

STATE OF ILLINOIS
85th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

15th Legislative Day

March 11, 1987

Speaker McPike: "The House will come to order. Members will be in their seats. The Chaplain for today will be the Reverend Randy Ray, Associate Pastor of Calvery Temple Church of Springfield. Reverend Ray is a guest of Representative Mike Curran. Will the guests in the balcony please rise and join us in the invocation?"

Reverend Ray: "Shall we bow our heads together, please? Father, in Heaven, we want to thank You for this opportunity to be able to address You and invite Your presence and Your blessings, Lord, upon this opening Session today. Father, we recognize Your authority over us and that You have placed us in places of authority. You have ordained governments. You said, 'Let every soul be subject to the higher powers, for there is no power but of God.' The powers that be are ordained of God, and we recognize the responsibility that has been entrusted to each one of these Representatives today. Father, I just pray that You will grant them wisdom, wisdom to be able to discern between that which is right and wrong and even to discern between that which is better and best. And, Lord, not only wisdom, but grant unto each one of these courage to choose that which is right and that which is best for our state and for each one of the people in our state. Father, we just thank You for Your presence in these chambers today and help in making these decisions. We just pray Your blessings upon each one of these Representatives, in the Name of Your Son, Jesus Christ. Amen."

Speaker McPike: "Be led in the Pledge of Allegiance by the Gentleman from Cook, Representative McGann."

McGann - 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

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for all."

Speaker McPike: "Roll Call for Attendance. Mr. Clerk, take the Roll. Representative Greiman."

Greiman: "Mr. Speaker, there are no excused absences on the Democratic side."

Speaker McPike: "Representative Piel."

Piel: "Yes, would the record show that Representative Ryder, Representative Klemm and Representative Daniels are excused today?"

Speaker McPike: "Yes, thank you, Mr. Piel. 115 Members answering the Roll Call, a quorum is present. Representative Ropp, in the Chair."

Speaker Ropp: "Thank you, Mr. Speaker. I'd like to introduce Mr. Claude Bell for a presentation. Mr. Bell."

Bell: "Mr. Speaker, Honorable Representatives, my wife, Jean, members of IIEA, members of IEA and staff of the DAVTE, Ladies and Gentlemen, I'm proud to be here today to present this award, and I'm proud that we have so many Members in the House that are friends of vocational education. You have shown your concern for us recently when you passed the VIP... which gives concern for the students in our schools. This year the recipient is a graduate of the University of Illinois and father of three children. He has a long record of achievement in the 4-H Clubs, both as a member and as a club leader for the past 31 years. As a youth, he received the highest honors in 4-H, serving as a delegate to the National 4-H in Chicago and the National 4-H... in Washington. He was appointed Illinois Director of Agriculture in 1970. He has been a promoter of industrial Illinois agriculture in Europe, Russia and Japan. He was elected as a State Representative in the 88th District in November 1978 and he remains that District's Representative. The legislative chairman of IIEA gave me a

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lot of information that most of you know about the things that Mr. Ropp has done here in the Legislature. What I would like to say is that when I came to Illinois in 1956 as a member of the faculty of Illinois State University, one of the first things that I was told as I worked... organizations was that if you need some help with programs, we have a great member in our community, Mr. Clarence Ropp. I immediately took hold of that and whenever I needed programs, I found the man that was interested in students, in the youth and recognized these youth as a natur... one of our greatest natural resources. I'm proud to say that this was passed onto his son, and I'm proud today to present this award to Gordon Ropp, outstanding Legislator, for his contributions of vocational and industrial technology education. Congratulations."

Speaker McPike: "Committee Reports."

Clerk O'Brien: "Representative Staczo, Chairman of the Committee on Cities and Villages, to which the following Bills were referred, action taken March 10, 1987, reported the same back with the following recommendations: 'do pass' House Bill 139; 'do pass Consent Calendar' House Bill 234; 'do pass Short Debate Calendar' House Bill 268. Representative Preston, Chairman of the Committee on Consumer Protection, to which the following Bills were referred, action taken March 10, 1987, reported the same back with the following recommendations: 'do pass' House Bill 3; 'do pass as amended' House Bill 216. Representative Mulcahey, Chairman of the Committee on Elementary and Secondary Education, to which the following Bills were referred, action taken March 11, 1987, reported the same back with the following recommendations: 'do pass' House Bill 126; 'do pass Short Debate Calendar' House Bill 127. Representative Terzich, Chairman of the Committee on Executive and Veterans'

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Affairs, to which the following Bills were referred, action taken March 11, 1987, reported the same back with the following recommendations: 'do pass' House Bill 81; 'do pass Consent Calendar' House Bill 61. Representative White, Chairman of the Committee on Human Services, to which the following Bills were referred, action taken March 10, 1987, reported the same back with the following recommendations: 'do pass' House Bill 297; 'do pass as amended' House Bill 112 and 194; 'do pass as amended Short Debate Calendar' House Bill 272."

Speaker McPike: "Introduction and First Reading."

Clerk O'Brien: "House Bill 582, offered by Representative Mulcahey, a Bill for an Act in relation to the designation of holidays and amending and repealing certain Acts herein named. First Reading of the Bill. House Bill 583, offered by Representative Shaw, a Bill for an Act relating to the City of Chicago. First Reading of the Bill. House Bill 584, offered by Representative Shaw, a Bill for an Act to amend Sections of the Minority and Female Business Enterprise Act. First Reading of the Bill. House Bill 585, Shaw, a Bill for an Act relating to the City of Chicago. First Reading of the Bill. House Bill 586, Terzich and Saltsman, a Bill for an Act to amend Sections of the Illinois Municipal Code. First Reading of the Bill. House Bill 587, Bowman and Leverenz, a Bill for an Act making certain appropriations. First Reading of the Bill. House Bill 588, Speaker Madigan - et al, a Bill for an Act to amend Sections of the Illinois Pension Code and to amend the State Mandate's Act. First Reading of the Bill. House Bill 589, Flinn and Wolf and McPike, a Bill for an Act to amend Sections of the Environmental Protection Act. First Reading of the Bill. House Bill 590, Johnson and Cullerton - et al, a Bill for an Act to provide for an alternative to

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defamation actions for damages. First Reading of the Bill. House Bill 591, Myron Olson, a Bill for an Act to amend Sections of the Liquor Control Act. First Reading of the Bill. House Bill 592, Matijevich - et al, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 593, Hensel and Wojcik, a Bill for an Act to amend Sections of the Township Law. First Reading of the Bill. House Bill 594, W. Peterson, a Bill for an Act to amend Sections of the Park District Code. First Reading of the Bill. House Bill 595, O'Connell, a Bill for an Act creating the Naprapathic Practice Act. First Reading of the Bill. House Bill 596, Berrios - et al, a Bill for an Act to legalize and validate appropriation Bills and tax levy ordinances. First Reading of the Bill. House Bill 597, Berrios - et al, a Bill for an Act to amend Sections of the Illinois Vehicle Code. First Reading of the Bill. House Bill 598, Stern, a Bill for an Act concerning the determination of death. First Reading of the Bill. House Bill 599, Hensel, a Bill for an Act to amend Sections of the Highway Advertising Control Act. First Reading of the Bill. House Bill 600, offered by Representative Bowman, a Bill for an Act to amend Sections of the Code of Criminal Procedure. First Reading of the Bill. House Bill 601, Regan, a Bill for an Act to create the Private Enterprise Review Commission. First Reading of the Bill. House Bill 602, Regan, a Bill for an Act to amend Sections of the Illinois Wage Payment and Collection Act. First Reading of the Bill. House Bill 603, Jones and Braun... House Bill 600 (sic - 603), Jones and Braun, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 604, Giglio - et al, a Bill for an Act to exempt certain owners and owner operators of truck-tractors from coverage under

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the Unemployment Insurance Act and Workers' Compensation Act. First Reading of the Bill. House Bill 605, LeFlore and Turner, a Bill for an Act to amend the Illinois Public Aid Code. First Reading of the Bill. House Bill 606, McCracken - Matijevich and Hensel, a Bill for an Act making appropriations to the Secretary of State. First Reading of the Bill. House Bill 607, Dunn, a Bill for an Act making an appropriation to the Department of Commerce and Community Affairs. First Reading of the Bill. House Bill 608, Dunn, a Bill for an Act to amend the Retailers' Occupation Tax Act. First Reading of the Bill. House Bill 609, Dunn, a Bill for an Act in relation to the sale of real property by stated acreage. First Reading of the Bill. House Bill 610, Hannig - et al, a Bill for an Act to amend Sections of the Public Utilities Act. First Reading of the Bill. House Bill 611, Kirkland and White, a Bill for an Act to create the Illinois Skin Care Professionals Licensing Act. First Reading of the Bill. House Bill 612, offered by Representative Ropp and Ronan, a Bill for an Act concerning the registration of all terrain vehicles and off highway motorcycles and providing for regulations pertaining to the operation thereof. First Reading of the Bill."

Speaker McPike: "Agreed Resolutions. Represen... excuse me. Representative Preston."

Preston: "Thank you, Mr. Speaker. I'd just like to announce that the Select Committee on Children that is schedule to meet tomorrow will not meet tomorrow and will meet the following week."

Speaker McPike: "The Chair is not prepared to adjourn at this time. Agreed Resolutions."

Clerk O'Brien: "House Resolution 119, offered by Representative Steczo; 120, McNamara; 121, McNamara; 122, Barnes; 123,

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Johnson; 124, Johnson; 126, McGann and Keane. And House Joint Resolution 35, by Deuchler and Cowlshaw".

Speaker McPike: "Representative Matijevich."

Matijevich: "Mr. Speaker, we have examined the Resolutions. They are all agreed. One, by the way, House Joint Resolution 35 is on the 150th Anniversary of the City of Aurora, by Sue Deuchler. We offer our congratulations to the City of Aurora. And with that, I move the adoption of the Agreed Resolutions."

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

Clerk O'Brien: "House Joint Resolution 34, offered by Representative Pangle. And House Resolution 113, offered by Representative Ronan."

Speaker McPike: "Committee on Assignment. Death Resolution."

Clerk O'Brien: "House Resolution 117, offered by Representative Martinez and Berrios, with respect to the memory of Tommy Ponce. And House Resolution 125, offered by Representative Johnson, with respect to the memory of John Francis O'Neill."

Speaker McPike: "Representative Matijevich moves for the adoption of the Death Resolutions. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Death Resolutions are adopted. The Gentleman from Cook, Representative Krska."

Krska: "For an announcement. We're postponing Registration and Regulation Committee which was to meet today at 4:00. We'll reconvene at the next meeting next week."

Speaker McPike: "Page two of the Calendar, House Bills Second Reading, appears House Bill 9. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill #9, a Bill for an Act to amend the

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Criminal Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 300, Representative McNamara. Gentleman here? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 300, a Bill for an Act in relation to financial planning and supervision commissions for units of local government. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "The Lady from Cook, Representative Wojcik, on Amendment #1."

Wojcik: "Yes, Mr. Speaker and Members of the House, what Amendment #1 does, it restricts..."

Speaker McPike: "Excuse me. Would the Members of the House please give your attention to Representative Wojcik? Proceed."

Wojcik: "Thank you. What this Amendment does, it restricts use of Act to local government units of 10,000 population or less."

Speaker McPike: "The Lady moves for the adoption of Amendment #1. Is there any discussion? Representative McCracken."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The genesis of this Bill is apparently the situation in Robbins, Illinois, where the municipality finds itself bankrupt. The purpose of the Amendment is not to set a precedent for statewide relief. I understand that this Bill creates a separate authority for the purpose of these bailouts. We are not necessarily opposed to helping Robbins. We are reluctant to allow this agency to be

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created for general use of any municipality that finds itself in trouble. Because Robbins is the reason for this Bill and because Robbins is in need of help at the moment, we are asking that we limit the application of the Act to Robbins and with that limitation this side of the aisle is willing to support the Bill. So, I would ask that we adopt this Amendment."

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

McNamara: "Thank you, Mr. Speaker. On Amendment #1, apparently what this Amendment does is take out the home rule provision. This is effectively done in a very easy fashion by Amendment #4. So, I would like to have him take a look at the Amendment, see if he could withdraw Amendment #1 and we will go ahead with Amendment #4, which removes the provision of home rule."

Speaker McPike: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker. We do not have Amendment #4. Has it been distributed?"

Speaker McPike: "Mr. Clerk? Would the Page please get Mr. McCracken Amendment #4 and distribute it on the Republican side of the aisle? Representative Wojcik."

Wojcik: "I'd like the Amen... excuse me. I didn't know my speaker was on. I would like Amendment #4 also."

Speaker McPike: "Well, it's being distributed right now."

Wojcik: "Thank you."

Speaker McPike: "Representative McNamara."

McNamara: "If we could take this out of the record for a few minutes until they have a chance to take a look at Amendment #4."

Speaker McPike: "We can stand at ease here just for a second. Representative McCracken."

McCracken: "I think I can discuss the Amendment. It appears that it deletes lines 29 through 33, which is a denial of home

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power units... or home pow... home power authority; that is, that it preempts any home rule powers with respect to this Act. The Amendment purports to delete that so that the home rule powers would be left in tact. I guess my response is that the home rule powers apply only to municipalities in excess of 25,000. Because of that and because of the substantial number of municipalities between 10,000 and 25,000, it is our position that Amendment #4 does not adequately address our concerns. We would ask to proceed with Amendment #1."

Speaker McPike: "Representative McCracken, I think the Gentleman has tried to answer your question. Do you have any additional remarks? I'm sorry. Representative McNamara. We're on Amendment #1."

McNamara: "Yes, thank you, Mr. Speaker. I think for the... to keep the integrity of the Bill in tact and to do the right thing with this Bill, I would urge the defeat of Amendment #1."

Speaker McPike: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. I, too, rise in opposition to Amendment #1. I understand what the other side of the aisle seeks to accomplish or what the Sponsor of this Amendment seeks to accomplish and that simply limit the... our attempt to try to assist the Village of Robbins by limiting this to certain populations. However, if you look at the... at the text of the Bill, you will see or hopefully understand that the problem does not lie in one municipality alone. This is an opportunity for we in the State of Illinois, at very little cost to the State of Illinois, to be able to help not only those small communities under 10,000, but if it's the Bradley's or the Kankakee's or the Macomb's or some others that fall, perhaps, within the 10,000 to 25,000 range, they should too

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have the opportunity to be able to come to the state on their own and to invoke the provisions of this law to allow this commission to be set up and assist them to try to alleviate the financial problems that they have. This is an important Bill not only for one municipality in the state. This could be... This is a Bill that would give other municipalities, other municipalities without the clout, of municipalities over one million, to be able to come to us and say, 'Look, we have a legitimate problem. We need your expertise to try to help us out of it.' Amendment 21 thwarts that, and I think it should be defeated."

Speaker McPike: "Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I just wanted to reiterate the arguments in opposition to the Amendment. The Gentleman, the Sponsor of the Bill, has indicated that he would use the 25,000 population limit, which is a logical choice in that it's already in the statutes. The population of Robbins, I understand, is about 8500 people. By taking an arbitrary figure of 10,000, it's very close to the population of Robbins. It doesn't seem to me to make any sense. If a municipality of 11,000 has the same problems that Robbins has, it would seem to me that this same Bill should apply to them as well. So, for that reason, I would support the Sponsor of the Bill's position that he is opposed to the Amendment, and I would ask for a 'no' vote."

Speaker McPike: "Further discussion? Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In all due respect to the Sponsor of the Bill and the previous speaker in opposition to the Amendment, I would suggest that often in the past we have drawn legislation in such a fashion that it would be

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constitutionally and statutorily correct, however, would apply to a specific situation. I don't think in my 20 years in the Legislature that we have faced any similar situation as we're facing in the community of Robbins today, and I think with this Amendment we are going to narrow the focus of this issue down as closely as we can and in a reasonable way that I think we can all feel secure with. And for that reason, and with all due respect to the Sponsor of the legislation, I endorse the Amendment provided by the Representative from Cook and would ask the rest of the Members of the General Assembly to do likewise."

Speaker McPike: "Further discussion? There being none, the Lady from Cook, to close, Representative Wojcik."

Wojcik: "Yes, Mr. Speaker and Members of the House, even though the Sponsor has good intention, it is my personal feeling that this would be opening up a pandora's box. We would not be only looking at cost that would be incurred; we would be looking at other problems that would arise. The problem and the fault specifically lies within the Village of Robbins, and that's where it should stay. Therefore, Amendment #1 should be accepted, and I move for a Roll Call vote."

Speaker McPike: "The Lady moves for the adoption of Amendment #1. All those in favor of the Amendment signify by voting 'aye', opposed vote 'no'. Have all voted? Representative Parke, to explain his vote."

Parke: "Thank you, Mr. Speaker. If this does not pass, I would like verification of the Roll Call, please."

Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the record. On this Amendment there are 47 'ayes', 67 'nos'. Representative Parke has asked for a verification. Mr. Parke."

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Parke: "Mr. Speaker, disregard that request. Thank you."

Speaker McPike: "No problem. The vote is 47 'aye', 67 'nos'.

The Amendment fails. Further Amendments?"

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

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

Wojcik: "Yes, Mr. Speaker and Members of the House, what Amendment #2 does, it makes the Comptroller's establishment of a financial planning and supervision commission permissive and allows the Comptroller to determine if an actual fiscal emergency exists. It limits the General Assembly appropriations to reimbursement of commission members for necessary and actual expenses, deletes provision for return to state of excess monies. I move its favorable passage by a Roll Call vote."

Speaker McPike: "The Lady moves for the adoption of Amendment #2.

Is there any discussion? Representative Cullerton."

Cullerton: "Yes, I think I understood what she said it does, but could you tell us why it's needed?"

Speaker McPike: "Representative Wojcik."

Wojcik: "We want to protect the state against the bailout by the commission. It doesn't restrict state appropriations for the other emergency service or through the other state agencies."

Speaker McPike: "Representative Cullerton."

Cullerton: "I'm sorry, I could not hear what she said."

Speaker McPike: "Representative Wojcik, would you repeat it please?"

Wojcik: "We want to protect the state against bailout. And it doesn't restrict the state appropriation for other emergency services."

Cullerton: "How does your Amendment protect the state from other emergency situations?"

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Wojcik: "What we want to do is keep the commission from bailing out these agencies."

Cullerton: "Well, what...by involving the Comptroller, how are you protecting yourself?"

Wojcik: "It gives him the discretion to analyze it."

Cullerton: "Okay. What about the Section 10, this limitation on our appropriation? What's that for?"

Wojcik: "Again, we're just trying to restrict it for the commission members for their actual expenses."

Cullerton: "Well, with regard to the second portion, with regard to the Section 10, you're telling us in the General Assembly what we can appropriate the monies for, is that correct? Why wouldn't that be part of the normal appropriation process? Wouldn't that be part..."

Wojcik: "Because it's only through this commission that we're limiting..."

Cullerton: "Well, but we still have to appropriate the money, don't we? We have to appropriate the money before it would be spent and so, I don't see the need for this Section 10. We debate what the money is spent on when we pass the appropriation Bill."

Wojcik: "Representative, it gives direction to the General Assembly. That's what it's doing."

Cullerton: "We give direction to ourselves?"

Wojcik: "I guess sometimes we need directions, don't we all?"

Cullerton: "Well, it's like saying, in the future, when you appropriated a Bill, you should take these things into consideration. Why don't we just take them into consideration at the time we debate the appropriation?"

Wojcik: "Well, sometimes we have to form guidelines for the future. Maybe that's what we're looking at."

Cullerton: "Well, I... to the Amendment, Mr. Speaker, Ladies and Gentlemen of the House. I believe that it is totally

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unnecessary. There's no sense in us limiting right now, before we even know what the facts are, what the money can be appropriated for. It may be that we could be convinced at the time that there might be other expenses that should be appropriated. With regard to the involvement of the Comptroller, I also think that it's really nothing more than an effort to delay the actions of the commission. They have to wait 30 days. We're talking about an emergency situation. Once again, just seems to be a method by which the Bill is weakened rather than helped by the Amendment, and, once again, I would urge a 'no' vote on Representative McNamara's Bill... urge a 'no' vote on Amendment #2."

Speaker McPike: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker. I'd like to address the Amendment as well. The first part of the Amendment allows the Comptroller in his discretion to create the Commission and that if he chooses to do so in his discretion, he must do so within 30 days. Now, the purpose for this is not to slow down any response to the emergency, if, in fact, it is valid. This is used as a check by which the Comptroller may pass upon the validity of the emergency. If this check is not in place, then the mere expression by the local authorities of an emergency requires the creation of the commission and, in fact, puts into play all of these items and powers by which it is authorized under this Bill. So, we think that that is an appropriate check, given the fact that this is going to be the creation of an agency able to incur financial obligations; that it's appropriate that there be a check of some sort upon its creation. If the Comptroller, who currently is a member of the Democratic Party, chooses to create the commission, he will, in effect, agree that an emergency exists. We don't think

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that's onerous. We don't think that's unfair. We think that the state should have some sort of discretion in entering into this compact, in essence, with this commission. The second portion of the Amendment, likewise, is in the nature of a safeguard against the state's being involved too greatly for the expenses created by the commission. Section 10, as amended by this Amendment, would now read that the General Assembly may appropriate monies to the commission solely for reimbursing commission members for necessary and actual expenses incurred. Right now, there is no limitation upon; one, the ability of the commission to incur debt; two, the reasons for that incurring of debt; and three, the amount of debt. This Amendment seeks to limit what we can be obligated to by this quasi-independent, or semi-independent commission. There is absolutely no reason to feel that this is an undue restraint upon the commission. And in deleting the Section of... on page 12, lines 19 through 24 of the Bill, merely conforms it to this previous Amendment that the General Assembly shall reimburse commission members and appropriate for that purpose only. You've got to remember, this authority has the ability to raise money on its own. What is the... what is the need for giving a cart blanche right of incurring debt payable out of the General Revenue Fund? There is no valid purpose for it. I submit that this Amendment does no harm to the Bill. It offers appropriate safeguards. It offers appropriate checks and balances. So, I think that this is an Amendment which the Sponsor and those in favor of this legislation can live with. And in the absence of this Amendment, Mr. Speaker, I would encourage my friends on this side of the aisle to not agree with this legislation. The precedent it creates is a very wide-ranging, potentially harmful precedent which can

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involve the state in bailouts at the discretion of local municipalities. We lose all control over our authority merely by the creation of this commission as proposed in House Bill 300."

Speaker McPike: "Representative Steczko."

Steczko: "Thank you, Mr. Speaker, Members of the House. I rise in opposition to Amendment #2. And in listening to the debate, I'm not so sure we're reading the same Bill. I've heard that we need to provide 30 days to the Comptroller to be able to determine whether or not a fiscal emergency exists. I contend that that is not necessary because in order for the local authority to invoke the clauses contained in House Bill 300, they must, in fact, ensure that there is a fiscal emergency and there is only certain items that would be defined as fiscal emergencies. Number one would be the existence of a default in the payment of principal and interest on any debt obligation for more than 90 days. That certainly would be a fiscal obligation or a fiscal emergency. The failure to make payment over 20 percent of all payroll to employees, etcetera, etcetera, etcetera, etcetera. Those are specific indications that allow those local... that local unit of government to invoke the provisions of House Bill 300. And, in fact, when they do, it has to be by a two-thirds vote. So, when we've heard the comment about a mere expression by local authorities, that simply is not the case. House Bill 300 is quite to the point as to what constitutes a fiscal emergency and how those local authorities can come to the state. So, the Comptroller certainly needs... does not need another 30 days, because it's limited as to how this authority can be invoked. With regard to Section 10, we're saying that the commission members can be reimbursed for their expenses, for their actual expenses; however, there

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may be more that the commission members might need, and that would be completely prohibited by provisions contained in the new Section 10. So, for all intents and purposes, I think that Amendment #2 hinders what we're trying to do as a legitimate, good-faith attempt not to bailout, because there are no bailout monies that are... that are specified in the Bill and certainly anything over and above would have to be approved by the General Assembly. What we're providing for these local governments is their fiscal... is our fiscal expertise to help them get back on track again. Amendment #2 puts us in the wrong direction, and I would urge its defeat."

Speaker McPike: "Representative Wojcik, to close."

Wojcik: "Yes, Mr. Speaker, what the intent of this Amendment is is to merely clean up any suggestion as to who shall hear the problem or how the problem shall be handled. It is thoroughly consistent, and the purpose of this Act keeps on... or with the consistency of the guidelines that the Comptroller will or may make the decision if there is a financial problem. I move for its passage, and I also ask for a Roll Call vote."

Speaker McPike: "Lady moves for the adoption of Amendment #2. Question is, 'Shall Amendment #2 be adopted?' 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. Representative Huff."

Huff: "Yeah, Mr. Speaker, I'm having problems with my console. I want to be voted 'no' on that Amendment."

Speaker McPike: "Okay, Representative Huff, the board shows you voting 'no'. I'll have the electrician look at it. Take the record, Mr. Clerk. On this Amendment there are 48 'ayes', 67 'nos'. The Amendment fails. Further Amendments?"

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Clerk O'Brien: "Floor Amendment #3, offered by Representative Barger."

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

Barger: "Thank you, Mr. Speaker. Amendment #3 deletes the provision that the Comptroller shall monitor the progress of this committee after it has been terminated. The Comptroller should be monitoring local government. Every local government has to present to the Comptroller every year the financial records of their community, and this is normal and had that operation been happening in the past, as we hope it will in the future, we could possibly have avoided this problem. But the... the purpose of this is to allow the... all functions of this commission to terminate at the same time, and I see no reason that the normal procedures of government shouldn't take place immediately after the termination of the commission. Thank you."

Speaker McPike: "Gentleman moves for the adoption of Amendment #3. Is there any discussion? There being no discussion, the question is, 'Shall Amendment...' Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. I, again... I rise in opposition to Amendment #3. Amendment #3 just seeks to limit the flexibility that the commission would have and the Comptroller would have. We are trying to set up an orderly process here where a local municipality that is having a fiscal emergency, a dire fiscal emergency, can come to the state for its expertise to try to get their municipality back on track again. And within those confines, we have established certain guidelines and the one guideline that Amendment #3 addresses is one that allows an extra period for implementation by the Comptroller, an extra review by the Comptroller and, in fact, we contended that it should be

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the case, that there should be that flexibility there, that, automatically, this... if the need arises, this... the provisions in House Bill 300 should not just automatically self-destruct if the Comptroller can find evidence that, in fact, there should be some further review. So, because this Amendment seeks to inhibit the orderly process that we've tried to provide in House Bill 300, I would urge its defeat."

Speaker McPike: "Representative Barger, to close."

Barger: "Thank you, Mr. Speaker. I respectfully disagree with the Representative from Cook County. This Bill does not take away from the Comptroller the powers that he presently has. All this Amendment does is to remove a duplicity in the law that is totally unnecessary and totally uncalled for. When the commission terminates, the commission has no responsibilities. The responsibilities revert back to the Comptroller who, under the present statutes, has that authority to review and, if he does not review a community that has recently been in financial difficulty, he is guilty of misfeasance of office and he should be removed. So, I suggest that this Amendment is not only desirable, but it does help simplify a problem that could become quite complex. Thank you very much, and I... 'aye' vote."

Speaker McPike: "Gentleman moves for the adoption of Amendment #3. Question is, 'Shall Amendment #3 be adopted?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Amendment there are 47 'ayes', 66 'nos', and the Amendment's defeated. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representative Steczo and McNamara."

Speaker McPike: "Amendment #4, Representative Steczo."

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Steczo: "Thank you, Mr. Speaker, Members of the House. Amendment #4 addresses basically the issue that we heard in Amendment #1. House Bill 300, in its current state, provides for a home rule preemption and, simply, Amendment #4 simply removes that preemption so this would be applicable to non-home rule municipalities. I would move for its adoption, Mr. Speaker."

Speaker McPike: "Gentleman moves for the adoption of Amendment #4. And on that, Representative McCracken."

McCracken: "Thank you, Mr. Speaker. We've already addressed, somewhat, the issue raised by this Amendment, but the most important thing to note is the political effect this Amendment has. If this Amendment is adopted, then this Bill will not require an Extraordinary Majority to pass; otherwise, 71 votes would be required. But with this Amendment adopted, this will pass by a Constitutional Majority of 60 votes. But the question you ask yourself is, does it really affect what the Sponsors believe it to affect? And I think on reflection the answer is probably no. This does not supersede home rule powers, but the question is, why would there be a conflict between this Act and home rule powers? If a home rule community came to the Comptroller and certified a fiscal emergency, I don't see any conflict between local law and the state statutes which would necessarily render this an issue of preemption. So, I don't think it does what, in fact, the Sponsors believe it does. I certainly know that they act in good faith and that that is the intent of their Amendment, but I believe the fact of the matter is that you will not find a situation of conflict where the state is seeking to supplant home rule authority or municipal authority. This is triggered by a request of the municipality to receive help from the state. That's the only way it's triggered,

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so you're never going to have a situation where there's a conflict between home rule powers and state authority. So, the real meaning of the Amendment is only one thing. The real meaning of the Amendment is that it requires only a Constitutional Majority to pass this Bill. I think that although the author of the Amendment is certainly sincere in his intent, the fact of the matter is it has no bearing on the issue of the scope of this provision. The scope of this Bill, with or without this Section in the statute, will remain all municipalities in the State of Illinois which first request or declare the fiscal emergency. I would ask everybody to vote against this Amendment, retain this home rule preemption which the Bill now has and which will then require an Extraordinary Majority for passage."

Speaker McPike: "Representative Steczko, to close."

Steczko: "Thank you, Mr. Speaker. I would just point to the closing remarks by the previous Gentleman who said that he sees no conflict in the Bill because the local governments would have to come to the state but said we should retain the home rule preemption, just simply require an Extraordinary Majority to pass the bill. I have long contended that because the local government, in fact, does... must take the first step to approach the State of Illinois and say, 'We have a certified fiscal emergency; we need assistance,' there should really be no need for that language. And if anybody recalls a debate that we had on this Bill last year, there was a question as to whether or not that language, in fact, was a home rule preemption. So, to negate any problems that might arise in the future, it's a wise move, we feel, to delete that language because, in fact, that local... local unit of government does, in fact, have to invoke by a two-thirds vote the provisions of House Bill 300. I would move for the adoption of Amendment

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#4."

Speaker McPike: "Gentleman moves for the adoption of Amendment #4. Question is, 'Shall Amendment #4 be adopted?' 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. Amendment #4, 65 'ayes', 47 'nos'. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #5, offered by Representative Steczo and McNamara."

Speaker McPike: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. Amendment #5 attempts to address a concern that came to our attention from the Auditor General's Office. The Auditor General suggested that..."

Speaker McPike: "Representative Steczo, this is an agreed Amendment, if you want to make it brief."

Steczko: "All it does, Mr. Speaker, then, is to replace the Auditor General with the Director of the Bureau of the Budget, and I would move for its adoption."

Speaker McPike: "Gentleman moves for the adoption of Amendment #5. Is there any discussion? There being none, the question is, 'Shall Amendment #5 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Any announcements? Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, we have cancelled today's meeting of the Higher Education Committee. The one Bill that was posted for today will be reposted for next week instead."

Speaker McPike: "Representative Flinn."

Flinn: "Well, Mr. Speaker, I would just like to announce for the

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benefit of the Members of the Elections Committee that we'll be meeting at 5:00 in Room 114 and it should be a fairly short meeting. We have some things we need to do, trying to wind up on the Christensen versus Weller case, looking at some more ballots, absentee ballots and that sort of thing. Shouldn't be a very long meeting, so I'd like to have everybody there for a quorum."

Speaker McPike: "Representative Van Duyne."

Van Duyne: "Yes, just a reminder to the County and Townships Committee Members that we'll be meeting today at 2:00."

Speaker McPike: "Representative Kulas."

Kulas: "Thank you, Mr. Speaker. To remind the Members of the Energy, Environment and Natural Resources Committee the Committee will meet at 4:00. We have about four or five Bills. I would ask all Members to please come promptly and we'll be out of there within an hour."

Speaker McPike: "Representative Dunn."

Dunn: "Just an announcement. The House Judiciary I Committee has already met."

Speaker McPike: "Further announcements? In the past, the Chair has always accommodated Members that wish to present awards to groups in their district, and we intend to continue to do that. However, today we had a Member who came and received an award, and it's not our intent to establish that as a precedent. So, the Chair will not look kindly on thousands of requests from Members to be presented awards from now on. Representative Pangle."

Pangle: "Thank you, Mr. Speaker. I just wanted to remind the Members of the VFW dinner to be held at the Sheraton tonight at 6:30."

Speaker McPike: "Further announcements? Being none, Representative Giorgi moves that the House stands adjourned till tomorrow at the hour of 12:00 noon, with the

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Perfunctory Session for Introduction and First Readings.
Representative Younge, do you have an announcement?"

Younge: "Yes, I do, Mr. Speaker, thank you very much. The Urban Redevelopment Committee will not meet tomorrow as scheduled. I'd..."

Speaker McPike: "Representative..."

Younge: "I'd like to announce the appointment of two permanent Committees, one on Urban Small Business. Representative LeFlore will be the Chairman, Representative Davis and Turner, Black and Wennlund. The other Committee, permanent Committee is the Committee... Standing Committee on Disaster Preparedness. Younge will be Chairman, Morrow, Turner, Wennlund and Kubik. Thank you."

Speaker McPike: "Representative Preston."

Preston: "Thank you, Mr. Speaker. Since Representative Ropp was not allowed to give the pledge to the flag this morning, might Representative Ropp move to adjourn until tomorrow? He was sitting there very sadly in his seat."

Speaker McPike: "Representative Ropp had that job everyday for four years. This morning he was... yesterday he was absent. I think he has relinquished that job to others. There being nothing further, Representative Giorgi has moved that the House stand adjourned. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the House stands adjourned."

Clerk O'Brien: "Committee Reports. Representative Dunn, Chairman of the Committee on Judiciary I, to which the following Bills were referred, action taken March 11, 1987, reported the same back with the following recommendations: 'do pass' House Bill 218; 'do pass as amended' House Bill 39; 'do pass Consent Calendar' House Bills 57, 102 and 103. Introduction and First Reading of Bills. House Bill 612, offered by Representative Breslin... House Bill 613,

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Breslin, a Bill for an Act to amend Sections of the Hospital Licensing Act. First Reading of the Bill."

Clerk Leone: "House Bill 614, offered by Representative Homer, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 615, offered by Representative Homer, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 616, offered by Representative Homer, a Bill for an Act to amend Sections of the Code of Criminal Procedure. First Reading of the Bill. House Bill 617, offered by Representative Homer, a Bill for an Act to amend Sections of an Act to revise the law in relationship to criminal jurisprudence. First Reading of the Bill. House Bill 618, offered by Representative Hartke, a Bill for an Act to create the Universal Telephone Service Protection Law. First Reading of the Bill. House Bill 619, offered by Representative Hartke, a Bill for an Act to amend Sections of the Unemployment Insurance Act. First Reading of the Bill. House Bill 620, offered by Representative Black and Weaver, a Bill for an Act to add Sections to the Code of Civil Procedure. First Reading of the Bill. House Bill 621, offered by Representative Kirkland and Giglio, a Bill for an Act in relationship to working cash funds for townships. First Reading of the Bill. House Bill 622, offered by Representative Regan - et al, a Bill for an Act to amend Sections of the Workers' Compensation Act. First Reading of the Bill. Continuing with Introduction and First Readings. House Bill 623, offered by Representative Ropp - Ackerman - et al, a Bill for an Act to add Sections to the Illinois Highway Code. First Reading of the Bill. House Bill 624, offered by Representative Regan - et al, a Bill for an Act to amend Sections of the Workers' Compensation Act. First Reading of the Bill. House Bill

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625, offered by Representative McCracken and Hoffman, a Bill for an Act to add Sections to the Highway Advertising Control Act. First Reading of the Bill. House Bill 626, offered by Representative Sutker, a Bill for an Act to amend Sections of the Illinois Income Tax Act. First Reading of the Bill. House Bill 627, offered by Representative Farley - et al, a Bill for an Act to amend Sections of the Toxic Substances Disclosure to Employee Act. First Reading of the Bill. House Bill 628, offered by Representative Daley - et al, a Bill for an Act to amend Sections of the Child Care Act. First Reading of the Bill. House Bill 629, offered by Representative Williams, a Bill for an Act to add Sections to the Illinois Lottery Law. First Reading of the Bill. House Bill 630, offered by Representative Regan - et al, a Bill for an Act to amend Sections of the Workers' Compensation Act. First Reading of the Bill. House Bill 631, offered by Representative Richmond - et al, a Bill for an Act to amend Sections of the Illinois Income Tax Act. First Reading of the Bill. House Bill 632, offered by Representative Ropp and Van Dyne, a Bill for an Act to amend Sections of an Act to revise the law in relationship to counties. First Reading of the Bill. House Bill 633, offered by Representative Regan - et al, a Bill for an Act to amend Sections of the Workers' Compensation Act. First Reading of the Bill. House Bill 634, offered by Representative Richmond - et al, a Bill for an Act to add Sections to the Illinois Insurance Code. First Reading of the Bill. House Bill 635, offered by Representative Piel and Flinn, a Bill for an Act to amend Sections of the Unified Commercial Code. First Reading of the Bill. House Bill 636, offered by Representative Hicks, a Bill for an Act to add Sections to the Election Code. First Reading of the Bill. House Bill

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637, offered by Representative Pangla, a Bill for an Act in relationship to debt restructuring for farmers and agribusiness. First Reading of the Bill. House Bill 638, offered by Representative Matijevich - et al, a Bill for an Act to amend Sections of the Medical Practice Act. First Reading of the Bill. House Bill 639, offered by Representative McGann - et al, a Bill for an Act to amend Sections of the Abused and Neglected Long Term Care Facility Residence Reporting Act. First Reading of the Bill. House Bill 640, offered by Representative Kulas - et al... Continuing with Introduction of House Bills. House Bill 640, offered by Representative Kulas, a Bill for an Act to add Sections to the Hearing Aid Consumer Protection Act. First Reading of the Bill. House Bill 641, offered by Representative Ronan, a Bill for an Act concerning the payment of tort judgements against mass transportation agencies and the civil liability of employees. First Reading of the Bill. House Bill 642, offered by Representative Brunsvold, a Bill for an Act to amend Sections of the Illinois Municipal Code. First Reading of the Bill. House Bill 643, offered by Representative Brunsvold, a Bill for an Act to amend Sections of the Liquor Control Act. First Reading of the Bill. House Bill 644, offered by Representative Brunsvold, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 645, offered by Representative Brunsvold, a Bill for an Act to add Sections to the School Code. First Reading of the Bill. House Bill 646, offered by Representative Brunsvold, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 647, offered by Representative Brunsvold, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 648,

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offered by Representative Brunsvold, a Bill for an Act to add Sections to the Public Utilities Act. First Reading of the Bill. House Bill 649, offered by Representative Mautino, a Bill for an Act to amend Sections of the Illinois Export Development Act. First Reading of the Bill. House Bill 650, offered by Representative Weller, a Bill for an Act making appropriations to the Department of Transportation. First Reading of the Bill. House Bill 651, offered by Representative Weller, a Bill for an Act making appropriations to the Department of Conservation. First Reading of the Bill. House Bill 652, offered by Representative Hicks, a Bill for an Act to amend Sections of the Election Code. First Reading of the Bill. House Bill 653, offered by Representative Hicks, a Bill for an Act to repeal an Act relating to the acquisition, possession, transfer of firearms and firearm ammunition and to provide a penalty for the violation thereof. First Reading of the Bill. House Bill 654, offered by Representative DeJaegher - et al, a Bill for an Act in relationship to home care for disabled and aged persons. First Reading of the Bill. House Bill 655, offered by Representative Flowers, a Bill for an Act to amend Sections of an Act creating the Department of Children and Family Services. First Reading of the Bill. House Bill 656, offered by Representative Flowers - et al, a Bill for an Act to add Sections to the Illinois Income Tax Act. First Reading of the Bill. House Bill 657, offered by Representative Flowers, a Bill for an Act to add Sections to the Public Utilities Act. First Reading of the Bill. House Bill 658, offered by Representative Hicks, a Bill for an Act to amend Sections of the Illinois Public Aid Code. First Reading of the Bill. House Bill 659, offered by Representative Hicks and Pangle, a Bill for an Act to amend

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certain Acts in relationship to the Department of Conservation. First Reading of the Bill. House Bill 660, offered by Representative McGann, a Bill for an Act to amend Sections of the Public Community College Act. First Reading of the Bill. House Bill 661, offered by Representative McGann, a Bill for an Act to amend Sections of the Public Community College Act. First Reading of the Bill. House Bill 662, offered by Representative McGann, a Bill for an Act to amend Sections of the Public Community College Act. First Reading of the Bill. House Bill 663, offered by Representative Ropp, a Bill for an Act to amend Sections of the Illinois Vehicle Code. First Reading of the Bill. House Bill 664, offered by Representative Turner - et al, a Bill for an Act to amend Sections of the Illinois Act on Aging. First Reading of the Bill. House Bill 665, offered by Representative Keane, a Bill for an Act to amend Sections of an Act in relationship to the form and cost of publications required by law. First Reading of the Bill. House Bill 666, offered by Representative Ropp - et al, a Bill for an Act in relationship to the cancellation of driver licenses and permits of dropouts. First Reading of the Bill. House Bill 667, offered by Representative Keane, a Bill for an Act to increase the price of publishing legal notices. First Reading of the Bill. House Bill 668, offered by Representative White - et al, a Bill for an Act making appropriations to the Department of Public Health. First Reading of the Bill. House Bill 669, offered by Representative White - et al, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 670, offered by Representative Breslin, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill."

Clerk O'Brien: "No further business. The House now stands

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adjourned."

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