

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

105th Legislative Day

April 21, 1986

Speaker Greiman: "The hour of 1:00 having arrived, the House will be in Session. The Chaplain for today will be Father Anthony Tzortzis, Pastor of St. Anthony's Hellenic Orthodox Church of Springfield. Father Tzortzis is a guest of Representative Steven Nash. The guests in the gallery may join us for the invocation by rising. Thank you."

Father Tzortzis: "In the Name of the Father, and of the Son and of the Holy Spirit, Amen. Oh Christ, the true light creates illumines and sanctifies every man who comes into the world. Let the light of Thy countenance be shone upon our state, our Representatives and all loyal officers of our government, of our country; that in it we may behold the light ineffable and guide our footsteps, our eye to the keeping of Thy Commandments through the intercession of Thy all pure Mother and all the Saints. Amen."

Speaker Greiman: "The Gentleman from McLean, Mr. Ropp, will lead us in the Pledge to the Flag."

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 Greiman: "Roll Call for Attendance. Mr. Clerk, take the record. 113 Members having answered to the Quorum Call, a quorum is present. Add Mr. Capparelli to the Roll. And now, Mr. Piel, for what purpose do you seek recognition?"

Piel: "Thank you, Mr. Speaker. Would the record show that Representative Barnes is excused today?"

Speaker Greiman: "Let the record so show. Mr. Matijevich, are there any excused absences on the Democratic side?"

Matijevich: "No, Sir."

Speaker Greiman: "Alright, thank you. Mr. Ropp, for what purpose do you seek recognition?"

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Ropp: "Mr. Speaker, I rise on a point of personal privilege."

Speaker Greiman: "State your point, Sir."

Ropp: "Mr. Speaker, I'd just like to announce and reiterate the fact that last Friday, April 18th, the Diamond-Star Motors Corporation did have ground breaking ceremony in my district, and I want to, at this point, thank the Members of the Legislature for the support that they have given in this endeavor. At that particular announcement, the new company already announced that they had increased their manufacturing some 60,000 automobiles and plan to produce 240,000 a year, which is up 60,000. They also hope and will add another 400 new employees to that plant. So, we're delighted that in Illinois and particularly in..."

Speaker Greiman: "Excuse me, Mr. Ropp. I think the Chair... you may have a difference of opinion about what a point of personal privilege is, and if you are a heavy stockholder, it might well be a personal privilege. But, otherwise, it seems to me you have gone far beyond what the Chair reasonably believes is a point of personal privilege."

Ropp: "Okay. Anyway, stockholder or not, I do intend to give the real Speaker a button and also the Minority Leader a symbolic of what happened."

Speaker Greiman: "Fine. Fine. That's fine, Mr. Ropp. I'm so happy. Yes. Introduction, First Reading."

Clerk O'Brien: "House Bill 3619... House Bill 3619, Phelps, a Bill for an Act to amend the General Obligation Bond Act. First Reading of the Bill. House Bill 3620, Mulcahey, a Bill for an Act to amend the School Code. First Reading of the Bill. House Bill 3621, Cullerton, a Bill for an Act in relation to formation of certain corporations. First Reading of the Bill."

Speaker Greiman: "Mr. Brunsvold, for what purpose do you seek recognition?"

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Brunsvold: "Mr. Speaker, I'd like to rise and thank the House Members that took part in the Legislative Fitness Day last week for being down there and taking part in the assessment of their physical prowess. And I'd also like to thank Speaker Madigan for allowing us to use Room 114 for the Governor's Council on Health and Physical Fitness."

Speaker Greiman: "Mr. Johnson, for what purpose do you seek recognition?"

Johnson: "I don't know if it's the appropriate time, but I have a Bill that I'd like to suspend the posting requirement and rules for an exemption. Forms have been filed, and I think it's part of a package, and it just mistakenly was not posted for today. Could I ask leave to suspend the posting rules?"

Speaker Greiman: "Have you checked... what Committee?"

Johnson: "It was just in Rules now."

Speaker Greiman: "Oh, it's in Rules now."

Johnson: "Yeah, House Bill 3536. It's part of a..."

Speaker Greiman: "Have you... Have you checked on the... with the Leadership of both sides?"

Johnson: "Yeah, there's no... there's no problem here. It's a Johnson - Currie package. It's part of, I think, eight Bills and one of them mistakenly didn't get posted."

Speaker Greiman: "Alright. Apparently it has been checked out. The Gentleman... What is the number of the Bill, Mr. Johnson?"

Johnson: "3536."

Speaker Greiman: "Alright. With leave to use the Attendance Roll Call, the posting rules for House Bill 3536 for Committee on Rules is suspended. Gentleman have leave? Leave to use the Attendance Roll Call. Mr. Mulcahey, for what purpose do you seek recognition?"

Mulcahey: "Mr. Speaker, same reason. I'd like to suspend the

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appropriate posting rule so that House Bill 3205 can be heard tomorrow in the Elementary and Secondary Education Committee."

Speaker Greiman: "And have you... have you inquired of the Minority ... of the Minority Spokesman on that Committee?"

Mulcahey: "I believe Mr. Kirkland has. He said he was."

Speaker Greiman: "Alright. Then does Mr. Mulcahey have... moves... leave to suspend the posting requirements for House Bill 3205? Gentleman have leave for the use of the Attendance Roll Call? Is there leave? Leave is granted. On page eight of the Calendar, on the Order of Constitutional Amendments Second Reading, appears SJR 22. Mr. Clerk."

Clerk O'Brien: "Senate Joint Resolution Constitutional Amendment #22. This Resolution has been read in full a second time previously. Amendment #1 has been adopted previously."

Speaker Greiman: "Are there any Motions with respect to Amendment #1?"

Clerk O'Brien: "No Motions filed."

Speaker Greiman: "Alright, Mr. McCracken, we'll take that out of the record. Agreed Resolutions."

Clerk O'Brien: "House Resolution 1187, Ryder; 1188, Rea; 1189, Rea; 1191, Pullen; 1192, Williamson; 1193, Williamson; 1194, Matijevich; 1195, Saltsman; 1196, Johnson; and 1198, Wolf."

Speaker Greiman: "The Gentleman from Lake, Mr. Matijevich, on the Agreed Resolutions. Yes, Mr. Matijevich, Gentleman from Lake."

Matijevich: "... and Ladies and Gentlemen of the House, I move the adoption of the Agreed Resolutions and also point out to the fact that one of them, House Resolution 1195, Saltsman - Tuerk, honors a good friend of ours, William 'Bill' O'Connell, who has been serving the Legislature

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longer than any sitting Member. As a journalist, he was named 'Journalist of the Year'. I move the adoption of the Agreed Resolutions."

Speaker Greiman: "Gentleman from Lake, Mr. Matijevich, moves for the adoption of the Agreed Resolutions. Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Agreed Resolutions are adopted. Death Resolutions."

Clerk O'Brien: "House Resolution 1197, offered by Representative Johnson, with respect to the memory of Phillip L. Garman."

Speaker Greiman: "Gentleman from Champaign, Mr. Johnson, moves for the adoption of the Death Resolution. Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Resolution is adopted. General Resolutions."

Clerk O'Brien: "House Resolution 1190, offered by Representative Berrios and Young."

Speaker Greiman: "Committee on Assignment. Page three of the Calendar, on the Order of House Bills Second Reading, Short Debate, appears House Bill 2528. Out of the record. On the Order... On the Order of House Bills Second Reading, Short Debate, appears House Bill 2562. Out of the record. On the Order of House Bills Second Reading, Short Debate, appears House Bill 2626. Out of the record. On the Order of House Bills Second Reading, Short Debate, appears House Bill 2637, Mr. Ropp. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2637, a Bill for an Act to amend Sections of the Emergency Medical Services System Act. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Greiman: "Third Reading. Mr. Stange, you were... you were not listening a second ago. Did you want to have 2626

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called? Alright. Mr. Clerk, call the Bill. On the Order of House Bills Second Reading, Short Debate, appears House Bill 2626. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2626, a Bill for an Act concerning requests for organ donations. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Greiman: "Third Reading. On the Order of House Bills Second Reading, Short Debate, appears House Bill 2777, Mr. Peterson. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2777, a Bill for an Act to amend Sections of the Illinois Highway Code. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Greiman: "Third Reading. On page three of the Calendar, on the Order of House Bills Second Reading, appears House Bill 390. Mr. Davis, 390. Do you wish to proceed? Out of the record. On the Order of House Bills Second Reading appears House Bill 1473. Mr. Nash, do you wish to proceed? Out of the record. On the Order of House Bills Second Reading appears House Bill 1477, Mr. Turner. Did you wish to proceed, Mr. Turner? No. Okay. Now we are on page four of the Calendar, on the Order of House Bills Second Reading, and there appears House Bill 1618. Out of the record. On the Order of House Bills Second Reading appears House Bill 1676, Mr. Young? Out of the record. On the Order of House Bills Second Reading appears House Bill 1865. Out of the record. On the Order of House Bills Second Reading appears House Bill 1945, Mr. Churchill. Out of the record. On the Order of House Bills Second Reading appears House Bill 2236, Ms. Currie. Mr. Clerk, read the

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Bill."

Clerk O'Brien: "House Bill 2236, a Bill for an Act to amend Sections of the Illinois Public Aid Code. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment 21, offered by Representative Currie."

Speaker Greiman: "Lady from Cook, Ms. Currie, on Amendment #1."

Currie: "Thank you, Mr. Speaker, Members of the House. The Amendment is a technical Amendment proposed by the Legislative Reference Bureau to make sure that the Bill originally introduced a year ago is consistent with other statutory changes made in the last calendar year. I would be happy to answer questions and I'd appreciate your support."

Speaker Greiman: "The Lady from Cook, Ms. Currie, moves for the adoption of Amendment 21 to House Bill 2236. And on that, is there any discussion? The Gentleman from DuPage, Mr. McCracken."

McCracken: "Will the Sponsor yield?"

Speaker Greiman: "Indicates she'll yield for questions."

McCracken: "Representative, is there any reason to think the fiscal impact will change by adoption of this Amendment?"

Speaker Greiman: "Ms. Currie, did you hear the question? Turn Ms. Currie on, please."

Currie: "Thank you. No reason to think there will be any change in the fiscal impact. It's just a technical Amendment."

Speaker Greiman: "Alright. There being no further discussion, the question is, 'Shall the House adopt Amendment #1?' Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment #1 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

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Speaker Greiman: "Third Reading. On the Order of House Bills  
Second Reading appears House Bill 2574. Mr. Clerk, read  
the Bill."

Clerk O'Brien: "House Bill 2574..."

Speaker Greiman: "Excuse me, Mr. Clerk. Ladies and Gentlemen.  
Ladies and Gentlemen, please give the business of the Body  
your attention. Mr. Clerk, proceed."

Clerk O'Brien: "House Bill 2574, a Bill for an Act to amend  
Sections of the Illinois Municipal Code. Second Reading of  
the Bill. No Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Greiman: "Third Reading. On the Order of House Bills  
Second Reading appears House Bill 2601. Mr. Clerk, read  
the Bill."

Clerk O'Brien: "House Bill 2601, a Bill for an Act to provide for  
lifesaving organ transplant procedures by requesting a  
decedent's next of kin to consent to an anatomical gift.  
Second Reading of the Bill. Amendment #1 was adopted in  
Committee."

Speaker Greiman: "Are there any Motions with respect to Amendment  
#1?"

Clerk O'Brien: "No Motions filed."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Greiman: "Third Reading. On the Order of House Bills  
Second Reading appears House Bill 2642. Mr. Clerk, read  
the Bill."

Clerk O'Brien: "House Bill 2642, a Bill for an Act to amend  
Sections of the Illinois Municipal Code. Second Reading of  
the Bill. No Committee Amendments."

Speaker Greiman: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."



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Speaker Greiman: "Third Reading. On the Order of House Bills Second Reading appears House Bill 2822. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2822, a Bill for an Act to amend Sections of the Probate Act of 1975. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Countryman, amends House Bill..."

Speaker Greiman: "The... The Gentleman from DeKalb, Mr. Countryman."

Countryman: "Thank you, Mr. Speaker. Don't get too alarmed over this Amendment. It's a very technical one. After the Bill came out of Committee, it was noted by several Bar Association people that the two Sections conflicted. And the purpose of House Amendment #1 is to take out that conflict and not to add any other legislation to this Bill, which I know was your concern earlier, Mr. Speaker. So, House Amendment #... or Amendment #1 to House Bill 2822 deletes the language that says 'less than 30 days prior to the filing of the verified report' required under Section 2-811 and adds language that 'within 90 days after issuance of letters of office to an independent administrator', which makes Section 1 coincide with Section 2 and is really purely technical in nature. And I'd move for its adoption."

Speaker Greiman: "Thank you. The Gentleman from DeKalb, Mr. Countryman, moves for the adoption of Amendment #1 to House Bill 2822. Is there any discussion? There being none... yes, Mr. Cullerton, the Gentleman from Cook."

Cullerton: "Yes, will the Sponsor yield?"

Speaker Greiman: "Indicates he'll yield for a question."

Cullerton: "Representative Countryman, this Bill was, I believe,

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heard in the Judiciary I Committee. Is that correct? Was this Amendment talked about in Committee or was this something that you thought up after it came out of the Committee?"

Countryman: "No, Representative Cullerton, it wasn't talked about in the Committee. After the Committee hearing, several members of the Probate Section Council of the Illinois State Bar Association and I had a discussion, and they pointed out to me what they thought was an inconsistency between the two Sections and that the law could be interpreted two ways as to when the inventory would have to be filed. And this Amendment is just technical to make Section #... Subsection (A) the same as Subsection (B) in terms of when the filing would have to occur."

Cullerton: "Right. In other words, that used to say 'independent representative' and (B) said 'independent administrator'. Are they different people? I believe that Section 8-6(A) referred to 'independent representative' and 28-6(B) referred to 'independent administrator'."

Countryman: "Right."

Cullerton: "Does the Amendment clean that up?"

Countryman: "It's inconsistent throughout the Act between representative and administrator. The thing that we were attempting to clear up was the time frame in which the inventory would be filed. And in Subsection (A) it originally said '30 days prior to the filing of a verified report'. In Subsection (B), it said 'within 90 days after the issuance of letters'."

Cullerton: "Is an independent representative the same thing as an independent administrator?"

Countryman: "It's meant to be, according to staff. In reality, an independent administrator is an administrator, where representative could be an administrator or an executive."

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Cullerton: "Oh, now I understand."

Countryman: "I'm glad."

Cullerton: "Thank you. No further questions".

Speaker Greiman: "There being no further discussion, the question is, 'Shall Amendment #1 be adopted?' Those in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment #1 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. On the Order of House Bills Second Reading appears House Bill 2825. Out of the record. On the Order of House Bills Second Reading appears House Bill 2844. Out of the record. House Bills Second Reading appears House Bill 2886. On the Order of House Bills Second Reading appears House Bill 2900. Out of the... Excuse me. Mr. McPike. Out of the record. Did you wish to proceed on 2844? Mr. Clerk, read the Bill. House Bill 2844."

Clerk O'Brien: "House Bill 2844, a Bill for an Act to amend Sections of an Act in relation to the regulation of the rivers, lakes, streams of the State of Illinois. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Greiman: "Third Reading. And now on the Order of House Bills Second Reading appears House Bill 2917, Mr. Bowman. Out of the record. On the Order of House Bills Second Reading appears House Bill 2947, Mr. DeLeo. Out of the record. On the Order of House Bills Second Reading appears House Bill 2966, Mr. Levin. Out of the record. On the Order of House Bills Second Reading appears House Bill 3025, Ms. Wojcik. 3025. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3025, a Bill for an Act to amend the

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Illinois Public Library District Act. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Greiman: "Third Reading. On page seven of the Calendar, on the Order of Consent Calendar Second Reading, Second Day. Mr. Clerk, read the Bills."

Clerk O'Brien: "Consent Calendar Second Reading, Second Day. House Bill 1043, a Bill for an Act to amend the Illinois Public Aid Code. Amendment #1 was adopted in Committee. House Bill 2476 (sic), a Bill for an Act to amend the Illinois Horse Racing Act. Second Reading of the Bill. That was House Bill 2486. House Bill 2621, a Bill for an Act in relation to the conveyance of an easement of access over certain public lands in Spitler Woods State Park. Second Reading of the Bill. House Bill 2733, a Bill for an Act to amend Sections of the Vital Records Act. Amendment #1 was adopted in Committee. Second Reading of the Bill. House Bill 3156, a Bill for an Act to amend the Illinois Administrative Procedure Act. Second Reading of the Bill."

Speaker Greiman: "Third Reading. Introduction, First Reading."

Clerk O'Brien: "House Bill 3622, Saltsman, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. House Bill 3623, Parke, a Bill for an Act in relation to police officers and fire fighters. Second Reading (sic - First Reading) of the Bill. House Bill 3624, Keane, a Bill for an Act to amend the Illinois State Auditing Act. Second Reading (sic - First Reading) of the Bill. House Bill 3625, Cullerton, a Bill for an Act to amend Sections of the Professional Service Corporation Act. First Reading of the Bill. House Bill 3626, White, a Bill for an Act to amend Sections of the Illinois Insurance Code. First Reading of the Bill."

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Speaker Greiman: "Yes, Mr. Flinn, for what purpose do you seek recognition, Sir?"

Flinn: "Well, Mr. Speaker, I would like to, for the benefit of the Members who are golfers, take this opportunity to announce that the Third House Outing was going to be on May 12th. And Joe Lucco tells me that the tee times are going very fast. Those of you who are interested in playing golf on May 12th, sign up with Joe Lucco, get your foursome together and we'll all have a good time out there."

Speaker Greiman: "Thank you. Agreed Resolutions."

Clerk O'Brien: "House Resolution 1199, offered by Representative Rea."

Speaker Greiman: "Gentleman from Lake, Mr. Matijevich, on the Agreed Resolution."

Matijevich: "Move the adoption, Mr. Speaker."

Speaker Greiman: "Gentleman from Lake moves for the adoption of the Agreed Resolution. Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment... the Resolution is adopted. Death Resolutions."

Clerk O'Brien: "House Resolution 1200, offered by Representative Nash and DeLeo, with respect to the memory of Mrs. Edith Cellini."

Speaker Greiman: "Gentleman from Cook, Mr. Nash, moves for the adoption of the Death Resolution. Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Resolution is adopted. Mr. Berrios, for what purpose do you seek recognition?"

Berrios: "I wish to waive the require... posting requirement on House Bill 3114 to be heard in Human Services. I've already checked with the other side, and the Democratic Chairman also."

Speaker Greiman: "Mr. Berrios asks leave of the House to waive

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the posting rules with respect to House Bill 3114. Gentleman have leave and use of the Attendance Roll Call? You have leave. On page eight of the Calendar appears Order of Constitutional Amendments Second Reading. Mr. McCracken, did you want us to proceed on this at this time? You did. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Joint Resolution Constitutional Amendment #22. This Constitutional Amendment has been read in full a second time previously. Amendment #1 was adopted in Committee."

Speaker Greiman: "Are there any Motions with respect to this Amendment?"

Clerk O'Brien: "No Motions filed."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Greiman: "Third Reading. Agreed Resolutions."

Clerk O'Brien: "House Resolution 120..."

Speaker Greiman: "Excuse me. Yes, Mr. McCracken, for what purpose do you seek recognition?"

McCracken: "Did I..."

Speaker Greiman: "Well... yes, go ahead."

McCracken: "Did I hear you move it to Third Reading?"

Speaker Greiman: "Well, it was a little while ago. I think I did."

McCracken: "Okay."

Speaker Greiman: "I think I did, unless... unless there was a fiscal note request filed. I'm not sure whether there was or not. I don't know. You want me to check the tape? We'll check it and be back to you."

McCracken: "Or you could say it now."

Speaker Greiman: "Huh?"

McCracken: "Or you could say it now."

Speaker Greiman: "Well, we'll just check. I don't know if

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there's a fiscal note filed. Mr. Clerk, Agreed Resolutions."

Clerk O'Brien: "House Resolution 1202, offered by Representative Greiman."

Speaker Greiman: "Gentleman from Lake, Mr. Matijevich."

Matijevich: "Good Sponsor, good Resolution, move its adoption."

Speaker Greiman: "Gentleman from Lake moves for the adoption of the Agreed Resolution. Those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. The Resolution is adopted. Mr. McCracken, in reviewing the actions of the last few moments, the Chair did move the Bill... the Constitutional Amendment to the Order of Third Reading. There was, however, a request for a fiscal note. However, the request for a fiscal note came directly after I had moved it to Third Reading, so that, wanting, of course, always to be scrupulously fair, Mr. McCracken, the status of the Bill is that there is a... the Bill has been moved... the Amendment, I mean, has been moved from the Order of Second Reading to the Order of Third Reading, but that there has been filed a request for a fiscal note - so that if the Bill has returned, of course, you'll have to deal with that at that time. Introduction, First Reading."

Clerk O'Brien: "House Bill 3627, Curran - et al, a Bill for an Act to amend the Revenue Act. First Reading of the Bill. House Bill 3628, Pangle - et al, a Bill for an Act relating to veterans' homes and amending certain Acts therein named. First Reading of the Bill."

Speaker Greiman: "The Chair recognizes the Gentleman from Madison, Mr. McPike. Mr. McPike moves that the House stand adjourned until the hour of 12:00 tomorrow, allowing the Clerk time... perfunctory time for the Introduction of Bills and for the reading of Constitutional Amendments."

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All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House does stand adjourned until the hour of 12:00 tomorrow."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #12. Resolved by the House of Representatives of the 84th General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of the state, for adoption or rejection at the general election next occurring at least six months after the adoption of this Resolution, a Proposition to amend Section 11 of Article IX of the Illinois Constitution, the added Section to read as follows: Article IX, Section 11. Tax Limitations. (A) There is hereby established the limitations on the taxes imposed by the General Assembly for deposits in the General Revenue and Common School Funds of the state for any fiscal year. The state shall not impose taxes of any kind which, together with any transfer into the Funds, except revenues received from the Federal Government, shall exceed 6.5 percent of the average annual personal income of Illinois of the next to the last full calendar year preceding the calendar year in which the fiscal year begins and the prior two calendar years. Personal income of Illinois is the total income received by persons in Illinois from all sources, including transfer payments as defined and officially reported by the United States Department of Commerce and its successor agency. No expenditures of State Government from the General Revenue or Common School Funds shall be incurred for any fiscal year which exceeds an amount the revenue limit established by this Section. (B) For any fiscal year, in the event that revenues to the General Revenue and Common School Funds exceed revenue limits established in Subsection (A)



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of this Section, this excess shall be transferred to the Budget Stabilization Fund in the State Treasury which is hereby created. Emergency expenditures from the Budget Stabilization Fund may be made only if all the following conditions are met: 1. The Governor requests the General Assembly to declare an emergency. 2. The request is specific as to the nature of the emergency and the dollar amount of the emergency. And, 3. The General Assembly thereafter declares an emergency in accordance with the Governor's request by a Joint Resolution adopted by Three-Fifths of the Members elected to each House. The Bills provided for the appropriation of funds for the emergency must be passed by a Three-Fifths Vote of the Members elected to each House. If it is determined that the amount of the Budget Stabilization Fund is less than the amount needed to meet an emergency situation, taxes in excess of the limit established in Subsection (A) of this Section may be imposed and collected only if all the following conditions are met: 1. The Governor requests the General Assembly to declare an emergency. 2. The request is specific as to the nature of the emergency and the dollar amounts of the emergency and the method by which the emergency will be funded. And, 3. Upon receiving the request, the General Assembly declares an emergency in accordance with the specifications of the Governor's request by a Joint Resolution adopted by a Two-Thirds Vote of the Members elected to each House. The votes provided for the appropriations of funds for the emergency must be passed by a Two-Thirds Vote of the Members elected to each House. The emergency must be declared in accordance with these procedures prior to incurring any of the expenses which constitutes the specific emergency request. The revenue limitation may be exceeded only for the fiscal year

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in which the emergency is declared. In subsequent fiscal years, the revenue limits of Subsection (A) of this Section shall again take effect. An emergency shall not be declared by two successive fiscal years without the approval of a majority of the qualified electors of the state voting thereon at any regularly scheduled election. Income earned from the funds maintained in the Budget Stabilization Fund shall be accrued to the Fund. (C) For any fiscal year, in the event that the amount in the Budget Stabilization Fund exceeds two percent of the revenue limit established by Subsection (A) of this Section, the General Assembly shall provide for distribution of the excess revenues in any of the following three methods: 1. Distribution to the various state pension funds established by law in proportion to the respective actuarial reserve deficiencies of the several funds based on benefits in effect at the time of the effective date of this Section. Funds distributed under this method shall be used only to reduce the actuarial reserve deficiencies of the various state pension funds. 2. Distribution for the retirement of outstanding general obligation bonds of the state. Funds distributed under this method shall not be used to pay current principle or interest charges, but shall only be used to retire outstanding general obligation bonds. And, 3. Distribution in the form of the reducing of the... reducing or the rebating of state taxes. (D) The General Assembly shall provide by law for the implementation of the provisions of this Section. The General Assembly shall by law provide that the executive or legislative agencies of the State Government shall determine each year no later than February 1 the revenues deposited in the General Revenue Fund received from the state taxes. The agency shall be required to report its findings to the Comptroller

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and the General Assembly no later than February 1 of each year. (E) For the purpose of this Section: 1. General Revenue Funds means all money belonging to or for the use of the state paid into the State Treasury and not belonging to any special fund in the State Treasury. And, 2. Common School Fund means money belonging to or for use of the state paid into the State Treasury and expended for the financing of public education through the secondary level. Schedule. This Amendment takes effect upon its adoption by the electors of this state. Third Reading of the Constitutional Amendment, as amended, on Third Reading. The Bill will be held on Third Reading. Third Reading of the Bill. Joint Resolution Constitutional Amendment #22. Resolved by the Senate of the 84th General Assembly of the State of Illinois, the House of Representatives 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, a Proposition to amend Section 9 of Article I of the Constitution to read as follows: Article I, Section 9. Bail and Habeas Corpus. All persons shall be bailable by sufficient securities except for the following offenses where the proof is evident or the presumption great: Capital offenses, offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction and felony offenses for which a sentence of imprisonment without conditional or revocable release shall be imposed by law as a consequence of conviction which the court, after a hearing, determines that release of the offender shall pose a real and present threat to the physical safety of any person. The privilege of the Writ of Habeas Corpus shall not be suspended except in case of rebellion or invasion when the public safety may

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require it. Any cost accruing to the unit of local government as a result of the denial of bail pursuant to the 1986 Amendment to this Section shall be reimbursed by the state to the unit of local government. Schedule. If approved by the voters of this state, this Amendment shall take effect one day following proclamation of the results of the votes of this referendum. Third Reading of the Constitutional Amendment, as amended, on Third Reading. No further business, the House now stands adjourned."

04/25/86  
11:07

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