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delays the payment til 1984. It removes it from the inclusion of the State Mandates Act and Hastert's Amendment, ties it to the Consumer Price Index, and I would ask for a favorable Roll Call."

Speaker Greiman: "The Gentleman moves for passage of House Bill 18. On that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'nay'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 88... 87 voting 'aye', 16 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills, Special Order of Business, Subject Matter - State and Local Government Administration, appears House Bill 234. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 234, a Bill for an Act relating to access to public records and documents. Third Reading of the Bill."

Speaker Greiman: "The Lady from Cook, Mrs. Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. House Bill 234 is a carefully drafted Bill providing public access to public documents in the State of Illinois. I'm sure many of you are aware that early this year Illinois shared the distinction with Mississippi, the only two states in the nation without an Act, a statewide statute, providing and ensuring that public documents, public records would be open to the public."

Speaker Greiman: "Please give the Lady your attention."

Currie: "At this point, in May 1983, Illinois has the distinction alone, for Mississippi is the forty-ninth state in the nation to ensure that kind of openness to the people within its borders. House Bill 234 would rectify the oversight in

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Illinois, would ensure that there is openness in government, there is accountability to the people, that what we pay our bureaucrats to do for us will be open and available for us to inspect. At the same time, the point of the Bill is to say there will openness, there will be accountability. We also carefully exempt, in House Bill 234 those kinds of documents that we believe, and I'm sure every Member of this chamber believes, should not be so open to public inspection. Those kinds of items include the riot plans in the state penitentiary, for we think it does not make sound public policy to say that the prisoners should have access to the riot plan before the prisoner figures out exactly how the riot will look. We think that the kinds of job evaluation forms in personnel files should not be available for open public disclosure. We think that when people are recipients of certain kind of grant programs, that their names should not be available for casual public inspection and casual public looks. House Bill 234 applies to every agency in State of Illinois Government, and it applies to every other government in the State of Illinois. This House Bill 234, if we adopt it, would become the overriding state statute in this area, would provide for openness at every level of government, and this Bill establishes clear procedures so that the citizen, as well as the bureaucrat, knows exactly what is required when a request is made for a document. The agencies have time to respond to a request for information. An individual making the request knows what kind of time frame the agency has for response so that everybody is well served, in terms of knowing what the nature of the ball game is, what the parameters of that kind of public inspection should be. I think it's time for Illinois to join the forty-nine other states who already say that there

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will be open access to open records. I think it's time for us to join with the Federal Government that has had Freedom of Information legislation on the books since 1967. I would be happy to answer any questions about House Bill 234, and I would certainly welcome your support."

Speaker Greiman: "Lady from Cook moves for the passage of House Bill 234. On that, is there any discussion? The Gentleman from Champaign, Mr. Johnson."

Johnson: "Thank you, Mr. Speaker. To the Sponsor, I fully and absolutely am in support of this Bill. But, in terms of creating a record for legislative intent, would you address the question of whether you intend this to be applicable to home rule units, including the City of Chicago?"

Currie: "Yes. My..."

Speaker Greiman: "The Lady indicates that she'll yield for questions."

Currie: "Yeah, thank you, Representative Johnson. Yes, my...my... certainly understanding and perhaps you would like to have a ruling from the Parliamentarian on this point, but my understanding is that this Bill will be applicable to all home rule units of government. This is the state statute. My understanding is that we would want individual localities to provide even greater access to open information than House Bill 234 does. For example, we have a seven-day period for an agency response to request for information. If a local government is able to respond to information more quickly, they might well wish to adopt an ordinance saying that there will be response within an hour or within three hours. I think we would welcome that kind of participation from the local level, but the point is - and the point to the question you asked - is that, yes, this Bill does say to every unit of local government, including those that are home rule units of government,

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this Bill - could you explain what that does?"

Currie: "Yes, Representative Cullerton. Section 7 (F) of the Bill presents the exemption with respect to trade secrets, and I think the issue you want to raise is whether or not or how broadly this language is to be defined. Throughout House Bill 234 we have; one, appropriate and applicable, followed the language in the Federal Freedom of Information Act, language which means that interpretations offered by case law in federal courts can be a guide to people trying to understand what this language means to them. We do define trade secrets broadly in this Bill, and we certainly intend that term to be interpreted so as to include business strategies and information that, if it were disclosed, might cause harm to the competitive person... position of the person in the business community. We really do not intend, by this Bill, to have a chilling effect on private parties interest or willingness in doing business with the state. That's what we intend by trade secrets. And as in this provision, so throughout the Bill, when there is some close parallel between our language and language in the Federal Freedom of Information Act, it is our intention that case law interpretations under federal FOIA should guide individuals in the courts in Illinois in interpreting the provisions of House Bill 234."

Cullerton: "Representative Currie."

Speaker Greiman: "Mr..."

Cullerton: "I have another question."

Speaker Greiman: "Proceed, Sir."

Cullerton: "Representative Currie, as you know when this Bill was up in Committee, Amendments #1 through 10, I believe, were adopted without much explanation. I think, in part, because the Speaker was presenting the Bill and people kind of rolled over and played dead for him. I wonder if you could

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explain what Amendment #4 does? That was adopted in Committee on a voice vote, and I don't know what that means either. Could you explain what Amendment #4 does?"

Currie: "I believe Amendment 4, Representative Cullerton, is the Amendment that requires public bodies to prepare lists of the records within their purview only as of the effective date of the Bill. What that Amendment means is that, although every public body will still have to make public documents collected before the effective date of this Act, they will not be required to go back and index or list records that came into their possession before the effective date of House Bill 234."

Cullerton: "Okay, and one final question, Representative Currie. In Amendment #10 you use the term 'substantially prevails' with reference to attorneys' fees. Could you explain what that is, please?"

Currie: "I think what it means is that if the plaintiff in a proceeding brought under this Act substantially prevails, in whole or in part, that that court, if it decides that the information at stake was in the public interest and, of course, if the plaintiff won, the court shall award attorneys' fees. What it means is that if somebody has a case involving four separate documents and wins on one document, that the court may well decide that some manner of attorney fees are appropriate."

Cullerton: "Thank you. No further questions."

Speaker Greiman: "Excuse me. Mrs. Currie and the Gentleman from Champaign, Mr. Johnson, with reference to the inquiry that you made, it is the opinion of the Chair that this Bill touches a subject matter already regulated by the state and, accordingly, will not need an extraordinary majority, but may be passed on a Constitutional Majority of 60. Gentleman from Cook, Mr. Bonan."

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Ronan: "Thank you, Mr. Speaker. Will the Lady yield for some questions?"

Speaker Greiman: "She indicates that she will."

Ronan: "Representative Currie, this is a Freedom of Information Act similar to House Bill 90 that was introduced and lost earlier in the Session. Do you know what the differences are between this Bill and House Bill 90?"

Currie: "I don't believe that House Bill 90 started out with a strong statement suggesting that it's the fundamental philosophy of our government to say that public acts, public records, shall be open to the public that pays for them. I think the difference between House Bill 90 and House Bill 234, as much as any other difference, is one of perspective. House Bill 234 starts from the proposition that records shall be open. House Bill 90, as I understood it, started from the proposition that most things should be private."

Ronan: "Well, I obviously disagree with your analysis. I think House Bill 90 basic goal was to make information available to the public in an orderly and reasonable fashion. That's why I'm amazed that, you know, your Freedom of Information Act, which seems to be a decent concept - I'm Cosponsor of it - would have your overwhelming support because of your philosophical bend. And when House Bill 90 was heard a month ago, you led the charge to kill it. So, I find that to be ironic."

Currie: "Well..."

Speaker Greiman: "Gentleman from St. Clair, Mr. Flinn."

Flinn: "Mr. Speaker, my normal Motion."

Speaker Greiman: "Gentleman moves for the previous question. The question is, 'Shall the previous question be put?'. All those in favor signify by saying 'aye', those opposed 'nay'. The 'ayes'... In the opinion of the Chair, the

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'ayes' have it. In the opinion of the Chair, we'll have a Roll Call. Okay. All those in favor... The question is, 'Shall the main question be put?'. All those in favor signify by voting 'aye', those opposed 'no'. To explain his vote, Mr. Friedrich."

Friedrich: "This is probably one of the most far reaching Bills we will consider in this Session. To have no opportunity to have the lady answer questions is absurd."

Speaker Greiman: "Have all voted who wish? Mr. Clerk, take the record. On this Motion there are 55 voting 'aye', 51 voting 'no', 1 voting 'present', and the Motion fails. Mr. Friedrich on... on the Bill."

Friedrich: "Well, I'd like the... Would the lady yield to a ...?"

Speaker Greiman: "Indicates she will."

Friedrich: "What is the penalty for some public body or person involved with a public body failing to respond if I go to them for information?"

Currie: "In the event that a public body denied a request they should have granted, and that decision presumably would be made only when the claimant went to court, then the public body shall have to make that information available."

Friedrich: "Well, is that a civil proceeding, or do I have... do I, as a private citizen with no money and they refuse, what's my recourse?"

Currie: "If they refuse, you take them to court. If in a civil action..."

Friedrich: "A criminal proceeding?"

Currie: "In a civil action if you prevail, you may get the information; and, if the Judge decides you substantially prevailed, in whole or in part, and that there was a substantial public stake in the information you requested, then you will be given a grant by the court of attorneys' fees. In the event you were denied, there is also a

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criminal penalty in this Bill, Representative Friedrich. In the event you were denied by willing and knowing intentional violation of a bureaucrat looking at your request, then that individual will be subject to a Class C misdemeanor penalty."

Friedrich: "Would, in your opinion, the Attorneys' Registration and Disciplinary Committee be covered under this Act if I went to them and wanted information about the attorneys and the fees and so on? Would that be available?"

Currie: "Without having specific information available to me about the construction of that Commission, my general answer would be yes."

Friedrich: "Well... It's your opinion then, if they're handling public funds or the fees paid in by an attorney for his registration, that that is a public fund that I could investigate?"

Currie: "All I can tell you, Representative Friedrich, is that any public agency, public body in the State of Illinois will be subject to the provisions of House Bill 234 if and when it becomes law."

Friedrich: "And the Supreme Court is, in that role then, a public body?"

Currie: "I believe that the Supreme Court is already under the State Records Act, which means that with respect to funds they are already covered."

Friedrich: "Well..."

Currie: "Public funds."

Friedrich: "To the Bill then, Mr. Speaker."

Speaker Greiman: "Proceed, Sir."

Friedrich: "The court has consistently stated that that was not a public body. They can collect money from lawyers. They're not subject to audit, and it's none of our business because they said so. They say the money a plumber pays in is

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public funds, and this is not. I just want to get it on the record, if this thing passes, that at least it was the intent of the Legislature that they be subject to investigation and audit just the same as everybody else. I can tell you this thing lends itself to harassment of local bodies. For example, let's take some city clerk or some city council that became suddenly unpopular and fifty people descended on that council and say I want... they pick out fifty different sets of records to produce. You can figure what chaos this would cause in the inner-local government. I think you're opening up a bucket of worms to harass units of local government, and I think you'll regret doing it."

Speaker Greiman: "The Gentleman from Knox, Mr. McMaster."

McMaster: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker Greiman: "Yes, he indicates he (sic - she) will."

McMaster: "Ms. Currie, first let me commend you on your desire for openness of governmental records. I agree that governmental records should be open to the public. I wonder, though, how far you wish to go in your desire for openness. I was, for many years, involved in township offices. For instance, as a township supervisor, I handled the... was supervisor of the general assistance of the township. Do you follow me? Now, do you believe that as a supervisor of general assistance I should make public the names of the people who receive general assistance?"

Currie: "No, Representative McMaster."

McMaster: "Why?"

Currie: "And in fact, under this Bill, there is confidentiality for individual names or other identifying materials for students at the University of Illinois, for people who are involved in certain kinds of housing subsidies, for people

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who receive medical treatment at the University of Illinois or who are on public grant programs through the Department of Public Aid."

McMaster: "To the Bill, Mr. Speaker."

Speaker Greiman: "Proceed, Sir."

McMaster: "I think it's clearly evident that the Sponsor of this Bill does not really mean what she says. You know, as supervisor of general assistance, I was spending the taxpayers' money, and it is my belief that those taxpayers had every right to know where that money was being spent. I was responsible for it. I was bonded as the supervisor of general assistance. It was required that I had to keep all of my records open. Still, she says I should not disclose those records. I should not let people know who I was giving the general assistance money to. In other words, what she's saying is, if I so desired to say that a son of mine needed money, I could give him a thousand dollars. And no one would be able to know it, because I would have those records concealed. I would not have to show them. No one had the right to know who I gave that money to. I disagree with that, and this is what I think is wrong with the Bill. I believe sincerely in openness as far as public records are concerned, and I believe that we should have general assistance as open as any other record of a public employee to prevent misuse of public funds. And I'm sorry she does not agree with me."

Speaker Greiman: "The Gentleman from Cook, Mr. Piel."

Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Lady yield to a couple of questions?"

Speaker Greiman: "Indicates that she will."

Piel: "Barbara, last Session of the General Assembly, we had a Bill by Representative Catania. This one seems quite similar to it. What difference is there between this one

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and the one Susan had?"

Currie: "I would say basically two, Representative Piel. First, this is pretty much an entire redraft of House Bill 1974. We started, not quite, but almost from scratch in drafting House Bill 234. Certainly, the basic provisions and the basic premise, the basic perspective of the Bill is the same. I would say also in this draft the other major difference would be that we have looked more carefully at the issue of exemptions so as to make sure that we do protect legitimate rights to privacy and legitimate items that, in the matter of public policy, should not be open to general public view."

Piel: "I guess that was one of the big things as I recall. We defeated that thing twice, and that was one of the big things as far as what records... what state records would be open. Okay. In State Government, Representative Currie, what areas would be exempt? What departments? What areas would be exempt under this Bill?"

Currie: "There are no departments exempt under this Bill, including the General Assembly, which, of course, is not exempt under this Bill. Every agency in State Government is covered by the provisions of House Bill 234. That was, in fact, one of the differences between this Bill and House Bill 90. Under House Bill 90 the Governor could have exempted from open information requirements all of the state agencies."

Piel: "Okay. In other words, basically, we're not exempt. Things that we say..."

Currie: "The General Assembly is not exempt, nor is any agency of State Government. Certain kinds of records are exempt. For example, Departments of Law Enforcement or Corrections are not required to identify confidential sources, stool pigeons if you will, since it would seem an interference

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with their capacity to get on with the job if somebody who is feeding information to the law enforcement authorities might be identified to the friends about whom he is informing. But that's a provision that's general. It is not drawn with respect to a specific department or agency."

Piel: "You continually make reference to the Department of Law Enforcement. I wasn't sitting in Judiciary Committee. So, I don't know. But I noticed on our synopsis here that the Department of Law Enforcement and the Illinois Association of County Clerks and Recorders and the Police Benevolent Protective Association of Illinois are... were all opponents. Could you tell me why?"

Currie: "Apparently, some of these groups felt that the protections already provided with respect to law enforcement activities, and they take up nearly a page of House Bill 234, were not adequate. In fact, none of those groups came to me after Committee hearing to suggest specific Amendments for change. I think that we did a pretty good job of making sure that important law enforcement activities would not be hampered by House Bill 234, and I am still waiting to see if any of them comes to me with the proposal for some additional exemption."

Piel: "What is the possible fiscal impact to the state? Is there any; and, if so, what?"

Currie: "The fiscal note filed on House Bill 234 as amended - I'm sure you remember the fiscal note, Representative Piel. The suggestion was that there would be little if any additional fiscal impact on the state. If you remember, we are covered already by the State Records Act, which means that financial documents are or should already be available. At the local level, of course, the Local Records Act applies, and that means that for local governments, too, the additional costs, if there are any,

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of House Bill 234 should be negligible. The number of requests for information that are likely to come in are unlikely to skyrocket when House Bill 234 becomes law. I think anybody who's involved in village, or city or state agency administration would be surprised if there would be an overwhelming number of requests for information when House Bill 234 is the law of the State of Illinois."

Piel: "Okay. Getting back to something that I asked you starting out, and you made the remark that the General Assembly was not exempt. Are there any areas where we are exempt under this Bill?"

Currie: "There is an exemption provided for Bills in the Reference Bureau."

Piel: "In the Reference Bureau. That's the only area of the General Assembly that's exempt."

Currie: "That is specifically exempt, yes."

Piel: "To the Bill, Mr. Speaker. Ladies and Gentlemen of the House, I hope that you realize what this Bill can do. I think there's certain areas of State Government that should be confidential. I definitely feel that there's certain areas of State Government that, you know, are left, you know, to the specific area of State Government. Case in point. We sitting here on the floor - I've asked the question three times as far as the General Assembly. All three times the same remark was made. Under this Bill, technically speaking, any notes, any comments in a Republican or Democratic Caucus can be construed as public record, and I think that this is bad. I think when you get behind closed doors, as far your Democrat or Republican Caucus, I don't want to know what somebody on the other side of the aisle might have jotted down in reference to my heritage or something like this. I think what we have to do is have a certain amount of privacy. And three times I've

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asked the question. Three times the remark was made that the Reference Bureau was the only area, as far as the General Assembly, that was exempt under this Bill. And I think there's remarks, things that can be made. Somebody might pass you a note and ask you specific questions on something to where it shouldn't have to be public record, and I would think very long and hard, ladies and gentlemen of this chamber, before you cast an 'aye' vote for House Bill 234."

Speaker Greiman: "For what purpose does the Gentleman from Champaign rise? Gentleman from Will, Mr. Davis."

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

Speaker Greiman: "Indicates she will."

Davis: "Representative Currie, two years ago when Representative Catania had this Bill, it fell short by six votes at the end of the Session, and it fell short because those of us... Well, for a lot of reasons. It was imperfect, at best, which I happen to believe your Bill may be, but I'll speak to that in a moment. One of the primary reasons I voted against it, if not the primary reason, was because I represent a district that has three prisons in it, two of them maximum security and, albeit, my district now only has one maximum security prison; that is, Stateville, and I'm quite concerned about that. Now I know you've made an attempt, as Representative Catania was trying to make an attempt, to resolve the problems of the Department of Corrections. I would like to ask you a couple of questions about those pieces of information that you may find available - and you can get your notes out and be ready to answer these - that might be available to the general public that might cause a public safety concern in Will County and, yes, indeed in all the six northeast counties and perhaps all of Illinois. Do you address transportation

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procedures as being available under your Information Freedom Bill? In other words, when prisoner movements occur outside of the walls of the institution, and there are a variety of reasons for doing that, they are usually known well in advance, in particular, reference to medical furloughs, transfers to other institutions, appearance by inmates on other motions and other indictments and writs of one form or another in various different jurisdictions. Does the Freedom of Information Act that you present to us now address the confidentiality of those movements?"

Currie: "Let me refer you, Representative Davis, to Section 7 of the Bill, paragraph (C) and (D). My understanding is that we are protecting the life and the physical health and safety of any corrections institution, personnel or inmates. And I would think that under that language, your transportation issue probably already is covered. Let me repeat that in House Committee the Department of Corrections did testify against the Bill. I pointed out to them, as I do to you on the floor, nearly a page of specific exemptions concerning corrections and law enforcement activities. I invited the Department of Corrections to propose additional Amendments if these were inadequate to meet their concerns. They have not done so."

Davis: "Could you address, on page 7 once more, the language and perhaps even read it to me, as my glasses are not..."

Currie: "Well, I'll read it all to you."

Davis: "I don't want you to read it all. Just read the part I'm discussing. Page seven and what was the line?"

Currie: "Page seven... Section... I'm sorry. Page seven, Section 7. Actually, if you go on to page eight under Section 7, paragraph (D), 'records maintained by any corrections institution, if the disclosure of such would endanger the life or physical safety of corrections personnel or

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inmates'."

Davis: "Well, let me further then..."

Currie: "Pardon me. 'And facilitate the escape of inmates'."

Davis: "Well, let me further suggest to you that... that you say
'endanger the life or physical safety'."

Currie: "Or... or 'facilitate the escape of inmate'."

Davis: "Well, okay. But you have another 'or' in Section (I) of
that particular line to which you directed me that does
not address the issue of the public safety when
transportation.. when transportation of prisoners outside
the walls. We're talking about outside the walls would be
endangered. We're not talking... We're not talking about
the escape of the inmate or the security personnel..."

Currie: "But, Representative Davis, I don't understand how we're
not talking about escape if you're talking about something
that happens outside the wall. That, to me, is escape, and
I think your concern is well addressed by Section 7,
subparagraph (d), item 3."

Davis: "Well, it's very simple. Perhaps you don't understand my
question. I can come back to that when I close on the
Bill. What about when the Department of Corrections is -
and they are frequently in some four or five hundred cases
a year - haled into federal court and begin to prepare a
brief on one subject or another that has been brought in
litigation by an inmate of a correctional institution or
are preparing a consent decree for some purpose or another?
I think you referred a while ago that snitches were taken
care of. But when preparing information for litigation in
federal court, the Department of Corrections, as the
plaintiff in those situations, normally refers to their
snitches where they receive the information in preparation
for a plaintiff's defense in a federal district court. How
do you treat that? Is that confidential? Are those

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records of the... or the briefs and the files, are those confidential from disclosure to any person in preparation for litigation in federal court?"

Currie: "Actually, under litigation, discovery rules that information is already available to them. The confidentiality of the individual named 'snitch' is protected by the provisions of House Bill 234."

Davis: "Well, it's not to a citizen. It's to the opposing counsel. Is that correct that anybody else can walk in and get that? You protected opposing counsel; but, if I chose to go in and ask for that information on that litigation, find out the names of those snitches, if you will, that were involved in that investigative activity that was in preparation for a brief in federal court, could I get it?"

Currie: "The name of the snitch? Absolutely not. Nobody can."

Davis: "Why is that?"

Currie: "Because it's protected under the Article we've just been describing."

Davis: "So, in other words, every investigation would have to block out the name of that person who was indeed a snitch. Is that right?"

Currie: "If that's the way they wish to deal with this provision, absolutely. If they want to protect the confidentiality for continuing investigative or enforcement purposes, then that's exactly what they would do."

Davis: "Is the host... Are the hostage plans covered in correctional institutions by your provisions in your Bill?"

Currie: "Yes."

Davis: "No information can be released regarding hostage plans. Is that correct?"

Currie: "That's my understanding of the draft that is House Bill 234."

Davis: "Could you refer me to that Section?"

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Currie: "Same Section I think I just read you. Should I read it again, Representative Davis?"

Davis: "If you would just cite it for me. I can read it."

Currie: "Section 7, paragraph (D), items 1, 2 and 3."

Davis: "Alright. Well, Larry is yelling, 'Time'. To the Bill, Mr. Speaker."

Speaker Greiman: "Proceed, Sir."

Davis: "My questions have not been answered satisfactorily for me. I think that, despite the Sponsor's good intentions to clean up the misguided activity of the former Sponsor of this Bill, she still brings to us a Bill that is severely flawed. Despite her interpretation, her interpretation of Section 7... or on page seven, whatever the Section she quoted, (D), (I) or 1, 2 and 3. It still appears to me that we have a serious problem in movement of prisoners outside the walls of institutions. It still seems to me this Bill is tragically flawed, as it was before for the health and the safety and the welfare of the citizens of Will County, certainly and, yes, indeed, of all the rest of Illinois. And for that reason, I intend to vote 'no'. There are a multitude of other reasons why you probably should vote 'no'; but, if you have a prison in your area, I certainly recommend that you vote 'no'."

Speaker Greiman: "Gentleman from Knox, Mr. Hawkinson."

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

Speaker Greiman: "She indicates that she will, Sir."

Hawkinson: "Representative, as I understand your Bill, it would provide an exemption in law enforcement for pending investigations or pending criminal cases. My question is, once the case is concluded either with a conviction or an acquittal, will third parties have access to the criminal history records, police reports in either the law enforcement files or the prosecutors' files?"

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Currie: "As long as that is not investigative material, I would think, under these provisions, the answer is yes."

Hawkinson: "Thank you. Mr. Speaker, to the Bill."

Speaker Greiman: "Proceed."

Hawkinson: "I think we need a Freedom of Information Act in Illinois. I think most of this Bill is a good Bill. I voted for it in Subcommittee with the proviso that the problems of correction and law enforcement and others be amended. Some of those amendments have been made. Others have not. I voted for the Bill in Committee when it was rushed through on the same proviso that this Bill would be amended on the floor to take care of corrections and law enforcement and others. The Sponsor has already acknowledged that the problems with the not-for-profit agencies, many of whom are... which are concerned, have not yet been solved and are going to be amended in the Senate. As I understand it, corrections and law enforcement may also get amended in the Senate. If they do, when the Bill comes back, I'd be happy to vote 'yes', but right now this Bill has been rushed through. It is not in the shape for which we ought to be voting 'yes', because there are too many problems. Law enforcement - her Bill would allow a nosey neighbor, after a conviction, to come in and see the police report on a neighbor who's been raped or otherwise attacked. I think, for this reason, it's not yet ready, and I intend to vote 'no'."

Speaker Greiman: "Gentleman from Macon, Mr. Tate."

Tate: "I move the previous question."

Speaker Greiman: "Gentleman moves the previous question. The question is, 'Shall this previous question be put?'. All in favor signify by saying 'aye', those opposed 'nay'. The 'ayes' have it, and the Motion is adopted. Now, Mr. Hallock, for what purpose do you seek recognition?"

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Hallock: "Point of order, Mr. Speaker."

Speaker Greiman: "Proceed, Sir, on your point of order."

Hallock: "Yes, as a Cosponsor of this Bill, I would appreciate it if the Chair could indicate whether the State Mandates Act applies to this Bill."

Speaker Greiman: "In one second, Mr. Hallock. The Parliamentary will provide us with a statement with respect to that application, Sir."

Parliamentarian Getty: "On behalf of the Speaker, the Chair would rule that notwithstanding the Department of Commerce and Community Affairs' characterization of House Bill 234 as creating a service mandate, the Chair rules that House Bill 234, the Freedom of Information Act, would create a nonreimbursable due process mandate under Section 3 (D) of the Act, since it is designed for the protection of the public from malfeasance, misfeasance or nonfeasance by local government officials. The fact that this Bill creates a due process mandate, as opposed to a service mandate, is further reinforced by the facts that since both the state and local units of government are already bound by the terms of the State Records Act and the Local Records Act respectively, no unique or extraordinary extra burdens would be placed upon public bodies. Secondly, the Bill does not require that public bodies always provide copies of materials to those seeking the materials. Providing access or allowing the person to make his own copies will suffice. Finally, the United State's Supreme Court, in interpreting the Federal Freedom of Information Act upon which House Bill 234 is modeled, has stated that the basic purpose of the Freedom of Information Act is to open agency action to the light of public scrutiny. The Department of Air Force versus Rose cites and approves this. The articulated purpose of consistent... consistent with

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protecting and protecting the public from malfeasance, misfeasance and nonfeasance by local government officials is contained herein. Thus, no companion appropriation nor exclusion clause under Section (F) of the Act is necessary in order to bind units of local government to the provisions of this Act."

Speaker Greiman: "Thank you, Parliamentarian. Now to close, the Gentleman from Cook, Mr. Madigan."

Madigan: "Mr. Speaker, I rise in support of the passage of House Bill 234. This Bill would provide for Freedom of Information in Illinois. Today, Illinois is the only state in the nation that does not statutorily provide for Freedom of Information. I think that the time has come for this Legislature to enact a law that would provide that the citizens of this state would have access to the governmental records and files of all governments, local and state, provided that there would be adequate protection for governments against those who might wish to harass the governments. I think that this Bill does provide that access to records at the same time that it provides protections against undue harassment of those governmental functions. I would recommend an 'aye' vote."

Speaker Greiman: "The question is, 'Shall this Bill pass?'. All those in favor signify by voting 'aye', those opposed vote 'nay'. Voting is now open. To explain his vote, the Gentleman from Vermilion, Mr. Stuffle."

Stuffle: "Mr. Speaker, I just want on the record that I had some questions about this, I think, that are pertinent to it, some real concerns we could not address and did not address that related to the issue of whether or not this Bill would exempt or provide coverage for those situations where a person might indeed be going in to a state agency, the Treasurer's Office, the toll way, what have you, requesting

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information about the movement of revenues, the movement of securities to banks, financial institutions, whether or not that would be covered. We've already had one example in this state of, if you will, knocking over a toll way truck, robbing that truck. I think this Bill, unless there are exemptions - I don't find them - with regard to securities and money, we have some real problems similar to those raised, and I don't think were answered with regard to the movement of prisoners. I'm very concerned about that. I can't put an 'aye' vote on this, because I don't know those answers. They haven't been supplied, and I don't think they were adequately addressed on this floor."

Speaker Greiman: "The Gentleman from Lee, Mr. Olson. No? Mr. Olson. Alright. Gentleman from Cook, Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In explaining my 'aye' vote, I would like to clear up some misunderstandings regarding the General Assembly and application of this legislation to it. I think Mr. Hawkinson used an improper example, because all investigatory records are exempt under this Act. So, the records of the General Assembly in that regard would also be exempt under the more general provision. And Representative Fiel asked a very general question and then interpreted it very narrowly. Party caucuses, of course, are meetings, and they are exempt from the Open Meetings Act and are not relevant to this legislation."

Speaker Greiman: "Bring your remarks to a close. You have one minute to explain your vote, Sir."

Bowman: "Our own personal correspondence is precisely that. It is our personal correspondence. They are not the General Assembly records. And preliminary notes and other memoranda are exempt under the provisions of this Bill. Period."

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Speaker Greiman: "Thank you. For what purpose does the Gentleman from Knox rise?"

Hawkinson: "Personal privilege, Mr. Speaker."

Speaker Greiman: "No, he didn't... He didn't speak derogatorily of you, Mr. Hawkinson. He just commented on what you had said. That's all. Now, have all voted who wish? Mr. Clerk take the record. On this Bill there are 88... 87... 88 voting 'aye', 18 voting 'no', 7 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. And on the Order of House Bills, Special Order of Business - State and Local Administration appears House Bill 557. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 557, a Bill for an Act to amend Sections of the Illinois Municipal Code. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from DuPage, Mr. Daniels. Is... is somebody going to take Mr. Daniels' Bill? Mr. Vinson."

Vinson: "Mr. Speaker, can we take this out of the record for a minute and come back to it."

Speaker Greiman: "Sure. Absolutely. Sure. We'll... we'll go out... with your kind permission, we'll go on to the next Bill. On the Order of House Bills, Special Order of Business - State and Local Government Administration appears House Bill 821. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 821, a Bill for an Act to amend Sections of an Act to create Sanitary Districts and remove obstructions from the Des Plaines and Illinois Rivers. Third Reading of the Bill."

Speaker Greiman: "Take that out of the record. Nine... On the Order of House Bills, Special Order of Business - State and Local Government appears House Bill 995. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 995, a Bill for an Act to amend