like a Roll Call. My coaches ask for that. What I would like to do is take a minute to explain the Amendment. If you look at the Bill, what we've done in the Bill is we've set up a system by which teachers are to be evaluated. Then the last paragraph, after we set up this elaborate system to say that this is how we're going to have teachers evaluated, we say, 'However, if the administration doesn't evaluate them, the teacher cannot use that failure to use the evaluation system as a defense.' So we're setting up a system that the administration doesn't have to use and that the teachers can get wacked with... with or without it. What I'm saying is, if we're going to set up an evaluation system, we should use it. Let's not set up a system that the administrators do not have to use. And with that, I will ask for a Roll Call vote, and..."

Speaker Breslin: "The... The question is, 'Shall Amendment #2 to House Bill 2387 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Cook, Representative Preston, one minute to explain your vote. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 42 voting 'aye', 60 voting 'no' and 6 voting 'present', and the Amendment fails. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative

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Homer."

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker. Leave to withdraw Amendment 3."

Speaker Breslin: "The Gentleman withdraws Amendment #3. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representative Homer."

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker. Again, I ask leave to withdraw Amendment 4."

Speaker Breslin: "The Gentleman withdraws Amendment #4. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, offered by Representative Greiman."

Speaker Breslin: "Representative Greiman."

Greiman: "Thank you, Speaker. Amendment #5 makes clear that this applies only to tenured teachers and that untenured teachers would not be subject to all of these. It provides for a single hearing officer, rather than a complicated panel. And finally, it addresses the problem that Representative Keane spoke so elegantly about, and it gives sort of middle ground and provides that... that none prejudicial failure to comply with the dictates of this... shall not serve as a defense to the dismissal. So that there might be some areas where one could be obviously in the... if they were due process issues. But if they are non due process issues, they would not serve as a defense. That's what the Amendment's about. I ask for a favorable Roll... favorable voice vote."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #5 to House Bill 2387. And on that question, the Gentleman from DuPage, Representative Hoffman."

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Hoffman: "I would concur with the Gentleman's comments."

Speaker Breslin: "The question is, 'Shall Amendment #5 to House Bill 2387 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #6, offered by Representative Greiman."

Speaker Breslin: "Representative Greiman."

Greiman: "I'm advised that Floor Amendment #6 corrects a... an error in drafting. Apparently some... part of a sentence was left out. This puts the sentence in and is appropriate."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #6 to House Bill 2387. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #6 to House Bill 2387 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. With leave of the Body, we would now like to go to House Bills Second Reading - State Regulation, on page 30 on your Calendar. Hearing no objection, House Bill 1057, Representative Richmond. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1057, a Bill for an Act in relation to the registration of plumber contractors. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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

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Speaker Breslin: "Representative Mautino, do you want this Bill to go to Third Reading? Oh, there is an Amendment, Amendment #1, offered by Representative Richmond. We'll take the Bill out of the record, Representative Richmond. Repre... Okay, we'll hold this Bill on Second Reading for the Amendments, Representative Mautino. House Bill 1198, Representative Kirkland. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1198, a Bill for an Act to amend the Code of Civil Procedure. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Are there any Motions filed?"

Clerk O'Brien: "A Motion to table Amendment #1, offered by Representative Kirkland."

Speaker Breslin: "Representative Kirkland moves to table Amendment #1 to House Bill 1188 (sic - 1198). And on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #1 to House Bill 11... 1198 be tabled?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is tabled. Are there any further Amendments?"

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

Speaker Breslin: "Representative Kirkland."

Kirkland: "Thank you, Madam Speaker. Amendment #2 addresses a problem created by a decision of the 4th... Appellate... 4th District Appellate Court, which raised the issue of whether there was statutory authority to assess fees against the defendant, fees that cover the cost of service by a private process server. In Kane County, the Judges have followed this decision by indicating that they will not allow the assessment of fees against defendants for the cost of serving process and extended that to the sheriffs

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also. This would simply give statutory authority for such cost to be included for service of process by a sheriff, coroner, private detective or private person."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 1198. And on that question, is there any discussion? There being no discussion, the question is, 'Shall Amendment #2 to House Bill 1198 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. House Bill 1642, Representative Steczo. Out of the record. Okay. House Bill 1642, we'll read it the second time."

Clerk O'Brien: "House Bill 1642, a Bill for an Act to amend an Act relating to certain custodians of public money. Second Reading of the Bill."

Speaker Breslin: "House Bill... Hold on Second Reading. House Bill 1884, Representative Vinson. Out of the record. House Bill 1902, Representative Vinson - Madigan. Out of the record. On page 62 on your Calendar, on the Order of Concurrences appears House Bill 370, Representative Barnes. Clerk, read the Bill."

Clerk O'Brien: "House Bill 370, a Bill for an Act making certain appropriations, together with Senate Amendments #1, 2 and 3."

Speaker Breslin: "Representative Barnes."

Barnes: "Madam Speaker, Ladies and Gentlemen of the House, House Bill 370 addresses these different agencies: Department of Alcohol and Substance Abuse; Department of Mental Health; Department of Central Management Services; Department of Children and Family Services; Department of Corrections;

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Department of Employment Security; Department of Public Health; the Historical Library; Pollution Control Board; State Labor Relations Board; Operation... the Court of Claims; and the Department of Conservation. This Bill passed out, as you all know, over to the Senate, and the Senate, in its wisdom, has added 111 thousand... 111 million 441 thousand point seven. Most of that had to do with the personal property replacement tax and the local government distributive fund, which involved the amnesty and the school funds."

Speaker Breslin: "The Lady has moved for the passage of House Bill 370. And on that question, is there any discussion? The Gentleman from Cook, Representative Leverenz."

Leverenz: "The Sponsor yield for a couple of quick questions?"

Speaker Breslin: "She will yield for questions."

Leverenz: "Could you explain the supplemental for the State Fire Marshal's Office? Do you have any detail on that?"

Barnes: "Would... Would you like to start with the Veterans Affairs? I have all that information."

Leverenz: "Oh, let's back up then."

Barnes: "Could you please?"

Leverenz: "The Department of Veterans Affairs has a 65 thousand dollar supplemental appropriation to handle a virus infection that went through the veterans home. That's a pretty big virus for 65 thousand, plus 18 thousand 600 for testing the cultures. Is that under control? Do we know? Or what kind of virus was it?"

Barnes: "It is... It is almost under control, Representative. They had to bring the experts in from Iowa City. It was a staph infection. And the culture tests that were necessary were quite expensive, and that was the 18 thousand 600, just for the cultures."

Leverenz: "Also at the veterans home, we see 16 thousand 400

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being appropriated to replace a bad shipment of coal."

Barnes: "The bad shipment of coal was too fine for their regular processes, so they had to shut down, and they had to go to another source of energy, and that's the reason for the 16 thousand 400 dollars."

Leverenz: "Did we ever do any recovery on the coal? Did we order wrong or...? Maybe we can chase the 16 thousand a little later? To the Department of Commerce and Community Affairs, we have a 23 thousand dollar supplemental to pay someone contractually. Is that person already on the payroll?"

Barnes: "That is not for a new staff person, Representative. It was just that they were cut in that area fairly badly last year, and they're merely trying to replace it."

Leverenz: "Now to the State Fire Marshal's Office. They have a history of swiping money from personal services or moving employees from department to department. For example, their 'ADP' manager was put on the arson investigation payroll because they ran out of money. Do... the 140 thousand dollars now that they're finally coming in for in a supplemental and they have not been here for two or three years, that is to pay one engineering firm? Is that correct on the Standard... the Union Oil, the explosion in Romeoville?"

Barnes: "That is correct, Representative. And they hire the 'packer' firm out of Naperville to come in and make some investigations as to what the causes were, et cetera."

Leverenz: "Did the State Fire Marshal's Office inspect that site earlier, prior to... They have a boiler inspection unit."

Barnes: "They are required to do that, Representative."

Leverenz: "And is there statute authority to hire this firm to bring them in? An outside firm, incidentally, inspected Union Oil in Romeoville. It wasn't State Fire Marshal's

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Office as far as I know. But could we... rather than hold up this whole thing, perhaps we could see the contracts signed with the firm from Naperville and see who signed those contracts which might be a high level person placed in the State Fire Marshal's Office. We could see that later. And those are all the questions I have. Generally I support the entire load."

Barnes: "Thank you, Representative. If you support it, then I would like to ask this Body for an 'aye' vote on House Bill 370."

Speaker Breslin: "The question is, 'Shall House Bill... Shall the House concur with the Senate Amendments to House Bill 370?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? The Clerk will take the record. On this question, there are 105 voting 'aye', 1 voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Cullerton is recognized for the purposes of a Motion."

Cullerton: "Yes, I'd like to move to continue the Special Order of Business - State Government..."

Speaker Breslin: "The Gentleman moves to continue..."

Cullerton: "...till tomorrow, the Call of the Chair."

Speaker Breslin: "The Gentleman moves to continue the Order of State and Local Government, as a Special Order of Call, until tomorrow at the Call of the Chair. Is there any objection? Hearing no objection, that order will be continued until tomorrow at the Call of the Chair. Representative Keane is recognized for a Motion."

Keane: "Purpose of an announcement, Madam Speaker."

Speaker Breslin: "An announcement. Proceed."

Keane: "Thank you. Just to remind the Members of the House Revenue Committee that we will meet a 8:30 tomorrow morning

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in Room 118 to consider just one Bill. So if you could be there at 8:30, we will finish up quickly and be on our way. Thank you."

Speaker Breslin: "Representative McPike, on a Motion."

McPike: "Thank you, Madam Speaker. I move the House stand adjourned until tomorrow at the hour of 9 a.m."

Speaker Breslin: "The Gentleman moves, allowing 10 minutes for Perfunctory Session, that this House stand adjourned until 9 a.m. tomorrow morning. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and this House stands adjourned until 9 a.m. tomorrow morning."

Clerk O'Brien: "A message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills with the following title, and the passage of which I'm instructed to ask concurrence of the House of Representatives, to wit; Senate Bills #92, 96, 102, 110, 112, 114, 1388, 1397, 1419, 1430, 1432, 1433, 1451 and 1456, passed by the Senate May 20, 1985. Kenneth Wright, Secretary.' Senate Bills First Reading. Senate Bill 35, McGann, a Bill for an Act to amend the Vehicle Code. First Reading of the Bill. Senate Bill 87, Hartke, a Bill for an Act to amend the Township Law. First Reading of the Bill. Senate Bill 95, Barger and Oblinger, a Bill for an Act to amend an Act in relation to mortgages. First Reading of the Bill. Senate Bill 144, Steczko, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. Senate Bill 152, Braun, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. Senate Bill 205, Cullerton, a Bill for an Act to amend the Juvenile Court Act. First Reading of the Bill. Senate Bill 210, Preston, a Bill for an Act to amend the School

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Code. First Reading of the Bill. Senate Bill 217, Young, a Bill for an Act to amend the Public Utility Act. First Reading of the Bill. Senate Bill 299, Braun, a Bill for an Act to amend the Public Aid Code. First Reading of the Bill. Senate Bill 310, Mautino, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. Senate Bill 333 (sic - 433), Dunn, a Bill for an Act to amend the Probate Act. First Reading of the Bill. Senate Bill 434, Dunn, a Bill for an Act to amend the Probate Act. First Reading of the Bill. Senate Bill 435, Dunn, a Bill for an Act to amend the Probate Act. First Reading of the Bill. Senate Bill 682, Nash and DeLeo, a Bill for an Act to amend the Election Code. First Reading of the Bill. Senate Bill 686, Nash and DeLeo, a Bill for an Act to amend the Election Code. First Reading of the Bill. Senate Bill 775, Preston, a Bill for an Act to amend an Act in relation to nursing care facilities. First Reading of the Bill. Senate Bill 308, Ropp, a Bill for an Act to amend an Act relating to the purchase, transportation and receipt of livestock. First Reading of the Bill. Senate Bill 809, Ropp, a Bill for an Act to amend the Livestock... Livestock Auction Market Law. First Reading of the Bill. Senate Bill 817, Mautino, a Bill for an Act to amend the Illinois Horse Racing Act. First Reading of the Bill. Senate Bill 827, Wojcik, a Bill for an Act to amend an Act in relation to rehabilitation of disabled persons. First Reading of the Bill. Senate Bill 846, Mautino, a Bill for an Act to amend the Illinois Development Finance Authority Act. First Reading of the Bill. Senate Bill 869, Barnes, a Bill for an Act to amend an Act creating the Department of Children and Family Services. First Reading of the Bill. Senate Bill 899, Mautino, a Bill for an Act to recodify the Social Security Enabling Act. First Reading of the Bill.

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Senate Bill 906, Hoffman, a Bill for an Act to amend the Illinois Farm Equipment Fair Dealership Law. First Reading of the Bill. Senate Bill 925, Curran, a Bill for an Act to amend an Act in relation to the State Comptroller Act. First Reading of the Bill. Senate Bill 947, McGann, a Bill for an Act to amend the Code of Civil Procedure. First Reading of the Bill. Senate Bill 954, Anthony Young, a Bill for an Act to amend the Illinois Hard of (sic - Act on) Aging. First Reading of the Bill. Senate Bill 984, Young, a Bill for an Act to amend the Child Care Act. First Reading of the Bill. Senate Bill 993, Churchill, a Bill for an Act to amend the Unified Code of Corrections and the Illinois Vehicle Code. First Reading of the Bill. Senate Bill 1077, Piel, a Bill for an Act to amend the Foreign Banking Office Act. First Reading of the Bill. Senate Bill 1150, Dunn, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. First Reading of the Bill. Senate Bill 1182, Hartke, a Bill for an Act in relation to ownership of agricultural land. First Reading of the Bill. Senate Bill 1185, Soliz, a Bill for an Act to amend the Hospital Licensing Act. First Reading of the Bill. Senate Bill 1202, Brunsvold, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. Senate Bill 1204, Weaver, a Bill for an Act to amend the Trusts and Trustees Act. First Reading of the Bill. Senate Bill 1290, Ropp, a Bill for an Act to amend the Illinois Feeder Swine Dealer Licensing Act. First Reading of the Bill. Senate Bill 1296, Nash and DeLeo, a Bill for an Act to amend the Illinois Insurance Code. First Reading of the Bill. Senate Bill 1312, Nash and DeLeo, a Bill for an Act to amend the License (sic - Liquor) Control Act. First Reading of the Bill. Senate Bill 1318, Keane and Woodyard, a Bill for an Act to create

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the Illinois Private Activity Bond Allocation Act. First Reading of the Bill. Senate Bill 1356, Levin, a Bill for an Act to amend the Illinois Human Rights Act. First Reading of the Bill. Senate Bill 1431, Homer, a Bill for an Act to amend an Act to prevent untruth (sic - untrue), deceptive and fraudulent advertising. First Reading of the Bill. Senate Bill 1440, Cullerton, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. Senate Bill 1441, Dunn, a Bill for an Act to amend the Juvenile Court Act. First Reading of the Bill. Senate Bill 1445, Preston, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. First Reading of the Bill. Senate Bill 1447, Cullerton, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill. No further business, the House now stands adjourned."

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