

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

42nd Legislative Day

May 8, 1987

Speaker Madigan: "The House shall come to order. The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend Delbert Kelto, Pastor of Grace Lutheran Church of Springfield. Reverend Kelto is the guest of Representative Michael Curran. Would the guests in the gallery please rise and join us in the invocation."

Reverend Kelto: "Let us pray. Almighty God, ruler of heaven and earth, who gives us the authority over the care of the earth, the sea and the air that we breathe, make us to be better caretakers and stewards of the earth. Lord, who has given to us the responsibility and the privilege of governing ourselves, make us to be responsive, above all, to Your holy will, and only then, to the various interests we represent. Lord God Almighty, much of what we do in this Legislative Assembly is not as clear to us as we'd like. The issues are very often not clearly right or wrong, so we ask for your wisdom when our minds simply cannot comprehend the legislations we act upon, so we call upon the wisdom of God, and finally, Lord, when our day is done, this day, may you say to us, 'Well done, good and faithful servant.' Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Ropp."

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

Speaker Madigan: "Roll Call for Attendance. Mr. Greiman, are there any excused absences?"

Greiman: "Yes, Mr. Speaker. Let the record show that Representatives Terzich, Daley and O'Connell are ill this

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

42nd Legislative Day

May 8, 1987

morning."

Speaker Madigan: "Mr. Piel, are there any excused absences?"

Piel: "Yes, Mr. Speaker. Would the record show Representative Cowlshaw and Representative Tuerk are both in the hospital, excused for medical reasons."

Speaker Madigan: "Let the record reflect those excused absences. Mr. Greiman, do you have a Motion? The Chair recognizes Mr. Greiman."

Greiman: "Mr. Speaker, I would like to move to recommit. I believe it is House Bill 2440. There is a Motion that has been filed to the Committee on Election Law. Yesterday...
"

Speaker Madigan: "Mr. Greiman, I believe the Bill is House Bill 2440. Yes."

Greiman: "2440. Yes. Thank you, Mr. Speaker. Yesterday, the Committee on Election Law, believing that they had appropriate authority, voted to use an Attendance Roll Call from a previous Session because the meeting was merely an adjourned... a recessed meeting of that Committee. It is, in view of the Speaker of this House, as well as myself, because the Motion is in the name of Speaker Madigan and myself, a practice which, even if appropriate... or even if legal, is probably certainly not appropriate. We believe that there should be free and open Committee process. There had been discussion in this Committee with the Minority Spokesman, others, Members of the Leadership on our side, to put out a shell Bill. The Bill was, indeed, a shell Bill that was put out, but that's not the issue. The issue is, that we are as anxious as the Minority to recognize the rights of Members and to recognize the rights of the Minority as well. And so, we believe that House Bill 2440 should be recommitted to the Committee on Election Law at this time. We would ask that the Members

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

42nd Legislative Day

May 3, 1987

of this House, on both sides of the aisle, join us in that Motion. There are moments in the Legislature when errors are made. No one here in this room is infallible, Lord knows, and we... when error is made, we recognize it, and we have the power to correct it. And so, Speaker Madigan and myself offer a Motion to recommit House Bill 2440 to the Committee on Election Law to preserve the appropriate integrity of the Committee structure, and to adhere to the rules of this House. And I would ask you, Mr. Speaker, for passage of... for adoption of that Motion."

Speaker Madigan: "Mr. Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I feel constrained to discuss the issue of House Bill 2440, to which Minority... or Majority Leader Greiman has spoken so eloquently. This issue is more significant to us than the sheer example of a blown and signal in a Committee call. I'd like to put this in context for you so that we all understand what the dickens we're talking about, here. Way back in January, the Speaker of the House, in his wisdom, put in place two Committees - Elections and Election(s) Law, ostensibly, to deal with the orderly seating of a Member of this House - Weller versus Christensen, and the other to deal with the ongoing business of election law. This House Elections Committee has not met for two years. That includes the election year 1986. As of this moment, the Election Law Committee has not formally met and taken testimony on anything, despite the fact that we have had 118 Committee Bills to be considered, including an equal number from both the Democratic and Republican side. Yesterday, both the Republican Party and the Democratic Party called Conferences. Our Conference ran unusually long. When I arrived at 122-B, in the presence of four Majority Members,

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

42nd Legislative Day

May 8, 1987

I was told that on an Attendance Roll Call, taken the previous day, a very bad shell Bill, 2440, with 19 Democratic initiatives and 3 basically meaningless Republican initiatives had been reported out of Committee. The Chairman of the Committee, who was not here at the moment, challenged me to cite him in the House Rules where I could not challenge that fact. Well, I'm prepared to do that today. House Rule 24: No Committee may meet during any Session of the House or during any Party Conference. That's number 1. Number 2: 26, notwithstanding the unanimous consent of the Members present, a prior Roll Call shall not be used for a Committee vote when any Member on that Roll Call is not present. This goes to the heart of the essence of this House. If we do what is proposed at this time, meaningful input by the public at large on significant issues will have been stifled. I know there are some in this House that would just as soon prefer that no election Bill move at all. Well, that catches our friends on the State Board up in something, don't they, because they want a recount issued and they want some other things to be considered. I very rarely raise my voice in this House, and I feel very, very deeply violated but it has been happening here during the course of this Session and during the course of the last year. And as a consequence, I'm going to bring my remarks to a close by merely saying to the Members of the Majority Party. Your Bills are as involved in this issue as is our Bills, and on something as significant as election law, not to permit public input to what we're doing is a travesty of this House, and I would hope we'd address that issue forthrightly."

Speaker Madigan: "Mr. Johnson."

Johnson: "I guess we have two Elections Committees. That's the

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

42nd Legislative Day

May 8, 1987

way it is. The election of... the anointment of Representative Christensen, and the... this Election Committee. I would suggest to you that both of the Committees are an insult to the Legislature. Both of them are an absolute sham. We spent three months with one Committee, one half of this division of the election process, to anoint somebody that everybody decided ahead of time was going to be anointed. That was a disgrace and a sham and everybody ought to be ashamed of it, and I thought we couldn't exceed the disgrace that that Committee was, and I'm not sure we have. That's the maximal disgrace, but this comes close."

Speaker Madigan: "For what purpose does Mr. Piel interrupt Mr. Johnson?"

Piel: "Mr. Speaker, could we get some order in the House, here? I mean, people are talking about a very important subject. People are walking around the floor who are not authorized on the floor. Could we clear the floor and get some order in the House, please? Thank you."

Speaker Madigan: "Will the Members... "

Johnson: "The other Committee, we had predecided that we were going to neglect the election process and the will of the people to elect a Representative who wasn't elected to begin with, and that was predecided, and now, we're here in this Election Laws Committee, when everything was equally predecided. I don't know how many Bills are in the Committee, but it's between 100 and 200, including people on both sides of the aisle who put in legitimate constituent requests or overhauls of the Election Code that they believed in, and it was predecided again that one vehicle would come out, and notwithstanding the attempt to charade and create a sham of two or three meetings, everything was predecided, everything was prewritten, and

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

42nd Legislative Day

May 8, 1987

here we are now for the second time in about a month, making a mockery of this process and a mockery of both of those Committees. I don't know why we didn't just dismantle the process, never call either Election Committee to order, and simply do what was going to be predecided and what was anointed to be done last January. It's ridiculous. It's a charade. It's a disgrace to the Legislature, and both people on both sides of the aisle have the potential to be equally affected by this process. So, we appreciate the apology, but the process is the one that's been disgraced."

Speaker Madigan: "Mr. Slater."

Slater: "Thank you, Mr. Speaker. A question of the Sponsor."

Speaker Madigan: "The Sponsor indicates that he will yield."

Slater: "Representative Greiman, assuming that your Motion would be granted, what would be the process? If this Bill goes back to the Committee, will there be Committee hearings? Will there be an opportunity for public input?"

Speaker Madigan: "Mr. Slater, if the Bill goes back to the Committee, and nothing else is done, at the close of this day, that Bill will be tabled under our rules. We could, I suppose, put the Bill into Interim Study. We could extend the Committee deadline for the Bill, or we could, later on today, when our... when all of the mea culpas were said and accepted, all agree to discharge the Bill and hold it on Second Reading until we had come to some conclusions about what would be a good election policy for all of us. One of the Gentlemen spoke - Mr. Johnson - he's correct. The election process affects all of us on both sides, as well as the people of Illinois who... for whom we all serve. So, the choice... the choice is essentially given to the Minority. We have said that we erred. Now, I can't say anything further. I'd like to see us, frankly, agree to

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

42nd Legislative Day

May 8, 1987

discharge the Bill from Committee, once we recommit it. If you agree to that, fine. If you don't agree to it, well then, you don't agree to it. We ought to have a Bill that deals with elections on the floor of the House. I have said to Mr. Olson earlier today that, certainly, the Bill would be held and we would discuss these issues, and we would discuss them fully. Now, there's no more that I can do, but the Bill, if it goes back to Committee, will be tabled on this day."

Slater: "So, are you saying to me that if this Bill goes back to Committee, that you're not going to file a Motion to Discharge?"

Greiman: "Well, would you like to... would you like to join me in a Motion to Discharge?"

Slater: "I'm asking you, Sir, whether that's your intent."

Greiman: "I don't know. Frankly, I don't know what my intent is at this moment on it. I'm hoping that... I've suggested to Mr. Olson that maybe that's the best way to handle it, and he said he would get back to me. I haven't heard from him yet."

Slater: "Well, as I heard your comment, Sir... to the Bill. As I heard the comments when Mr. Greiman... Representative Greiman spoke, he said that one of the problems was that we hadn't had any public input, that there'd been no public hearings. And if, indeed, we submit this Bill back to the Election Law Committee, then we vote out a Motion to Discharge, and this Bill comes back to the House floor, there's a total subversion. There is no way in the world that anyone who wishes to speak to these Bills has an opportunity to do so, and I talked in context of public input, not in terms of Member input. I know that there are initiatives in the Election Law Committee from the State Board of Elections. There are initiatives from Mayor

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

42nd Legislative Day

May 8, 1987

Harold Washington. There are initiatives from Mike 'Lavelles' group, and indeed, there are initiatives from the City of Chicago. There are initiatives from Members of the Democratic Party, and initiatives from Members of the Republican Party, and none of those things are going to have a proper opportunity to be heard. I think that, Representative Greiman, you did make a mistake, that the Election Law Committee did make a mistake, that the Speaker did make a mistake when he created two Committees. The problem is that it's not that easily corrected. We want an opportunity to have an input in terms of Election Law reform in this State of Illinois. Thank you very much."

Speaker Madigan: "Mr. Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am upset about this. I'm upset because the Election Laws Committee didn't meet. I'm a Member of both the Elections and the Election Law Committee. I had 25 or so Bills, all of which I had worked on along with a number of other people and submitted, and I know Members on the other side of the aisle had similar type of Bills. A great many of them they'd given a great deal of thought to, and I don't think that we can bring a Motion to Discharge a Bill and not take the time to get the input from all those people that are affected by that Bill. As we sit down here, we sometimes don't realize the implications of our legislation, but there are a good many of the processes that are... that we've suggested that are important. For instance, I had a solid Bill to open up the time for voter registration and increase voter registration. That might be disagreed with by Members on this side of the aisle and by Members on that side of the aisle. One of the other Representatives with... who also serves on the Election Committee has a similar type Bill. We were working

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

42nd Legislative Day

May 3, 1987

together to try to work these things out. But by stifling the process, by putting everything into one bill, we've defeated what is the purpose of this General Assembly, and that is to debate the legislation, take the input from the public and make a decision and move it forward to the House floor. And for that reason, I think we must re-examine and ask you, Mr. Speaker, to re-examine the process by which we're dealing with elections. We can no longer take the position that we aren't going to deal with elections. The Chairman of the Chicago Board of Election Commissioners says 50,000 people voted illegally in the Chicago primary. Something has to be done in this state to correct that situation. We need to start to work with him to solve the problem. We need to solve the problem with all of the county clerks of this state. We need to open up the registration procedures and let the people register to vote and vote their conscience and do what is their right in a democracy, and to do that, we need to hold Committee hearings and let every Member get their Bills to the floor. Thank you."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. This latest procedure employed by the Majority is... is only the latest in a long line of procedural irregularities and liberties taken with the rules, violation both of the spirit and intent of the rules. House Bill 2440 was vote out on an Attendance Roll Call, that Attendance Roll Call, having been taken the day before. It was done while the Republican Conference, which was called yesterday, was still in Session, in violation of the rules. It was taken over the objection of a single Republican who left the Conference to monitor the Committee, and therefore, violated rules. And now, apparently, the Majority has seen the wisdom of retreating

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

42nd Legislative Day

May 3, 1987

on this issue. We, however, are concerned that you will merely recommit this Bill to Committee, cleaning up those procedural errors only to discharge the Bill by a Majority vote, a simple 60 votes. We expect to see the Supplemental Calendar discharging House Bill 2440 in a matter of minutes, and we are disappointed, and the people of the State of Illinois are disappointed, and anyone listening on their behalf should be disappointed to see that this procedure has been engaged in. What are we hiding? What is the Majority hiding? They have the votes. Why not conduct the Committees in the open, take those votes, use their Majority to vote matters in a procedurally proper manner, and take them to the floor. Instead, there's been collapsing of Bills, there's been partisan Roll Calls denying the Republicans a forum at Second or Third Reading. It is only consistent with the way the whole Session has been run. We ask you, Mr. Speaker, to recommit this Bill to Committee but not to try to discharge it, to admit the mistake that the Majority has made, and to let the matter die, or in the alternative, to bring out a vehicle that both sides can participate in to the benefit of the people of the State of Illinois."

Speaker Madigan: "Mr. Hallock."

Hallock: "Thank you, Mr. Speaker and Members of the House. I suppose what's most shameful about what we're doing here today is that this effort really represents kind of an accumulation of what's happened all Session long, and we, on our side of the aisle, tried to present to you way back in January, an illustration of what might happen if you try to grab power in this fashion. We suggested to you by shortening debate, it would be bad for the entire process and for the people of this state. We suggested to you by creating more Committees and Subcommittees, that the

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

42nd Legislative Day

May 8, 1987

Members would have a hard time making those meetings and being diligent. We suggested to you, as well, throughout the entire Session, that trying to grab power in this fashion would not only reflect ill on the General Assembly, but on the people of the State of Illinois. And so, I suppose all of us here today have to feel a sense of sadness that this has occurred. This is not just an occurrence which I think we're going to pass by today, but it's a travesty. To contemplate a Committee which never, ever met, other than for organizational purposes and greetings, that they could actually pass out a Bill on an Attendance Roll Call is absolutely disgraceful. I don't recall it having happened here before in the General Assembly. I would say all of us here today have to ponder this move, because this has never happened before, that I can recall, and should never happen again. All of you on that side of the aisle, I would urge to reflect upon this. Yesterday, when many of us were in Conference, this Committee was actually supposedly meeting. That shouldn't happen. When we're in Conference, when we're on the floor, Committees shouldn't meet. All of you on that side of the aisle, I would hope, would ponder this very seriously and ensure that your Leadership does not ever again allow this to happen."

Speaker Madigan: "Mr. Greiman, to close."

Greiman: "Thank you, Mr. Speaker. There was a lot of rhetoric and the issue is a narrow one. An error was made. We seek to correct that error. Suffice it to say, we have an Election Code which is fairly thick, fairly comprehensive. Four and a half million Illinoisans voted in November. A million Chicagoans voted in February, another million in April. The process goes on. The elections are being done. The Republic has not fallen. But we did make a procedural

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

42nd Legislative Day

May 8, 1987

error, and we are sorry we did that, that it happened, sorry there was an error. And we come to you today to correct that error, to return this Bill from whence it came, from whence it came, erroneously. We can ask no more. We can do no more. We can't... we will not rent our clothing over it. We will not blacken our... blacken our head with ashes, but we will say, 'Let us correct the error that was made.' Mr. Speaker, I appreciate a favorable vote on the Motion to recommit House Bill 2440 to the Election Laws Committee. Thank you."

Speaker Madigan: "The question is, 'Shall the House adopt House Motion... Shall the House adopt the Motion that House Bill 2448... let us correct that. The question is, 'Shall the House adopt the Motion that House Bill 2440 be recommitted to the Committee on Election Law?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 62 'ayes' and 5 'nos'. The Motion carries, and House Bill 2440 had been recommitted to the Committee on Election Law. The House shall stand at ease."

Clerk O'Brien: "May I have your attention, please? Further Motions to discharge Committees. If you have them filed by 1:00, we will print another Supplemental Calendar. Motions to discharge Committees. Please have them filed by 1:00. Thank you. Committee Reports. Representative Mautino, Chairman of the Committee on... Select Committee on Small Business, to which the following Bill was referred, action taken May 7, 1987, reported the same back with the following recommendation: 'Interim Study Calendar' House Bill 257. Representative Dunn, Chairman of the Committee on Judiciary I, to which the following Bills were referred, action taken May 7, 1987, reported the same back with the

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

42nd Legislative Day

May 8, 1987

following recommendations: 'do pass' House Bill 692, 818, 1376 and 2630; 'do pass as amended' House Bill 1312; 'Interim Study Calendar' House Bills 37, 2023 and 2600. Representative Satterthwaite, Chairman of the Committee on Higher Education, to which the following Bills were referred, action taken May 7, 1987, reported the same back with the following recommendations: 'do pass' House Bills 1081 and 1587; 'do pass as amended' House Bill 2644; 'do pass Consent Calendar' House Bill 1485 and 1956; 'Interim Study Calendar' House Bills 1100, 1571, 1960, 1989 and 2705. Representative Ronan, Chairman of the Committee on Elementary and Secondary Education, to which the following Bills were referred, action taken May 7, 1987, reported the same back with the following recommendations: 'do pass' House Bills 795, 992, 1176, 1384, 1702, 1740, 1806, 1828, 2249, 2289 and 2724; 'do pass as amended' House Bills 146, 1047, 2165 and 1216; 'do pass Short Debate Calendar' House Bill 1805; 'tabled by Rule 26(d)' House Bill 82; 'Interim Study Calendar' House Bills 563, 910, 927, 1732, 2024, 2025, 2026, 2283, 2383 and 2393. Representative O'Connell, Chairman of the Committee on Judiciary II, to which the following Bills were referred, action taken May 7, 1987, reported the same back with the following recommendations: 'do pass' House Bills 378, 543, 1113, 1154, 1221, 2342... that's 1342, 1415, 1524, 1567, 1569, 1576, 1596, 1614, 1628, 1670, 1706, 1786, 1885, 1995, 1996, 2044, 2105, 2106, 2107, 2153, 2180, 2299, 2302, 2366, 2480, 2572, 2573, 2574, 2576, 2577, 2578, 2587, 2591, 2607, 2674, 2701, 2702 and 2740; 'do pass as amended' House Bills 937, 1632, 2065, 2093, 2330, 2348, 2571, 2594 and 2700; 'Interim Study Calendar' House Bills 377, 480, 501. Further Interim Studies from Judiciary II. House Bills 647, 897, 951, 1066, 1130, 1200, 1676, 1718, 2047, 2150, 2242, 2264, 2570

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

42nd Legislative Day

May 3, 1987

and 2586. Representative Ronan, Chairman of the Committee on Transportation and Motor Vehicles, to which the following Bills were referred, action taken May 5, 1987, reported the same back with the following recommendations: 'do pass' House Bills 422, 687, 688, 801, 823, 824. 'Do pass' Motions from Transportation: House Bills 422, 687, 688, 801, 823, 824, 989, 1185, 1258, 1344, 1512, 1735, 1760, 2202, 2208, 2209, 2323 and 2327; 'do pass as amended' House Bills 532, 1021, 2207, 2636 and 2750; 'Interim Study Calendar' House Bills 1186, 1514, 1759, 1833, 2018, 2704, 2738 and 2764. Representative Ronan, Chairman of the Committee on Transportation and Motor Vehicles, to which the following Bills were referred, action taken May 7, 1987, reported the same back with the following recommendations: 'do pass' House Bills 1173, 1504, 1528, 1538, 1551, 1647, 1850, 1957, 2059, 2060, 2319, 2321, 2340, 2341 and 2342; 'do pass as amended' House Bills 48, 65, 1758, 1953 and 2655; 'do pass Consent Calendar' House Bill 1031, 1869, 2151 and 2656; 'do pass as amended Consent Calendar' House Bill 919; 'do pass as amended Short Debate Calendar' House Bill 1288; 'be adopted' House Resolution 216; 'Interim Study Calendar' House Bills 1004, 2129, 2344, 2345, 2608, 2610, 2679 and 2875. Supplemental Calendar #2 has been distributed. Supplemental Calendar #3 has been distributed."

Speaker Madigan: "The House shall come to order. On House Calendar Supplemental #3 there appears a Motion relative to House Bill 2440. The Chair recognizes Mr. Greiman. For what purpose does Mr. McCracken seek recognition?"

McCracken: "A point of order, Mr. Speaker. Pursuant to Rule 77(b), the Motion must have been in writing and on the... carried on the Daily Calendar for the next Legislative Day under the Order of Motions. This Subsection can be

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

42nd Legislative Day

May 8, 1987

suspended only by a Motion adopted by 71 votes. This Calendar just came out now, today, Friday, and was not on the Calendar for a day as required by the rule... order. It's, therefore, out of order."

Speaker Madigan: "Mr. McCracken, as I told your father the other day, you're doing a very good job here. Your point is well taken. Relative to the Motion filed on House Bill 2440, which appears on Supplemental Calendar #3, then your Motion is also well taken as to every Motion which appears on House Calendar Supplemental #2, and 4, which is on the way out. This is 2, so if any of you... "

McCracken: "Speaker?"

Speaker Madigan: "Yes, Sir? Let me finish. If any of you have filed Motions that appear on Supplemental #2, 3 or 4, they are all out of order. Mr. McCracken."

McCracken: "Mr. Speaker, every Motion appearing on Supplemental #2, but one, appears properly in today's Daily Calendar. It is only Supplemental #4, which we have not yet seen, which may be out of order. I asked the Parliamentarian to see Supplemental #4 and to see if the House couldn't conduct business today. I haven't been shown it, and if... if... "

Speaker Madigan: "Mr. McCracken, pursuant to your point of order, if 4 is not even on the floor yet, obviously, in your wisdom, you're correct. Now, we do have some work to do. We have the matters that appeared on the Daily Calendar, and they start on page 57, and under the Order of Motions there appears a Motion by Mr. Mautino relative to House Bill 7. Mr. Mautino."

Mautino: "Thank you very much, Mr. Speaker. I move to discharge the Committee on Revenue from further consideration of House Bill 7 and move to the posture of Second Reading First Legislative Day."

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

42nd Legislative Day

May 8, 1987

Speaker Madigan: "The Gentleman moves to discharge the Committee from further consideration of this Bill. Is the Chairman of the Committee on the floor? The Chair recognizes Mr. Keane. Mr. Keane. Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. Before the response, is it your wishes that I explain the reason for the Motion to Discharge or after the Chairman's posture is taken? I would like the opportunity to do so."

Speaker Madigan: "Well, proceed."

Mautino: "Thank you very much. House Bill 7, which is a bipartisan effort of approximately 30 Sponsors, addresses a long-term economic tool for the State of Illinois. It was posted for the Revenue Committee and Assigned from that Committee to the Subcommittee on Sales Tax and Utility Tax, since that's the area that House Bill 7 addresses. The Committee was called. There were 5 Members on the Committee, of which 4 appeared at the Subcommittee meeting, 2 Republicans and 2 Democrats. The Bill was presented, the Amendment adopted to that legislation which phased in those proposals to eliminate the utility tax on manufacturing, and the vote was 2 to 2, because there are only 4 Members. Therefore, the Bill stayed in the Subcommittee, and the Chairman was very gracious in continuing to post it as of yesterday and today for those Subcommittee meetings. Consequently, there were about 90 Bills between those two Subcommittee meetings and a probably, another 30 Bills in the regularly scheduled Revenue Committee hearings. The Legislation is extremely important. There are proposals for increasing taxes and programs that are on the House floor, and I think this should be a part of any consideration for the later portion of this Session. The Chairman was responsive, and I appreciate it. The vote was 2 to 2. It did not have the opportunity to come back, as

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

42nd Legislative Day

May 8, 1987

the Chairman had wished that I would come back when there was a full Committee. Therefore, for a full hearing on this legislation, I respectfully request that we discharge the Committee so it can appear before us here on the House floor."

Speaker Madigan: "Mr. Keane."

Keane: "Thank you, Mr. Speaker. The Sponsor is exactly correct. We had a 45 minute Subcommittee hearing on the Bill. We found out that it was going to cost the state between 120 and 150 million dollars a year in lost revenues. As everyone who's come before Revenue Committee this Session has found out, we are not... we were very, very stingy in allowing any kind of tax relief reducing the revenue base. Whether we had 4 or 40 Members in the Revenue Committee, the Bill probably would have lost, as had others. It... as the Sponsor indicated, we did post it continually. He was unable, for whatever reason, to return. We were willing to give him 5 vote... a 5 vote Subcommittee if he wished, and therefore, I would resist and ask the Membership to resist this Motion."

Speaker Madigan: "Mr. Mautino moves to discharge the Committee on Revenue from further consideration of House Bill 7. His Motion has been opposed by the Chair of the Committee, and the Chair recognizes Representative Frederick."

Frederick: "Yes, Mr. Speaker and Members of the Assembly, I would like to say, also, that the Sponsor of this legislation was absolutely correct in his appraisal of it. It is extremely important legislation, and I think it deserves an 'aye' vote from our side of the aisle."

Speaker Madigan: "The question is, 'Shall the Motion be adopted?' Those in favor signify by voting 'aye', those opposed by voting 'no'. The Clerk shall take the record. On this question, there are 77 'ayes', 26 'nos'. The Motion

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

42nd Legislative Day

May 8, 1987

carries. A Motion has been filed with the Clerk by Representative Greiman. The Motion reads, 'I move to extend the deadline for Committee Consideration of House Bill 2440 by the Election Law Committee until May 15, 1987.' Mr. Greiman."

Greiman: "Yes, Mr. Speaker, I suspect that we all learned there are several ways to skin cats, and I believe that it takes 60 votes for this Motion. And we ask that the House consider the Motion and affirmatively adopt it."

Speaker Madigan: "Mr. McCracken."

McCracken: "Mr. Speaker, thank you. Point of order. I believe this Motion affects the rules of the House and requires a three-fifths vote, not a Simple Majority or a Constitutional Majority."

Speaker Madigan: "Mr. Olson?"

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Without rephrasing the entire statements of just an hour ago, we would like to ask you to take due consideration to what is being suggested, here, after the things that have transpired with this Election Committee over the course of the last couple of years. Mr. Speaker?"

Speaker Madigan: "Yes, Mr. Olson?"

Olson: "Thank you very much. Would the Sponsor of this Motion accept a Motion by Members on our side to amend a number of election laws to this Motion? We have some suggestions with which we might move forward - a couple of Democratic Bills, a couple of Republican Bills - and I think that would be acceptable to all sides, and you could probably get 115 votes."

Speaker Madigan: "For Committee... excuse me. For Committee consideration?"

Olson: "Yes, what I'm suggesting is that the maker of the Motion might take this out of the Order of Business for the moment

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

42nd Legislative Day

May 8, 1987

and permit us to address this issue one more time."

Speaker Madigan: "Sure. The Gentleman withdraws his Motion. Returning to the Regular Calendar on the Order of Motions, there appears House Bill 229. Mr. Barger."

Barger: "Thank you, Mr. Speaker. House Bill 229 was assigned to the Committee on Judiciary. I attended the meeting and was told that it was being sent to Subcommittee hearing in Chicago. It was recalendared for the Committee of the Whole, and I attended that and was told that it was to be put into a Subcommittee hearing down here. I attended the Subcommittee hearing down here, and one Member of the Committee was present. It was then referred back to the General Committee with a suggestion of 'do not pass'. And the reasons for that, apparently, stemmed from a report of the Medical Advisory Panel on AIDS, who supported nine Bills out of all of the AIDS Bills. One was to establish alternate test sites, to provide penalties for violations of confidentiality, education and provision and training, long-term care provisions, medical assistance benefits, and programs for intravenous drug abusers. All of these cost money, and some in very large amounts. They protect only the homosexual and the drug addiction population, and as of last evening, we find that we're not all immune to this problem. A United States Congressman passed away yesterday from AIDS. None of these Bills subject... supported by the State Health Department, would have done any good. The... by the time of the next substantive legislations Session, at least one Member of the Illinois Legislature will, quite probably, join the Congressman from similar causes. The Bill that I have is a very simple Bill. It protects confidentiality. It was presented to the general populace of the United States by the National Enquirer, and their readers supported the contention by a 9 to 1 vote. It does

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

42nd Legislative Day

May 3, 1987

not breach confidentiality. It is, in effect, a women's rights protection Bill, as it protects women from potentially infected bisexual partners. I would move at this time that it be discharged from the House Judiciary Committee and the entire Membership be allowed to vote on it."

Speaker Madigan: "The Chair recognizes the Chair of the Committee, Mr. Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I first rise on a procedural point. I believe the record will show that the Sponsor of this legislation voluntarily placed this Bill in Committee on the Order of Interim Study, and having done so, I think his Motion to Discharge is not proper and is out of order without further Motions. And I would ask the Chair to so rule."

Speaker Madigan: "The Chair rules that the Motion by Mr. Barger is in order, but will require 71 votes."

Barger: "That's good enough. May I speak to the Motion? "

Speaker Madigan: "Proceed, Mr. Dunn."

Dunn: "We heard the Sponsor indicate that he had been to Subcommittee, and I think the Chairman of the Subcommittee may wish to address the length of time spent on this particular legislation in Subcommittee. I think the point for consideration right now, which is important, is that there was not a hearing denied. There was a full hearing on this Bill in Subcommittee. The Bill was brought to the Full Committee for a vote, and my recollection may not be perfect, but as I recall, we were in the midst of a Roll Call, which was not going very well for the Sponsor, and at that particular time, he decided to... before the results were announced, to place the Bill on the Order of Interim Study. So... and this Subject Matter, of course, will not go away. There will be other chances to present the

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

42nd Legislative Day

May 8, 1987

substance of the legislation, but I think at this time, we should defeat this Motion to Discharge, and I would respectfully request a 'no' vote on this Motion."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I just wanted to briefly indicate that I was a Chairman of the Subcommittee on AIDS. We had hearings in Chicago. Representative Barger asked me if I could handle that Bill for him, which I did. We didn't take any votes on any of those Bills, but we did have testimony. We had testimony from 10:00 in the morning until 12:15. We had numerous witnesses. The only witness that spoke in favor of the Bill was a representative of the Lyndon LaRouche Party. The other witnesses all were opposed, including the Director of the Department of Public Health. So, I do feel that the Gentleman did receive a very fair hearing, both in the Subcommittee and in the Full Committee, and he just a few days ago indicated his intention of having the Bill go on Interim Study, and now seeks to have it on the House floor. I would urge you to vote against the Motion."

Speaker Madigan: "The question is, 'Shall the Judiciary I Committee... Mr. Barger.'"

Barger: "Mr. Speaker, a point of order. Under Rule 77(b), this was listed on the Calendar in a proper fashion for a Legislative Day, and I'm relatively certain that it only requires 60 votes."

Speaker Madigan: "The Parliamentarian will respond."

Pollack: "On behalf of the Speaker, Rule 27(c) provides that, notwithstanding Rule 77, a Bill on the Interim Study Calendar of a Committee may be discharged from Committee only on the affirmative vote of 71 Members. Accordingly, it will take 71 Members to discharge this Bill."

Barger: "I apologize."

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

42nd Legislative Day

May 3, 1987

Speaker Madigan: "Thank you, Mr. Barger. The question is, 'Shall the Judiciary I Committee be discharged from further consideration of House Bill 229?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 58 'ayes', 44 'nos'. The Motion fails. The Motion which had been filed with the Clerk by Mr. Greiman has been amended, and that Motion now reads that he moves to skin the cat a third way. 'I move to extend the deadline for Committee consideration of House Bill 1691 and House Bill 2440 by the Election Law Committee until May 15, 1987.' The Chair recognizes Mr. McCracken."

McCracken: "I wonder if we could take this out of the record for just a moment, Mr. Speaker."

Speaker Madigan: "Certainly, Mr. McCracken. The matter shall be taken out of the record. And again, on the Regular Calendar there appears a Motion on House Bill 250. Mr. Mulcahey? the Chair recognizes Mr. Mulcahey."

Mulcahey: "Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I move to discharge the Elementary and Secondary Education Committee from further consideration, advance to Second Reading, First Legislative Day, House Bill 250."

Speaker Madigan: "The Gentleman moves to discharge his own Committee from further consideration of House Bill 250. The Chair recognizes Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. As Chairman of the Subcommittee on Extracurricular Activities, the Subcommittee voted 5-0 to... not to pass House Bill 250. We are in the process now of the Senate-House Joint Committee on Extracurricular Activities, and this is the 'no pass - no play' legislation that that Committee is still working on with Cochairs Representative Mulcahey and

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

42nd Legislative Day

May 8, 1987

Jones... Senator Jones. And I would ask the House not to discharge House Bill 250. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in concurrence with the... with the previous speaker. This is a much more complex area than it appears. Obviously, the experience in the maker of the Motion's Committee illustrates the complications of the situation, and so with all due respect to the Chairman of the Committee who is trying to discharge his Committee, I believe we should have a negative vote on this."

Speaker Madigan: "Is there any further discussion? There is no further discussion. The question is, 'Shall the... Mr. Mulcahey.'"

Mulcahey: "Well, thank you, Mr. Speaker. I certainly do respect the work of the Subcommittee, but I think we should also point out that it's important that Members take into consideration the recommendations of a Committee Chairman, and I certainly do recommend a 'do pass' to discharge Motion on this particular measure. This has been out before the House many, many times, and I would certainly like to see this Bill on the floor at least one time this Session to give the full Membership an opportunity to debate it fully and to express themselves. It's too bad, and I might also point out, that Senator Jones' Committee on Sports will soon adopt a Motion which will extend that deadline to July 1st, and therefore, this is the only Bill we will have to this effect before us at this particular Session. I move... I ask for an 'aye' vote."

Speaker Madigan: "The question is, 'Shall the Committee on Elementary and Secondary Education be discharged from further consideration of House Bill 250?' Those in favor signify by voting 'aye', those opposed by voting 'no'."

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

42nd Legislative Day

May 8, 1987

Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 13 'ayes', 84 'nos'. The Motion fails. House Bill 255, Mr. Johnson."

Johnson: "Thank you, Mr. Speaker and Members of the House. I would move to discharge the Committee on Judiciary II, House Bill 255. This is a Bill, the Hyphenated Sponsors of which are Johnson, Rea, Hicks, Tate and Pangle. It's a Bill supported by the National Rifle Association, and it simply never got heard in Judiciary II. Through no fault of anybody except the process, there were vastly more Bills than there were time to have them heard. It just didn't have time to be heard. I think Representative O'Connell, as well as the Republican Spokesman, Representative Countryman, would acknowledge that, we simply want to have an opportunity to debate this important subject of the FOID card on the House floor, and I would move accordingly to discharge the Committee on Judiciary II."

Speaker Madigan: "The Chair recognizes the Vice Chair of the Committee, Mr. Homer."

Homer: "Thank you, Mr. Speaker. Representative O'Connell is the Chairman of the Committee. I'm the Vice Chair. He's not here today, and he asked me to handle these Motions, and he also asked me, and with which I agree, that I'm going to be opposing each and every Motion that has been filed to discharge Judiciary Committee II, and there's a very good reason for that. That Committee was assigned 251 Bills, of which 136 have been passed out onto the floor. 136 Bills came out of the Committee. The Committee worked hard. Yesterday we met for our four hour Session in the morning, then we recessed and met again, scheduled from 3:00 to 5:00 to hear additional Bills. There certainly are no lack of vehicle Bills on the floor that the Sponsors of these

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

42nd Legislative Day

May 3, 1987

Motions to discharge can find to amend their Bills, or sympathetic Sponsors would allow them to do that. With respect to the individual Bill that Representative Johnson wishes to discharge, it has to be pointed out that he filed that Bill back in February, and that the Bill was not posted for Committee hearing in the House Judiciary Committee until the final two weeks, even though the Committee had not met once, when the Bill was filed, so that there was certainly ample time to file the Bill. Yesterday, Secretary Edgar brought his DUI package to us in the morning, and that consumed a great deal of our time. In the afternoon, we were scheduled, the Democrats were in Committee waiting at 3:00. We sat there and cooled our heels for an hour waiting for the Republican Caucus to end, and at that time, we worked for an hour, and actually worked after 5:00 in order to accommodate Sponsors of Bills on both sides. At no time during any of those proceedings did I - I was there the whole time - see Representative Johnson come to the hearing room to present his Bill. Now, perhaps he did, and I... if he says he did, then I would stand corrected, but I... I did not see him in the Committee room any time during the weeks that his Bills were posted. And even though I had a great admiration and respect for Representative Johnson, and I would have voted for his Bill, I have to stand here today in opposition, and I would ask the Members to support me in opposing this Motion to Discharge."

Speaker Madigan: "The Sponsor of the Bill has moved to discharge the Committee from further consideration. The Vice Chair has stood in opposition to that Motion. The Chair wishes to remind the Members that these are Motions to Discharge Committee. We are not considering Bills on the Order of Third Reading, and with that in mind, why, we might curtail

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

42nd Legislative Day

May 8, 1987

some of the discussion. The Chair recognizes Mr. Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm the Minority Spokesman on the Judiciary II Committee, and we've had a good and busy year in that Committee. We've been very busy, and I think we've, at all times, had Sponsors in there that worked every hour that we've been scheduled to work, and it's been a pleasure to work with Representative O'Connell and Representative Homer as the Chairman and Vice Chairman. But, we had a number of Members who didn't get their Bills heard, and Representative Johnson, as many of you know, was unable to really make it in the Committee rooms a week ago. He gave me authorization to handle the Bills. I asked the Chairman to handle the Bills at that time. We were busy accommodating other Members, and the Chairman asked me to bear with the fact that we were accommodating other Members, and we never got to it. Yesterday, Representative Johnson talked to me about coming into the Committee. I indicated to him as soon as we saw a slowdown in the business, I would call him on the phone and have him come, rather than have him sit in the Committee room all of that time and wait to get his Bills heard. As Representative Homer has indicated, he came. In essence, I told him he wasn't going to get heard in the morning, because we had the Secretary of State and we had all kinds of people who are... who are on line and we'd made commitments to, and that was true. In the afternoon, he again contacted the Chairman and contacted me and said that he was on his way over, and at that time, frankly, I even had a hard time getting two very simple Bills, the only two that I had in the Committee, heard. We had to cut it off and we had to cut off Members from being heard, and Representative

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

42nd Legislative Day

May 8, 1987

Johnson was one of those Members. So, I would... with no position on the merit, because I may not support the Bill on the merits, I feel that we ought to discharge Committee and get this Bill on the floor of the House and have a debate on it, and I would respectfully dissent with the Vice Chairman and ask the Members to vote with Representative Johnson."

Speaker Madigan: "The Chair recognizes Mr. Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I felt that someone on this side of the aisle should rise in support of this Motion. If you believe in gun ownership, this is a good Bill to support, and even if you don't, you should support this Bill, because the concept is consistent with the viewpoint that when someone is convicted of a crime, they can, in most cases, ultimately point to the fact that their debt to society has been paid. The current status, or law, leaves that debt unpaid and outstanding, forever. The substantive Bill behind this Motion is a good Bill, and I would recommend an 'aye' vote in support of this Motion."

Speaker Madigan: "The Chair would again suggest to the Members, these are Motions. The Chair recognizes Mr. Tate."

Tate: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As the previous two speakers have indicated, the workload of the Judiciary Committees have been... they have worked hard, but it was a tough Committee. Anyone... every Member in this chamber who has been to Judiciary knows how overloaded those Bills are. I would again remind the Membership that this was a National Rifle Association Bill that was packaged, and would move for a favorable discharge."

Speaker Madigan: "Representative Stern."

Stern: "Mr. Chairman... Mr. Speaker and Members of the House. I

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

42nd Legislative Day

May 8, 1987

just wanted to observe that while we didn't hear this particular Bill in Judiciary II, we heard one just like it that Mr. Klemm presented, and we debated the issue at considerable length, and it got a full hearing, and that was it. We voted it down, and I don't think it has anything to do with NRA or firearms or anything else. It's a matter of the Bill having had a full hearing, and that should be the end of it. Thank you."

Speaker Madigan: "Mr. Matijevidch?"

Matijevidch: "Mr. Speaker, in the past Sessions, what we've done with this procedure is allow the maker of the Motion to put the Motion on the floor, then the Chairman or Vice Chairman and the Minority Spokesman speak to the issue. I think what's going to happen if we allow what we're doing now... we're all going to hear about the substance of each of these Bills, and we don't want to hear that. And I would hope that we try to use a procedure we've done in the past, and we'd quicken this process."

Speaker Madigan: "Well, your point is well taken, Mr. Matijevidch, and maybe we can simply do that by consent... voluntary consent. Now, no one else is seeking recognition on this particular Bill, and therefore, the question is, 'Shall the Judiciary II Committee be discharged from further consideration of House Bill 255?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 59 'aye', and 44 'no'. Mr. Johnson. Mr. Johnson."

Johnson: "We only need one vote."

Speaker Madigan: "Mr. Johnson?"

Johnson: "Please poll the absentees, Mr. Speaker."

Speaker Madigan: "The Clerk shall poll the absentees. Mr. Shaw

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

42nd Legislative Day

May 8, 1987

wishes to be recorded as 'aye'. Mr. Turner wishes to be recorded as 'aye'. On this question, there are 61 'ayes' and 43 'nos', and the Judiciary II Committee is discharged from further consideration of House Bill 255. House Bill 333, Mr. Johnson."

Johnson: "I want to... I don't want to take the House's time. We can use that one Bill to address this general subject matter, so I would withdraw my Motion with respect to House Bill 333."

Speaker Madigan: "House Bill 342, Mr. Barger. Mr. Barger."

Barger: "Speaker, I wouldn't want to waste your time with this. I know the actions of the Judiciary Committee for the last five years, so I withdraw my Motion."

Speaker Madigan: "Thank you, Mr. Barger. House Bill 437, Mr. Ewing. Mr. Ewing. The matter shall be taken from the record. House Bill 582, Mr. Mulcahey. Mr. Mulcahey."

Mulcahey: "Thank you, Mr. Speaker, Members of the House. I move to discharge the Elementary and Secondary Education Committee from further consideration and advance to Second Reading, First Legislative Day, House Bill 582. As we all know, through the... through the Sessions and Committees this year, we tried to categorize a number of Bills. There were five Bills that were related to this particular area, and as it turned out, we agreed that we would go with Representative Satterthwaite's Bill on the holiday issue. Yesterday, as late as yesterday, an agreed list was put out in the Elementary and Secondary Education Committee. Included in that was Representative Satterthwaite's Bill. Subsequent to that, the Bill was taken off the Agreed Bills list when it was heard before the Full Committee late in the afternoon at a recessed Committee. There were not nearly enough people there to have it receive a fair hearing, and therefore, I move for this discharge."

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

42nd Legislative Day

May 8, 1987

Speaker Madigan: "Mr. Mulcahey, did you move to discharge the Committee? Okay. The Gentleman moves to discharge the Committee on Elementary and Secondary Education. Does the Chairman of the Committee wish to resist this Motion? The Chair recognizes Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 582, as the Chairman of the Committee indicated, was one of five Bills related to school holidays, and we had hoped to put one of those... one of those Bills out of Committee yesterday, but it was overwhelmingly defeated in Committee on the Agreed Bill list. So... So, those of us who put the Agreed Bill list together didn't really have the sense of the Committee. I think it's a worthy topic of discussion. I hope you'll take a look at the Bill and use your own good judgment."

Speaker Madigan: "The question is, 'Shall the Committee on Elementary and Secondary Education... The Chair recognizes Mr. Mulcahey.'"

Mulcahey: "Well, just let me clarify one thing, Mr. Speaker. Indeed, as I indicated, there was an Agreed Bill list, and we also agree that Representative Satterthwaite's Bill would be on... would be the Bill we would go with. But to suggest that that is the Bill that this Body wants is erroneous. I think that the Bill we're talking about, House Bill 582, is the Bill that should be heard by this particular Assembly. So, don't be misled by the fact that it was defeated in Committee. Senate Bill... House Bill 582 was never heard in Committee. It's my Bill and I did... It was never heard because I agreed to go with Representative Satterthwaite's Bill, and then her and myself and Representative Parcels and Representative Giglio would amend it on Second Reading to make it as we saw fit. So therefore, this Bill was never heard in

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

42nd Legislative Day

May 8, 1987

Committee, but the one we went with was knocked off the agreed list, so therefore, I would urge you to give me an 'aye' vote on this Bill so that it can be heard on the floor in front of the entire Assembly."

Speaker Madigan: "The question is, 'Shall the Committee on Elementary and Secondary Education be discharged from further consideration of House Bill 582?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 45 'ayes' and 59 'nos', and the Motion fails. House Bill 599, Mr. McCracken."

McCracken: "I withdraw the Motion, Mr. Speaker."

Speaker Madigan: "Thank you. House Bill 625, Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. House Bill 625 would amend the Highway Advertising Control Act, which currently preempts local control of a stricter nature of billboards. This would allow local zoning control over those billboards, which are currently the only type of structures exempt from that local control. I did not call this Bill in Committee. I had called the identical Bill in Committee last year, and rather than merely defeating the Bill, a 'do not pass' Motion was made, thereby requiring 71 votes to take from the table. With all respect to the Committee, I had no reason to believe it wasn't going to happen again, and I respectfully request that this matter be given a fair hearing and be voted up or down on Third Reading. I'm not saying it has to pass, all I want is a fair chance to get it heard."

Speaker Madigan: "The Gentleman moves for discharge from further consideration and the Chair recognizes the Chairman of the Committee, Mr. Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. I rise to

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

42nd Legislative Day

May 8, 1987

disagree with the Motion of Representative McCracken. He's correct. He had a similar Bill in House Transportation a couple of years ago that got a 'do not pass' Motion, but we have a much different Committee this time. We've got some very enlightened Members, and we sat there anxiously awaiting Representative McCracken's Bill. We... We held the Committee twice this week. Representative McCracken used to come in and sit there, and we waited with bated breath, almost, waiting for this Bill to be called. I feel that the Bill would have gotten an absolute fair hearing. We... We listened to a number of Republican Bills this year. We gladly voted it out. I worked very closely with the Republican Spokesman, who had to leave early today, but he, too, supports my position that this Bill should not be discharged from Committee. I think that the proper place for this Bill is the Transportation Committee. I look forward to whatever Senate Bills come over that deal with this subject matter so we can give them a fair and honest hearing. Now, that's why I rise in opposition to the Bill. I think that this kind of legislation should come before the Transportation Committee so that we all have a chance to debate it, reason it, amend it and do what's right concerning the legislation. I oppose the Discharge Motion."

Speaker Madigan: "Mr. McCracken."

McCracken: "To close, Mr. Speaker?"

Speaker Madigan: "Proceed."

McCracken: "My staff person tells me that substitute Members were coming in looking for me all day at the Transportation Committee. I respect the Gentleman, and I know that if I had gone there, I would have gotten a fair hearing, whereupon the Bill would have gotten a 'do not pass' Motion. I respectfully request that the Committee be

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

42nd Legislative Day

May 8, 1987

discharged."

Speaker Madigan: "The question is, 'Shall the Committee on Transportation be discharged from further consideration of House Bill 625?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 43 'ayes', 56 'nos'. The Motion fails. House Bill 1341, Mr. Preston. Mr. Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The... House Bill 1341 was... we did not have an opportunity to hear in Committee. I'm Chairman of the Consumer Protection Committee, and I held that Bill to be fair to all the other Members of this Body and Members of the Committee to let them hear their Bills first, and we recessed on the final day, and we were unable to get a quorum in the Committee on the final day, and Representative Klemm is aware of that, because he was kind enough to be there, but other people had other Committee commitments, and couldn't be there for that Bill, so I'd ask to have a fair hearing on this Bill and ask if you'd be kind... I know of no opposition to this Bill at all, and I'd ask for you to give me a favorable vote on the Motion to Discharge."

Speaker Madigan: "Mr. Hoffman. Mr. Hoffman."

Hoffman: "Yes, I am sorry, Mr. Speaker. I didn't hear the explanation of the Sponsor of the Motion."

Speaker Madigan: "Mr. Preston."

Preston: "Yes, Mr. Speaker and Representative Hoffman, House Bill 1341 was assigned to the Consumer Protection Committee, and we did not have an... I'm Chairman of that Committee, and I didn't call the Bill. I kept it on the Calendar till the last day to give all the other Members... Members of this

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

42nd Legislative Day

May 3, 1987

Body and Members of the Committee an opportunity to hear their Bills, and we recessed the Committee until the final day, and on the final day, we could not get a quorum in the Committee, so the Bill never had an opportunity to be heard. We waited about an hour, from 8:00... the Committee was supposed to meet at 8:00, and it was never... we only got 6 Members there instead of the required 8 to have a quorum. I know of, absolutely, no opposition to this Bill, and there were no Committee slips on the Bill. Representative Klemm was at that final Committee hearing and knows that we just couldn't get a quorum."

Speaker Madigan: "Mr. Hoffman. The Chairman of the Committee moves to discharge his own Committee from further consideration of the Bill. Is there leave? Objection is heard. Those in favor of the Motion will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 75 'ayes' and 29 'nos'. The Motion carries. House Bill 1765, Mr. Rea. Mr. Rea."

Rea: "Thank you, Mr. Speaker, Members of the House. I move to discharge Jud II on House Bill 1765 from further consideration, advance to Second Reading. This Bill was heard in Committee. However, there is much activity going on during the time and people coming and going, and it lacked one vote of coming out of Committee, and I'm sure that if it hadn't have been due... if it hadn't have been for the busy times there, that the Bill would have come out. A similar Bill had passed out of the House last year and had gone to the Senate and it got bogged down in the legislative process there. So, I would ask for a favorable Roll Call."

Speaker Madigan: "Mr. Homer."

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

42nd Legislative Day

May 8, 1987

Homer: "Thank you, Speaker. I rise in opposition to the Gentleman's Motion. The question here today should not be whether or not we're for the Bill. In fact, I supported the Member's Bill in Committee, but I oppose the Motion because the question should be: 'Did the Member receive fair consideration before the Committee, and did he receive his right to a Roll Call?' The Member did appear - Representative Rea appeared. There was a full hearing on the Bill. The Bill failed in Committee. That was two weeks ago. Representative Rea returned yesterday for a second Roll Call. He was called to present his Bill, but made a determination not to call the Bill for the second Roll Call, even though the opportunity had been afforded. So, Representative Rea did receive full consideration by the Committee, an opportunity for two Roll Calls, and if the Committee system is to mean anything, then it should mean that Motions to Discharge under these kind of circumstances must be defeated."

Speaker Madigan: "Mr. Countryman."

Countryman: "Thank you, Mr. Speaker. I'm the Spokesman on the Committee. I was there at the time the Bill was called. It was heard. It was 1 vote short. Representative Rea returned again the next week and was given an opportunity by the Chairman to call the Bill again and was just about to move into the Chair to call the Bill when Chairman O'Connell indicated to him that he would not support the Bill and did he want the Roll Call at that time. Representative Rea said at that time, he did not want the Roll Call, and that was about the end of the meeting before Session that day. He had an opportunity to have his Bill heard. He had an opportunity to have it called twice, which is a lot more than a lot of the other Members of that Committee have had. I would, for that reason alone, have

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

42nd Legislative Day

May 8, 1987

to stand in opposition to this Motion to Discharge. Thank you."

Speaker Madigan: "Mr. Rea, to close."

Rea: "Thank you, Mr. Speaker. I would certainly want to thank Representative Homer for his vote, there. I did return for a second vote. Again, in terms of the... in looking at the attendance there, I knew that the opportunity was not there, and so that's the reason I'm moving today to discharge from Committee and would ask for a favorable Roll Call."

Speaker Madigan: "The question is, 'Shall the Committee on Judiciary II be discharged from further consideration of House Bill 1765?' On that question, those in favor of the Motion signify by voting 'aye', those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 25 'ayes', 68 'nos'. The Motion carries. (sic - failed) The Chair recognizes Mr. Greiman."

Greiman: "Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Greiman, let us correct the record. Relative to House Bill 1765, the Motion failed. The Motion failed. Mr. Greiman."

Greiman: "Thank you, Mr. Speaker. I noted a few minutes ago that there were more than one way to skin a cat. I didn't know that I was going to be the cat, however. Accordingly, Mr. Speaker, I would move to dis... that the House discharge Committee on Elections on House Bills 1691 and 2440 and that they be placed on the Order of Second Reading, First Legislative Day."

Speaker Madigan: "Mr. Greiman, you've spoken to Mr. Olson?"

Greiman: "Yes."

Speaker Madigan: "Mr. Olson?"

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

42nd Legislative Day

May 8, 1987

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'll confirm what Representative Greiman has indicated, and would urge support for this Motion."

Speaker Madigan: "The Gentleman moves... so the first question will be the suspension of the Calendar requirements. And on that question, is there leave? Leave is granted. And then, to the question of the Motion to Discharge. Is there leave? Leave is granted, and House Bill 2440 and House Bill 1691 are both placed on the Order of Second Reading, First Legislative Day. House Bill 1773, Mr. Rea."

Rea: "Thank you, Mr. Speaker, Members of the House. 1773 is a very important coal Bill. It was heard in Committee right towards the end. I, in fact, on the last day, had asked for it to be posted prior to that time, but it was posted the last week, and, I believe, that as a result, that there was some people that did... because of hurrying through the proceedings, there, that there were some people that did not have all the information and did not have it available at that time, and so, therefore... otherwise, the Bill would have come out of Committee, and I would ask at this time, that... to discharge House Bill 1773 from the Committee."

Speaker Madigan: "Mr. Levin."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, I must reluctantly rise in opposition to the Gentleman's Motion. The Bill was heard in Committee at our last meeting. It had a full discussion, and after that discussion and testimony, it did not receive sufficient votes to be reported out of the Committee. So, I would object to the adoption of this Discharge Motion."

Speaker Madigan: "Mr. Tate."

Tate: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Representative Rea's Motion. This

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

42nd Legislative Day

May 8, 1987

issue is an issue that I think concerns a great many people in this state. It's something that should be debated on this House floor, and I encourage a 'yes' vote."

Speaker Madigan: "Mr. Ackerman."

Ackerman: "Thank you, Mr. Speaker. I just wanted to confirm what Representative Rea has said. I believe, due to Committee conflicts and people not being in the Committee at the time, it did not get a fair hearing, and I would urge a 'yes' vote on discharging this Bill."

Speaker Madigan: "The question is, 'Shall the Committee on Public Utilities be discharged from further consideration of House Bill 1773?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 46 'ayes', and 46 'nos'. The Motion fails. House Bill 1818, Mr. Goforth."

Goforth: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to discharge Public Utilities from further consideration and advance it to Second Reading. Being the old country boy that I am, I forgot the main thing of how to count. I thought eight vote was all I needed to get out of that Committee, and I had fifteen, but at that time, it was just eight of them there. Since then, I've talked to the Chairman and also the Leadership on that side over there. So, I'd appreciate your support."

Speaker Madigan: "Mr. Levin."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, I would have no objection to the discharge of House Bill 1818."

Speaker Madigan: "Mr. Ackerman."

Ackerman: "I would also urge the House to pass this Bill out, Mr. Speaker."

Speaker Madigan: "Fine. Is there leave for the Motion? Leave is granted, and House Bill 1818 shall be placed on the Order

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

42nd Legislative Day

May 8, 1987

of Second Reading, First Legislative Day. House Bill 1847,
Mr. Johnson. Mr. Johnson."

Johnson: "This Bill never had an opportunity to be heard in
Committee. For all the reasons that were enunciated before
on House Bill 255, I would ask that Judiciary II be
discharged, and that Representative Preston and I have an
opportunity to be heard on this subject matter."

Speaker Madigan: "The Chair recognizes Mr. Homer."

Homer: "Thank you, Mr. Speaker. There is one substantial
difference between this Bill and House Bill 255 that
Representative Johnson raised earlier, and that is that
this is a Bill with major proportions, controversial, to
say the least, in which groups such as the Illinois Retail
Merchants Association would be violently opposed among
others. Not to say that we shouldn't pass Bills under
those circumstances, but we should pass Bills only after
they've been afforded an opportunity for a public hearing.
This Bill was not heard in Committee. It was not posted
until the final week or two. At no time did Representative
Johnson, to my knowledge, appear in Committee and ask to
have the Bill called for hearing. This is a Bill that
ought to be given full consideration for public hearing,
should not be acted upon hastily in a bypass of Committee
and; because of the importance of the Bill, it should have,
in my view, been brought before the Committee for full
consideration by the Sponsor rather than rest upon a Motion
to discharge at this late stage of the game. So, I would
ask you to oppose this Motion."

Speaker Madigan: "Mr. Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House. I respect the integrity and opinion of
Representative Homer, greatly. I just want to bring to
everyone's attention because I think Representative Johnson

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

42nd Legislative Day

May 8, 1987

was reluctant to mention it, that he was absent from his duties in the House because he was... underwent some surgery and missed a week or more in which this Bill might have otherwise have that opportunity for a hearing in the Committee. So, this is not... we're not trying to pull the wool over anyone's eyes. There was no opportunity because Representative Johnson was incapacitated for sometime. We just want to have this Bill be heard, and I do not know of that opposition that Representative Homer referred to. In fact, I know a number of retail merchants who once made to understand that this enables people to get convictions. Doesn't prohibit it, that they would, indeed, if they have an opportunity to hear it, be in favor of this legislation. So, we're looking for just an opportunity to hear this Bill and to give Representative Johnson an opportunity to have his Bill fairly heard."

Speaker Madigan: "Mr. Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm the Spokesman on the Committee, and again, it's the same situation with the other Bills. I don't think we ought to get into the merits of the Bill. Although, no one has spoken to me as Spokesman on the Committee that they had any opposition to the Bill or made me aware of any opposition to the Bill. I don't think that's the question before us right now. Representative Johnson asked me to handle his Bills one week. I requested the Chairman to be heard on his Bills and the Chairman asked me to bare with him to accommodate Members who are sitting and waiting. We did that. We didn't get to them that week. This last week Representative Johnson came to the Committee, asked to have his Bills heard. Both the Chairman and I told him that there wouldn't be an opportunity in the morning, in the afternoon. He once again called and requested to have his

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

42nd Legislative Day

May 8, 1987

Bills heard, and we ran out of time. I think the Gentleman is entitled to get a hearing on the House floor, and I think we can look at the merits on the House floor and do a fine job here. And I support the Gentleman on his Motion."

Speaker Madigan: "The question is, 'Shall the Judiciary II Committee be discharged from further consideration of House Bill 1847?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 44 'ayes', 53 'nos'. The Motion fails. House Bill 2039, Representative Pullen."

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. My Motion is to discharge House Bill 2039 from the Committee on Assignment. According to the rules, the Committee on Assignment has three legislative days in which to assign a Bill. If you look in your digest, you will find that this Bill was introduced April 10, 1987, referred to Committee on Assignment and unlike all but five other Bills in this digest, there isn't anything after that, because it's still in the Committee on Assignment. So, if there's any Bill that is on this discharge Motion Calendar that could not have had a hearing, through no fault of the Sponsor, I would suggest that this is it. And further, I would suggest that this is a very important issue for the people of Illinois for us to be able to debate on this House floor, because the Bill repeals the Vehicle Emissions Inspection Law that is oppressing many of our citizens. And I think it's in order that it be heard in the House and then you can decide how you want to vote on it after debate, but it is unfair for it not to have any hearing at all. So, I move to discharge the Committee on Assignment from whatever consideration they might give to the Vehicle Emissions Inspection repeal."

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

42nd Legislative Day

May 3, 1987

Speaker Madigan: "Mr. Greiman."

Greiman: "Yes, an inquiry... parliamentary inquiry. It's my understanding that one can't discharge that Committee. There might be other appropriate Motions, but I think this Motion is out of order."

Speaker Madigan: "Did you want a ruling before you address the Body?"

Pullen: "No. I would respectfully suggest that the rules say that a Bill may be discharged from any Committee. It doesn't say from any Standing Committee. It says, any Committee, and this is a Committee."

Speaker Madigan: "The Parliamentarian will respond."

Mike Pollack: "On behalf of the Speaker, the Motion is out of order. Rule 33, dealing with the assignment of Bills, provides that a Bill may be advanced to the Order of Second Reading without reference to Committee on the affirmative vote of 71 Members. This is in the nature of bypassing the Committee and, therefore, a Motion to discharge is out of order."

Speaker Madigan: "Representative Pullen."

Pullen: "Rule 77, however, says any Member may move to... may move that a Committee be discharged from consideration of any Bill. I am not seeking to bypass Committee. I am seeking to discharge the Committee on Assignment because the Committee violated Rule 77, in which they are required to act ... to assign Bills within three legislative days. And I have no recourse from their failure to act. I don't seek to bypass having the Bill heard in Committee. I have no choice."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. The rules require that the Assignment Committee Act, I think it's within two days. Now, the Gentleman who makes the Motion sits on that

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

42nd Legislative Day

May 8, 1987

Committee, and is it through his omission, which I'm sure was innocent, that it was never assigned to a Committee which forces the Lady to make a Motion requiring 71 votes. I mean, what is the point? The assignment should have been made and, through no fault of her own, the assignment was not made. And now, the Parliamentarian rules that because the Committee on Assignment didn't make an assignment, in effect, this requires 71 votes. We know what the 71 vote requirement is for. It's to bypass Committee and for immediate consideration. That was not the intent of the Lady's Motion. And only by the fact that the Committee on Assignment failed to assign this Bill is she in this position now."

Speaker Madigan: "The Chair recognizes Mr. Greiman."

Greiman: "Yes, Speaker, I would make one observation on this. Firstly, that the Committee on Assignment had 2,876 Bills that were assign... we assigned, I think, all but one or two which slipped through. So, that means over... almost 3,000 Bills were assigned by that Committee. However, I would ask the Clerk to note that the Committees... that the Lady's Motion is mote since the Committee on Assignment has assigned this Bill to the Committee on Environment and Energy. So, the Bill has been assigned. Therefore, it is mote."

Speaker Madigan: "Mr. Clerk, where is this Bill currently assigned?"

Clerk O'Brien: "The Bill has been assigned to the Committee on Energy and Environment."

Speaker Madigan: "Representative Pullen."

Pullen: "Mr. Speaker, when I filed this Motion, the Bill was still in the Committee on Assignment because the Committee on Assignment did not respond when I raised the point a week ago. Now, I'm sorry that I, apparently, have the

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

42nd Legislative Day

May 8, 1987

wrong Committee on this because he somehow this week, some day this week, probably after Environment Committee met, assigned it to that Committee. But I filed this earlier this week and I checked at that time to see where it was, and it was still in the Committee on Assignment. And that was well over the three days, in the rules, by which he was supposed to assign it. I'm not trying to put anybody in a trick bag. I think that it is unfair. I am now informed that as of last night, the Legislative Information System read that this was still in the Committee on Assignment. For all I know, he may have assigned it two minutes ago when I put the Motion. I don't think I'm being treated fairly, Mr. Speaker, and I would appreciate that you hold this Motion in order and that I have support for it."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. I move that the Motion be amended on its face to indicate the proper Committee. Apparently, there was some misunderstanding along the way that can be cured by this Motion. It does not obviate the rule, it does not avoid the spirit of the rule, I would ask leave to amend on its face the Motion to state the appropriate Committee from which the Lady seeks discharge. And let her explain, Mr. Speaker, why she didn't know which Committee was the right Committee, and that will be considered when we consider the discharge Motion."

Speaker Madigan: "Mr. Greiman."

Greiman: "I think it's out of order. And the Parliamentarian has ruled that the Motion was out of order in the first place. So, that we are now in the posture of the Gentleman who is seeking to amend a Motion that it's out of order. The Lady has had the remedy requested, and I think the Amendment is out of order. The Motion is out of order quite clearly."

Speaker Madigan: "Mr. Tate."

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

42nd Legislative Day

May 8, 1987

Tate: "Thank you, Mr. Speaker. Mr. Speaker, you have a responsibility of each and every Member in this House. Representative Pullen has a legitimate complaint. She filed this Bill April 12th. If you'll look at the record when this Bill was filed, it was assigned to the Committee on Assignment. The Committee on Assignment didn't meet for whatever reason. And until this last week, the last week of Session, it finally was assigned to a Committee. All the Member is doing, like any other Member representing any other interest group, is asking for her Bill to have an opportunity to be heard in this process. And we would... we would respectfully request you, to take care of a Member like you would take care of the other 118 Members in this process."

Speaker Madigan: "Mr. Hallock."

Hallock: "Thank you, Mr. Speaker. On this issue, the rules are fairly clear. And a matter of fact, I would say that probably most of the rules are never this clear. 33(g) says that no Bill may remain within control of the Committee on Assignment for a period exceeding three legislative days. Now clearly, in this case, this has been violated. I would say to all of you here today that you can make this right by supporting the Motion. Do the right thing, vote 'yes'."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker. As an interested party in this particular legislation and this Motion. When this Motion was filed, that Bill was still in the Committee on Assignment of Bills. The maker of the Motion made a proper Motion at the time that it was filed with good intention, not knowing, of course, and having made, by the way, a timely request of the Sponsor to assign the Bill and it didn't get assigned until after the Motion had been filed."

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

42nd Legislative Day

May 8, 1987

And so, I concur with the comments made by some of the previous speakers. Let's treat everybody fairly, give them an opportunity to have their Bill heard and what happens, happens."

Speaker Madigan: "There is a Motion by Mr. McCracken to amend the Motion on its face to provide that the Motion would be a Motion to discharge the Committee on Environment from further consideration of the Bill. Is there leave? Leave is granted. Representative Pullen, your Motion is now a Motion to discharge the Committee on Environment from further consideration of the Bill. And since the original Motion was amended on its face, you will meet the Calendar requirement for filing timely. So, why don't you speak to your Motion."

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Had this Bill been assigned to the Energy and Environment Committee, in time for me to be able to go to that Committee and present the Bill, assuming that it has been assigned there since the Gentleman says it has, I would have done so. However, I raised the point on this floor a week ago that the Bill was still in the Committee on Assignment despite the rules. As of last night, the Bill was still in the Committee on Assignment despite the rules. If it is, indeed, in the Committee on Energy and Environment now, there has clearly been no opportunity for it to have been heard in that Committee for me to seek the waiving of posting rules or to get it posted in an ordinary fashion or to go to that Committee and present the Bill. I think there are occasional situations when a discharge Motion is truly in order, and I believe that the fair Members of this Body will agree with me concerning this Bill. And I ask you for favorable consideration of the Motion. Thank you."

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

42nd Legislative Day

May 8, 1987

Speaker Madigan: "The question is, 'Shall the Committee on Environment be discharged from further consideration of House Bill 2039?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Mr. Piel."

Piel: "Thank you, Mr. Speaker. To explain my vote. I think this is a situation where it goes beyond what has happened in a Committee. We've heard today many times where a person didn't have time to hear... have their Bill heard in Committee or a person had the Bill defeated the first time because of lack of Members in the Committee. In those situations, we have, and certain occasions, brought a Bill out, but this is a situation to where the Committee has never even had a chance to hear the Bill because we've just now had the Bill assigned to Committee. So, I would ask that we, as a General Assembly, have a chance to hear the Bill... hear the pros, cons, either voted up or down. And I would ask for green votes enough to, you know, bring this Motion out to the floor."

Speaker Madigan: "Have all voted who wish? Have all voted who wish? The Clerk shall take the record. The Chair recognizes Mr. Greiman."

Greiman: "Yes, this having received the 60 votes, I would ask that it be verified."

Speaker Madigan: "Representative Pullen."

Pullen: "I seek a Poll of the Absentees, please, Mr. Speaker."

Speaker Madigan: "The Chair shall... the Clerk shall poll the absentees."

Clerk O'Brien: "Poll of the Absentees. Breslin. Curran. Deuchler. Huff. Klemm. Leverenz. Matijevich. McAuliffe. Turner. And Wolf."

Speaker Madigan: "And Mr. Clerk, proceed to a verification of the Affirmative Roll Call. Mr. Greiman, could you verify Mr.

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

42nd Legislative Day

May 8, 1987

Barger?"

Greiman: "Yes."

Speaker Madigan: "Mr... Mr. Barger has been verified. Mr. Clerk, read the Affirmative Roll."

Clerk O'Brien: "Ackerman. Barger. Barnes. Berrios. Black. Bugielski. Capparelli. Churchill. Countryman. Daniels. DeLeo. Didrickson. Doederlein. Ewing. Frederick. Goforth. Hallock. Harris. Hartke. Hasara. Hensel. Hoffman. Hultgren. Johnson. Kirkland. Krska. Kubik. Martinez. Mautino. Mays. McCracken. McGann. Mulcahey. Myron Olson. Robert Olson. Pangle. Parcells. Parke. B. Pedersen. W. Peterson. Petka. Piel. Pullen. Regan. Rice. Ropp. Ryder. Satterthwaite. Sieben. Slater. Stange. Stephens. Sutker. Tate. Wait. Weaver. Wennlund. Williamson. Wojcik. And Wyvetter Younger."

Speaker Madigan: "Mr. Rice wishes to change his vote from 'aye' to 'no'. Mr. Greiman, do you have any questions?"

Greiman: "Well, there are... there is no need to. There's 59 votes, Mr. Speaker."

Speaker Madigan: "Mr. McCracken."

McCracken: "Representative Pullen moves to verify the apparent prevailing side. Couldn't even get it out."

Speaker Madigan: "I don't think that's in order. Is it, Mr. McCracken? On this question there are 59 'ayes', and 40 'nos', and the Motion fails. House Bill 2142, Mr. Giorgi."

Giorgi: "Mr. Speaker, I move to discharge the Public Utilities Committee from further consideration and advance to Second Reading, House Bill 2142 which received a very fair and very attentive reception in the Committee. And at the first Roll Call, the Bill did have sufficient votes to get out of Committee, but in the ensuing confusion, there was one vote taken off, so the Bill failed. I'd like to get this Bill on the Assembly floor so it could be fully

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

42nd Legislative Day

May 8, 1987

debated. I urge the support of the Assembly."

Speaker Madigan: "Mr. Levin."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, I've talked to the Sponsor about this Bill. I think we both agreed that the Bill needs a lot of work. And he's going to work very hard on it. And, you know, based on that representation, I have no objection."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the... to the Gentleman's Motion. I think if you'll look on the Calendar, there are a number of Bills dealing with this subject. He is correct. I understand he did get a fair hearing, and the Committee made the decision. And I think we should stand by that decision."

Speaker Madigan: "The question is, 'Shall the Committee on Public Utilities be discharged from further consideration of House Bill 2142?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 83 'ayes' and 15 'nos', and the Committee on Public Utilities is discharged from further consideration of House Bill 2142 and placed on the Order of Second Reading. The Chair recognizes Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and the House. With your indulgence, we... if I might ask for a point of personal privilege, we are proud on this side of the aisle to have a Gentleman who has taught school for thirty years. He... just the other day, as we were going through our office files to make sure that we had picked up all of our fancy Amendments that you're going to see pretty soon, we found a plaque, and a plaque in honoring this Gentleman, a

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

42nd Legislative Day

May 8, 1987

distinguished colleague of ours for 21 years, says, 'For thirty years of service... of dedicated service to the students of Fenton High School, to our good colleague and friend, Dr. Gene Hoffman.' It's a most gorgeous plaque. It was located in his desk and it's dated June 12, 1987. And the funny thing about this is some of us get plaques for what we do and others have to make their own plaques so that they're presented to them on the House floor. So, with the permission of you, Mr. Speaker and the Membership, would you all join me in recognizing Gene Hoffman's thirty years of service to the students."

Speaker Madigan: "House Bill 2563, Mr. McCracken. Mr. McCracken. Remove this from the record. House Bill 2612, Mr. Giorgi. Mr. Giorgi."

Giorgi: "Mr. Speaker, I move that the... to discharge the Consumer Protection Committee from further consideration and advance to Second Reading, House Bill 2612, which, because of lack of time, we could not have the hearing in the Committee, and the Chairman does not object to this Motion."

Speaker Madigan: "Mr. Preston."

Preston: "Thank you, Mr. Speaker. The Gentleman is correct. This Bill, along with the Bill that I had, was posted for the Recess Meeting on the last day and we were unable to get a quorum to hear this Bill. So, I have no objection to hearing the Bill."

Speaker Madigan: "Gentleman moves to discharge the Committee on Consumer Protection from further consideration of House Bill 2612. Is there leave? Leave is granted. The Bill shall be placed on the Order of Second Reading. House Bill 2801, Mr. Churchill."

Churchill: "Thank you, Mr. Speaker. This is House Bill 2801 which is the multi-state lottery Bill which will put

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

42nd Legislative Day

May 8, 1987

millions of dollars into the Common School Fund. I had a hearing in a very small Subcommittee of the Revenue Committee. Not all the Members were present at that time. And so, the Bill did not receive a vote that would pass it to the floor or pass it in the Committee. At this point, I would move to discharge the Revenue Committee from House Bill 2801 which is the multi-state lottery Bill."

Speaker Madigan: "The Chair recognizes Mr. Keane."

Keane: "Thank you, Mr. Speaker. I oppose the discharge Motion on this Bill. We had two similar Bills in Committee today and the maker of the Motion to discharge this Bill voted against two similar Bills in Committee. There was a..."

Speaker Madigan: "Mr. Keane."

Keane: "Thank you. For that reason and for the fact that plenty of time was provided for the Sponsor to present his Bill to the Committee, and the fact that we do have a Bill on the floor that can be utilized for the multi-lottery Bill, this Bill and its Motion should be defeated."

Speaker Madigan: "Mr. Clerk, what is the correct number of this Bill?"

Clerk O'Brien: "The Motion reads for House Bill 2801. We misinterpreted the 1 as a 2 when we put it on the Calendar. 2802 is actually on Consent Calendar."

Speaker Madigan: "So, your Calendar should be corrected to read 2801. If they're not, please correct them. Representative Frederick."

Frederick: "Yes. Thank you, Mr. Speaker, Members of the House. I concur with the maker of this Motion. The issue contained in the legislation deserves full discussion by this House, and I would urge everyone to vote 'aye' on the Motion."

Speaker Madigan: "Representative Mays."

Mays: "Thank you very much, Mr. Speaker. I, too, rise in support

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

42nd Legislative Day

May 8, 1987

of the Motion. The multi-state lottery is critical to this state from two standpoints; Number one; it will help us maintain our edge over competing states that have already expressed an interest in entering into a multi-state lottery so that we protect the kind of revenues that we already have, plus, number two; and most importantly, it should enhance the revenues for the General Revenue Fund by about 60,000,000 dollars on a conservative basis without any increases in taxation. For those two very important reasons, I believe, this Bill should be discharged so we can give it full consideration on the floor."

Speaker Madigan: "Mr. Panayotovich."

Panayotovich: "Thank you, Mr. Speaker. I think whether Representative Keane has heard or not that House Bill 144 which will deal with the multi-state lottery is out on the floor now and can be worked on. And we've already talked to the Republican people about it. We would work with them on it, and we should defeat this Motion."

Speaker Madigan: "Those in favor of the Motion to discharge the Committee will vote 'aye', those opposed will vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 53 'aye', 47 'no'. The Motion fails. Is Mr. Daniels on the floor? Mr. Daniels, you have a Motion on House Resolution 345. Is that the Resolution that you wish to call or is there another one? Mr. Daniels."

Daniels: "This Resolution 345 deals with a series of items that were discussed at length between your office and my office and the Chicago Housing Authority, and is the result of quite of bit of discussion and agreement, there are a few Amendments to it which must be adopted. In order to do that, we'd like it placed on for immediate consideration, and it calls for a special Committee to investigate the

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

42nd Legislative Day

May 3, 1987

CHA."

Speaker Madigan: "Mr. McPike, would you take the Chair? Mr. McPike in the Chair."

Speaker McPike: "House Resolution 345. Mr. Clerk."

Clerk O'Brien: "House Resolution 345. 'Pursuant to Rule 43(a), I move to bypass Committee and place House Resolution 345 on the Speaker's Table for immediate consideration.'"

Speaker McPike: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I would move for adoption of House Resolution 345, but first I have to bypass Committee and bring it to the floor and that's the purpose of the initial Resolution. And at which point, I would like to move for the adoption of the Resolution."

Speaker McPike: "Representative Daniels, the Motion then is to bypass Committee for immediate consideration."

Daniels: "That is correct, Sir."

Speaker McPike: "You've heard the Motion. Is there any opposition? Gentleman from Cook, Speaker Madigan."

Madigan: "I support the Motion, Mr. Speaker."

Speaker McPike: "Gentleman supports the Motion. Is there leave for Attendance Roll Call? Leave? The Motion is granted. On the Resolution. Are there any Amendments, Mr. Clerk?"

Clerk O'Brien: "Amendment #1, offered by Speaker Madigan."

Speaker McPike: "Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker, please withdraw this Amendment."

Speaker McPike: "Amendment #1 is withdrawn. Further Amendments?"

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

Speaker McPike: "Amendment #2, Minority Leader Daniels."

Daniels: "Withdraw."

Speaker McPike: "Amendment #2 is withdrawn? Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Daniels and

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

42nd Legislative Day

May 8, 1987

Madigan."

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

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. Amendment #3 adds to House Resolution 345 the fact that the Auditor General submits his preliminary findings to the Special Committee on approximately June 8th, 1987. Also that, in conjunction with the General Accounting Office of the United States Congress, the U.S. Department of Housing and Urban Development, that these audits will be worked up with the Auditor General. Also changes the Committee structure from eight to twelve members and with the Speaker appointing six, and the House Republican Leader appointing six, and it also directs the Legislative Research Unit to initiate immediately a study of the CHA, including, but not limited to the circumstances surrounding its origin, et cetera, and that is the basic subject on Amendment #3. I move for its adoption."

Speaker McPike: "Gentleman moves for the adoption of Amendment #3. Is there any discussion? Speaker Madigan."

Madigan: "Mr. Speaker, I join in supporting Mr. Daniels' Motion for adoption of the Amendment."

Speaker McPike: "Is there further discussion? Being none, the question is, 'Shall Amendment #3 be adopted?' All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "On the Resolution. House Resolution 345. Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, House Resolution 345, as amended, calls for a Committee of twelve to be appointed, six by the Speaker, six by the House Republican Leader to investigate the Chicago Housing Authority and the allegations of difficulties and problems

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

42nd Legislative Day

May 8, 1987

therein. It calls for audit by the Auditor General in conjunction with the United States Department of Housing and Urban Development. This Amendment or Resolution has been offered to the House in order to get some form of a handle on a state basis as to the difficulties at the Chicago Housing Authority. We are not, by this Amendment, of course, saying that the state has any responsibility in terms of dollars or cents, but merely looking at some of the alligations that have been brought to our attention, and hopefully, ones that will be resolved by the Authority itself, but if not, they must be in a position to act to wherever appropriate. And I would welcome and thank Speaker Madigan for his cooperation."

Speaker McPike: "Gentleman moves for the adoption of House Resolution 345. And on that, the Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker, with the Amendments to the Resolution. I think that the Body ought to support the adoption of the Resolution. We all know that there has been a certain amount of controversy that has surrounded the operation of the Chicago Housing Authority, not only over the past several months, but really over several years. The Authority at its inception was created by action of the Illinois Legislature and because of that enabling statute, I do believe that the Legislature has an appropriate role to play in terms of monitoring the activities of this agency, working in cooperation with the Auditor General of Illinois, and possibly making recommendations for improved management at that agency. I wish to thank Mr. Daniels for his cooperation in reaching agreement on these Amendments, and I would urge an 'aye' vote for the Resolution."

Speaker McPike: "Further discussion? The Lady from Cook, Representative Braun."

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

42nd Legislative Day

May 8, 1987

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You know there is an expression that you can't make a silk purse out of a sow's ear. And, the fact of the matter is that while... while this Resolution, as amended, is the product of cooperation on both sides of the aisle, and I appreciate that cooperation. The fact of the matter is, that, we all know that the problems of CHA will not be solved by an investigation, will not be solved by an audit, but the problems of CHA would... can only be solved by an infusion of money. Now, this state has responsibility. No, this state has a responsibility, not just to the CHA, but to low income housing throughout the State of Illinois. There are housing authorities in communities throughout the state that are in dire need of help. There are housing authorities throughout the state that are bordering on bankrupt. Some, indeed, have already gone into bankruptcy. And yet, we come back to this General Assembly year after year and turn a deaf ear to poor people, turn our back on our obligation, our obligation, to provide for low income housing as we pave the corn fields with more and more dollars, as we pass more and more programs for building Illinois or building whatever. We have no difficulty with building housing for people who, otherwise, frankly, could probably go to the private sector and get that money, but we turn a deaf ear to the pleas of poor people for assistance with low income housing. CHA's problems are not new. And frankly, I join with probably ever other Member of this General Assembly in welcoming, welcoming an investigation into the facts and circumstances of what has transpired there. I question, however, whether or not it is appropriate for us to audit, yet another audit, because there are other audits going on, whether or not it is appropriate for us to audit where we don't put any money.

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

42nd Legislative Day

May 8, 1987

We haven't put a dime in CHA. We haven't done a thing to help CHA, and yet, now we are starting what could well, I hope, does turn into a witch hunt on the issue just to raise the issue and to raise the problem. We're sent here to solve problems for the people of the State of Illinois, not just to posture, not just to set up Committees to look at things, not just to regurgitate and reiterate the same old posture that we're going to look at it, but we don't have any responsibility. I say to you, Ladies and Gentlemen, that we do have a responsibility to CHA. I don't... I want to commend the Speaker and the Minority Leader for taking what is a sensible approach, I think, to looking at the issue as expressed in this Resolution. But, I say to you right now, this sow's ear will stay a sow's ear until such time as we do something substantive, something real to cure the problems, not only at CHA, but at the problems for low income housing throughout this state."

Speaker McPike: "Further discussion? The Gentleman from Cook, Representative Shaw."

Shaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. And I, too, would like to commend the Speaker and the Minority Leader for, this side of the aisle particularly, for their efforts in trying to resolve the situation up there to look at it. But, one of the things that I wanted to say to the Minority Leader is there is an awful lot of things that are happening around this state that the five years that I've been here, I haven't seen him introduce this type of Resolution. When... especially when there is... the state is putting no money into the situation, I think that the Minority Leader introduced his Resolution for the purpose of just merely political because everybody that has been reading the paper know, full well, that there

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

42nd Legislative Day

May 8, 1987

is about four different investigations going up there on the Chicago... dealing with the Chicago Housing Authority and why would we want to send the Legislature up there to possibly impede the efforts of those duly authorized investigative agencies, not that we can't investigate, this Body can do... can perform an investigation up there, but it's not an investigation what this Body needs to do. It's money that's needed up there for poor people, not only in Chicago, all across this state in terms of housing. But we have sat down here in this Legislative Body year after year and heard poor people crying across this state and we have not yet tried to put a dime out there for poor people to up lift their standard of living. And I would urge Mr. Daniels and the other side of the aisle that presented this Resolution today, that possibly, instead of voting against so many programs that affect so many people, they should support some of these programs. It's a hundred and forty-nine thousand people live in those units up there in Chicago, but at the same time, no one or Mr. Daniels have not been concerned with those hundred and forty-nine thousand people for the last five years that I have been here. And every time a Member on this side of the aisle introduce some legislation to help poor people, they stand over there and defeat the legislation. Now, they still today, they come up with a witch hunt Resolution... he come up with a witch hunt Resolution. When the FBI, the Office of Budget and Management, they're investigating the situation up there. Once we find out what's going on up there, then what do you we do with it. I think that the Office of Budget and Management, along with HUD, have the necessary mechanism in place to do whatever is needed to be done in this situation. And if there is any wrong doing there, they will find it, but no one down here, not a

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

42nd Legislative Day

May 8, 1987

Member of this Body, like what's going on up there... what appear to be going on up there in Chicago. But this is not the place for it, and it's with the proper agencies, and hopefully, Mr. Daniels, some time or another, will come around to support issues that will help the plight of poor people of this state."

Speaker McPike: "Further discussion? The Gentleman from Cook, Representative Williams."

Williams: "Thank you, Mr. Speaker. To this Body. I, like Representative Jones, probably have more CHA buildings in my district than any. And quite frankly, I must admit that there are problems that exist within the CHA. And I must admit that we see a number of investigations and a number of things going on. But at the same time, the question becomes; when the results are in, when the investigation is through, does this Body intend to act? Does this Body intend to pump the necessary resources into changing the situation that exists? And that's the real question. If we act for the purpose of just acting. If we act for the purpose of putting on a show, going on television, pointing fingers and saying one person did this while another didn't. Will this investigation go back to the days of 'Swivel'? I hope so, because if it does not, it's not truly an investigation. CHA has been bankrupt time and time again. They've been through financial problems. But we never chose to investigate. Time and time again, we've seen all types of what we would call this mass confusion going on. We changed directors time and time again. 'Andrew Mooney' was changed. The whole group of them was changed, but this Body never once felt that there was something that we should do. We have... when I introduce Bills dealing with the CHA, DCCA runs to me and tell me over and over again, 'We have no authority to deal with a

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

42nd Legislative Day

May 3, 1987

Federal Governmently funded body', but yet, at the same time, whether it be for witch hunt or for political matters or for other thing, this Body feels now is the time. And I say that is not so. It is quite obvious that this matter, because this Body knows they don't intend to do anything once they get the results, so it's quite obvious, the purpose of this Resolution. And so, for that reason, I cannot say... I cannot stand here and say that there is no need for an investigation, but I can stand here and say, this is not the Body to do it. I can stand here and say that this Body, as long as it has no intent to help fund low income housing, as long as it has no intent to try to help the poor and impoverished to find themselves placed in a situation where they can go to no other place but CHA, then I say to you, that we are not the Body to tend to this investigation. Thank you."

Speaker McPike: "Gentleman from St. Clair, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I just wanted to make a couple of points. First of all, I... statements were made earlier about our Leader on this side of the aisle and this side of the aisle in general. That possibly we did not... we're not compassionate for the poor. I think that is obviously not the truth. I think that public housing, some of the obvious problems with funding make me... remind me that many problems cannot be fixed with just more dollars. Public housing in our end of the state, we have seen it paid for, paid for and then paid for again. There is... has to be some limit, and to suggest that should we pass this House Resolution and then look at the results and find that the only solution is more dollars, I think we will have fallen short of our goal. It seems obvious to me that if there are financial considerations, let us consider

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

42nd Legislative Day

May 8, 1987

that. But part of the investigation is to find the reason that so much public housing has been paid for and paid for and paid for. Thank you."

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

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Motion. I can only presume that the maker of the Motion, the Minority Leader, has the best interest of the people of the City of Chicago at heart. I can only presume that he has the best interests of the people who live in public housing at heart. I can only presume that he his willing to put his support behind the financial... providing financial resources to the CHA to help it solve its problems. And I can only presume that he wants this audit to make sure that the state's interest will be protected when he decides to step forward and lend his support to that effort. And so, I am relying on the good faith and the spirit of bipartisan cooperation which characterizes many of the most important things that we do in the General Assembly to support this Motion. I would point out that the CHA is a creature of the state. We charter the CHA. It is under the laws of the state that the CHA meets, conducts its business, elects its chairman and provides housing to many poor people in the City of Chicago. And so, I am lending my support to this Motion, because, I presume, that the Minority Leader, who makes this Motion, is doing so because he wishes to set the stage for state assistance to a very, very needy organization who helps very, very needy people."

Speaker McPike: "Representative Daniels, to close."

Daniels: "And if I were you, Woody, I wouldn't presume anything. But, I would say that for all of you that are concerned about the Chicago Housing Authority and the allegations of bankruptcy, the allegations of fraud, deceit,

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

42nd Legislative Day

May 8, 1987

misrepresentation and turning their back on the needy and the housing, those people are the worst kind of people, if you want to expose them, that are doing the greatest damage to the very people that they say they're going to help. And, as you look at this overall problem, you must first understand, that in order to take one step forward, you have to first start walking. And, yes, this may not be the final solution, but it is an attempt to look into this in a reasonable and a realistic fashion to determine whether or not there are any violation of law. And, yes, as Representative Bowman put it, there have been claims by the CHA that they will seek state help. You're the Majority Party. You will pass that or you will cause its failure, because you have the necessary votes here. And if you want to make that Motion for state assistance, it will be your 68 votes that pass it or your 68 votes, or lack thereof, that cause its failure. Now, what we are trying to do is to furnish the necessary background information on what's going on over there. And from there, we will work forward in trying to correct the system that's doing the worst of all things to the people that need the most help, turning their back, turning their back on the very need and the very hope they have. And for that reason, I think Speaker Madigan has joined in this Resolution and has said, "Yes, we have to look at this and see what kind of violations, if any, have taken place", and has called for this audit. And I'm proud again to work with the Speaker to see if there should be action by the state in restructuring. To see if we should respond and perhaps, abolishing authority or to proceed in other directions, and that's the purpose of the Resolution. And I seek your favorable support."

Speaker McPike: "Gentleman moves for the adoption of House Resolution 345. The Gentleman's Motion requires 60 votes.

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

42nd Legislative Day

May 3, 1987

All those in favor of the Resolution signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 96 'aye', 6 'no', 6 voting 'present'. And House Resolution 345, the Motion to adopt, carries. House Calendar Supplemental #5, appears House Resolution 333. Gentleman from Cook, Representative Panayotovitch."

Panayotovitch: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move for the adoption of House Resolution 333. It was recommended 'do adopt' by Labor and Commerce Committee. It is a request from the Illinois Department of the Secretary of State, the Department of State Police, and the Department of Corrections, to boycott products of the Colt Firearms Company in Connecticut while they are continuing on strike. They've been on strike since January 24th, 1986. The workers have been out of work at the Firearm's place and at their company, and Colt Firearms has rejected union offers to return to work. And I move for the adoption."

Speaker McPike: "Gentleman moves for the adoption of House Resolution 333. And on that, the Lady from Cook, Representative Didrickson."

Didrickson: "Yes, Mr. Chairman or Mr. Speaker, Members of the House. I rise in opposition to this Resolution, 333. This is a private matter. There is no reason why we, in the State of Illinois, should be entering into such a Resolution. This taking place in Connecticut. It's not even in the State of Illinois. There have been two cases filed against Colt Firearms by the National Labor Relations Board. They have also had complaints filed against the union in this situation, and I think it is most appropriately something that would be settled in Connecticut. It's a private sector matter. We, in

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

42nd Legislative Day

May 8, 1987

Illinois, really have nothing to do with this."

Speaker McPike: "Further discussion? The Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. As many of you may well know, Samuel Colt invented this pistol which is probably as typical American as everything can ever be, and to think that this Legislator would want to do something that is contrary to Americanism, with this fine great man who invented the colt revolver, is certainly untimely."

Speaker McPike: "Gentleman from Will, Representative Regan."

Regan: "Thank you, Ladies and Gentlemen. Members of the House. I think that a Resolution like this is totally out of our contents, and it also sends a message to the rest of the United States so that any business people that think of coming here to create jobs, sends them a bad message. I'm opposed."

Speaker McPike: "Representative Panayotovich, to close."

Panayotovich: "Thank you. I think that if we are interested in, as Representative Ropp said, we want to make sure that there will be business back there. We want to put the people back to work, Representative Ropp, to make those colts. And I move adoption of House Resolution 333."

Speaker McPike: "Gentleman moves for the adoption of House Resolution 333. All those in favor of the Motion signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 65 'ayes', 38 'nos', 3 voting 'present', and the Motion carries. Agreed Resolutions."

Clerk O'Brien: "Senate Joint Resolution 48, offered by Representative Stephens and Olson. House Resolution 356, by Daniels and Hoffman; 358, Piel; 359, Krska; and 362, Homer - et al."

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

42nd Legislative Day

May 8, 1987

Speaker McPike: "Representative Matijevich."

Matijevich: "Speaker, Ladies and Gentlemen of the House. We have examined the Resolutions. They are all agreed to, and I move the adoption of the Agreed Resolutions."

Speaker McPike: "Gentleman moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. The Membership should be aware that today we will adjourn on a Death Resolution of a former Member. General Resolutions."

Clerk O'Brien: "House Resolution 352, McAuliffe; 354, Giglio; 355, Braun; 357, Braun; 360, Barnes; 361, Christensen. And House Joint Resolution 71, Daniels."

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

Clerk O'Brien: "Senate Joint Resolution 50. Resolved, by the Senate of the 85th General Assembly of the State of Illinois, the House of Representatives concurring herein, that when the Senate adjourns on Friday, May 8, 1987, it stands adjourned until Tuesday, May 12, 1987 at 12:00 noon; and when the House of Representatives adjourn on Friday, May 8, 1987, it stands adjourned until Monday, May 11, 1987 at 6:00 p.m."

Speaker McPike: "Representative Matijevich moves for the adoption of the Adjournment Resolution. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. Earlier, the Members were informed that if they wished to place one of their own Bills on a list with the Clerk, of Bills to be sent to Interim Study, to please do so. The Clerk now has a list all those Members Bills that will be placed on Interim Study. Representative Cullerton moves that the list of Bills supplied to the Clerk of the House be placed on

STATE OF ILLINOIS
35th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

42nd Legislative Day

May 8, 1987

Interim Study. All those in favor of the Motion signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Motion is adopted. We will adjourn the House on the adoption of this Motion until Monday at the hour of 6:00 p.m., allowing perfunctory time to the Clerk for Committee Reports."

Clerk Leone: "House Resolution 220, offered by Representatives Hoffman - Tuerk and Johnson. Whereas, this House would like to express its deep sorrow at the death of former member, Charles Wesley Clabaugh, of Champaign, Illinois; and whereas, Charles Clabaugh was born August 15, 1900, to Thomas Nelson Clabaugh and Patsy Richardson Clabaugh and spent the first five years of his life on a farm outside of Lerna, Illinois, where his father was a broomcorn contractor; whereas, He was educated in Lerna in Urbana High Schools, the University of Illinois, and Eastern Illinois Teachers' College, receiving a B.E. degree in 1923, after which he taught for 5 years; and whereas, Charles Clabaugh, who was known as "Mr. Education," was first elected to the Illinois House in 1938 and was returned by his constituents 17 consecutive times, serving in this House in five different decades; and whereas, Mr. Clabaugh was a member of the Education Commission of the States in 1960's, and he was a member of the House Education Committee, serving as its chairman for 16 years; he also chaired the School Problems Commission and received several awards for his commitment to education: one from Southern Illinois University in 1956, one from the Illinois Directors of Special Education in 1961, and one from the Illinois Association of School Administrators in 1972; and whereas, Proud of his Pennsylvania Dutch and Huguenot ancestry, Charles Clabaugh was a member of the Huguenot Society of America and the Sons of the American Revolution;

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

42nd Legislative Day

May 8, 1987

and whereas, In keeping with his lifelong interest in history, Charles Clabaugh supported the project of the Illinois Legislative Council and the Oral History Office of Sangamon State University by giving his oral history to the late Horace Waggoner in the summer of 1980; the resulting memoir was published in two volumes which constitute a primary historical source and which reproduce the cadences of Mr. Clabaugh's own voice as he recounts the events of 80 years; and whereas, Besides his work in the legislature, Charles Clabaugh was a building subcontractor in Champaign for 40 years, and he attended the First United Methodist Church of Champaign, was a member of the Moose and the Champaign County and Illinois State Historical Societies, and served as exalted ruler, state treasurer, and president of the Illinois Elks Association; and whereas, He leaves to cherish his memory: his wife, Louise; his daughters, Kay and Patsy; four grandchildren; and his sister, Mabel Giverson; therefore, be it resolved, by the House of Representatives of the 85th General Assembly of the State of Illinois, that we express our deep sorrow at the death of our former colleague, Charles W. Clabaugh; that we offer our heartfelt condolences to his wife and family; and that we join with the many friends who mourn his passing; and be it further resolved, That a suitable copy of this preamble and resolution be presented to Louise Clabaugh with our deepest sympathy. And as a further showing of our deep respect, the House will stand adjourned."

Speaker McPike: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. When John Matijevich and I first appeared at this House Body twenty years ago, Representative Clabaugh had been here twenty-eight years. Representative Clabaugh was... was my mentor, taught me a great deal, and I learned

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

42nd Legislative Day

May 8, 1987

to love the man. And it was not easy to be pallbearer recently at his funeral. He was a wonderful person, a person you could count on. He said he would do something, he would do it. If he couldn't do it, he would tell you that, and the state is better for his years that he spent in the House. He was dedicated to educational improvement in the state, and on much of the legislation that's on the books today in this area, you will still find his fingerprints. So, with leave of the House, I would like to add the rest of the Membership to the Resolution and would move for its adoption."

Speaker McPike: "Representative Matijevich."

Matijevich: "Yes, Mr. Speaker and Ladies and Gentlemen, this side of the aisle would like to, also, express our condolences. I guess it can best be said that Charlie really was 'Mr. Education'. So this, in addition to being a memorial Resolution, is really a tribute, a tribute to a man who spent, first of all, so many years in the Legislature, but also as some have their specific areas of expertise, this gentleman really, really had an area of expertise in education. And as we struggle in trying to fund education today, we ought to remember this gentleman who dedicated his whole lifetime to the school children of Illinois. And I also want to, on behalf of all of us, extend our sympathies to his wife, Louise and his family. Louise worked here in this legislative process, and so, we knew her, too. So, we all extend our condolences."

Speaker McPike: "Representative Hoffman asks leave for all Members to be added as Cosponsors of this and moves for the adoption of the Resolution. All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The Resolution is adopted. The House stands adjourned."

Clerk O'Brien: "Committee Reports. Representative Cullerton,

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

42nd Legislative Day

May 8, 1987

Chairman from the Select Committee on Aeronautics, to which the following Bills were referred, action taken May 8, 1987, reported the same back with the following recommendations: 'Interim Study Calendar' House Bills 2854, 2855, 2856, 2857, 2860 and 2861 and House Bill 802. Representative Krska, Chairman of the Committee on Registration and Regulation, to which the following Bills were referred, action taken May 8, 1987, reported the same back with the following recommendations: 'do pass' House Bills 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435 and 1436; 'do pass as amended' House Bill 1933; 'Interim Study Calendar' House Bills 280, 453, 595, 611, 917, 967, 972, 1027, 1325, 1437, 1510, 1511, 1534, 1573, 1575, 1588, 1714, 1761, 17... I'm sorry, 1810, 1816, 1844, 1893, 1950, 1991, 2068, 2131, 2259, 2266, 2547, 2548, 2549, 2551, 2552, 2554 and 2755. Perfunctory Session will stand at ease awaiting Committee Reports."

Clerk Leone: "Introduction and First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #18, offered by Representative Cullerton. Article VI, Sections 11 and 12. Proposes to amend the Judicial Article of the Constitution to provide for the election of Supreme Court Judges and the appointment of Circuit and Appellate Judges by the Supreme Court. Provides that Appellate Court Judges shall be appointed by the Supreme Court from a list of 3 Circuit Judges nominated by the Appellate Court Judges of the Judicial District. Provides for a nominating committee of Circuit Judges for candidates for appointment to the office of Circuit Judge of their judicial circuit. The Circuit Judges shall be appointed by the Supreme Court from a list of 3 Associate Judges selected by the nominating committee. House Joint Resolution Constitutional Amendment Resolved, by the House

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

42nd Legislative Day

May 8, 1987

of Representatives of the 85th 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 Sections 11 and 12 of Article VI of the Constitution to read as follows: Article VI SECTION 11. ELIGIBILITY FOR OFFICE

(a) No person shall be eligible to be a Judge or Associate Judge unless he is a United States citizen, a licensed attorney-at-law of this State, and a resident of the unit which selects him. No change in the boundaries of a unit shall affect the tenure in office of a Judge or Associate Judge incumbent at the time of such change.

~~(b) Circuit Judges shall be eligible for appointment by the Supreme Court as Appellate Judges. Associate Judges shall be eligible for appointment by the Supreme Court as Circuit Judges.~~
SECTION 12. SELECTION ELECTION AND RETENTION

(a) Supreme Court ~~Appellate and Circuit~~ Judges shall be nominated at primary elections or by petition. ~~Supreme Court~~ Judges shall be elected at general or judicial elections as the General Assembly shall provide by law. A person eligible for the office of ~~Supreme Court~~ Judge may cause his name to appear on the ballot as a candidate for ~~Supreme Court~~ Judge at the primary and at the general or judicial elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions. ~~Appellate and Circuit Judges shall be appointed by the Supreme Court.~~

(b) The office of a Judge shall be vacant upon his death, resignation, retirement, removal, or upon the conclusion of his term without retention in office. ~~Whenever an additional Appellate or Circuit Judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in that office.~~

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

42nd Legislative Day

May 8, 1987

(c) A vacancy occurring in the office of Supreme ~~Court~~ ~~Appellate or Circuit~~ Judge shall be filled as the General Assembly may provide by law. In the absence of a law, vacancies may be filled by appointment by the Supreme Court. A person appointed to fill a vacancy in the office of Supreme Court Judge 60 or more days prior to the next primary election to nominate Supreme Court Judges shall serve until the vacancy is filled for a term at the next general or judicial election. A person appointed to fill a vacancy in the office of Supreme Court Judge less than 60 days prior to the next primary election to nominate Supreme Court Judges shall serve until the vacancy is filled at the second general or judicial election following such appointment.

~~(d) Whenever a vacancy occurs in the office of Appellate or Circuit Judge, or whenever an additional Appellate or Circuit Judge is authorized by law, the office shall be filled by appointment by the Supreme Court in the manner provided in this subsection.~~

~~The Supreme Court shall appoint an Appellate Judge from a list of three Circuit Judges nominated by the Appellate Judges of the Judicial District. A person so appointed to the office of Appellate Judge shall serve until the first Monday in December following the general election occurring ten years after his appointment.~~

~~The Chief Judge of each Judicial Circuit and at least two but not more than ten Circuit Judges shall serve as a nominating committee for candidates for appointment to the office of Circuit Judge of their Judicial Circuit. The Supreme Court shall appoint a Circuit Judge from a list of three Associate Judges selected by the nominating committee. A person appointed to fill a vacancy in the office of Circuit Judge shall serve until the first Monday in December following the general election occurring six years after his appointment.~~

~~(e) †† Not less than six months before the general election~~

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

42nd Legislative Day

May 3, 1987

preceding the expiration of his term of office, a Supreme ~~Court~~ ~~Appellate or Circuit~~ Judge who has been elected to that office or an Appellate or Circuit Judge who has been appointed to that office may file in the office of the Secretary of State a declaration of candidacy to succeed himself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at general elections in the appropriate Judicial District, for Supreme and Appellate Judges, and in the circuit for Circuit Judges. The affirmative vote of three-fifths of the electors voting on the question shall elect the Judge to the office for a term commencing on the first Monday in December following his election.

~~If~~ ~~to~~ A law reducing the number of Appellate or Circuit Judges shall be without prejudice to the right of the Judges affected to seek retention in office. A reduction shall become effective when a vacancy occurs in the affected unit.

SCHEDULE

This Amendment takes effect upon its adoption by the electors of this State and shall apply to vacancies and additional offices authorized by law occurring in the offices of Appellate and Circuit Judge on or after that date.

First Reading of this Constitutional Amendment. The reading of further Committee Reports. Representative Keane, Chairman from the Committee on Revenue, to which the following Bills were referred, action taken May 8, 1987 and reported the same back with the following recommendations: 'do pass' House Bills 73, 745, 1024, 1133, 1175, 1274, 1537, 1763, 1815 and 1920; 'House Bill as amended...' 'do pass as amended' House Bills 575, 844, 1167, 1168, 1174, 1411, 1753, 2823, 2826; House Joint Resolution

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

42nd Legislative Day

May 8, 1987

Constitutional Amendment #13, 'do pass as amended Short Debate Calendar' House Bill 976; 'be adopted' House Resolution 228; 'Interim Study Calendar' House Bills 11, 118, 240, 241, 254, 264, 285, 303, 340, 363, 364, 374, 489, 491, 626, 629, 656, 667, 749, 753, 855, 856, 877, 896, 947, 1094, 1124, 1180, 1210, 1316, 1346, 1347, 1385, 1396, 1443, 1521, 1530, 1626, 1640, 1654, 1720, 1837, 1975, 1976, 1978, 1980, 1983, 1987, 2063, 2073, 2074, 2094, 2154, 2155, 2156, 2481, 2482, 2483, 2484, 2485, 2527, 2593, 2658, 2669, 2686, 2706, 2752, 2753, 2762, 2829. Representative Currie, Chairman from the Committee on State Government Administration, to which the following Bills were referred, action taken May 8, 1987 and reported the same back with the following recommendations: 'do pass' House Bills 421, 1623, 1877, 2006, 2148, 2331; 'do pass as amended' House Bills 93, 97, 1748, 1834, 2070, 2221, 2225, 2569; 'do pass Consent Calendar' House Bills 1317, 1832, 1918, 2218, 2470, 2670, 2800; 'do pass as amended Consent Calendar' House Bills 848, 887, 987, 1194, 1560, 1780, 2256, 2258, 2808, 2834, 2842, 2843, 2844, 2845; 'do pass Short Debate Calendar' House Bill 1737; 'Interim Study Calendar' House Bill 849, 1195 and 2126. No further business, the House will now stand adjourned until Monday, May 11, at the hour of 6:00 p.m."

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STATE OF ILLINOIS
35TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

PAGE 1

MAY 08, 1987

HB-0007 MOTION	PAGE	15
HB-0229 MOTION	PAGE	19
HB-0250 MOTION	PAGE	22
HB-0255 MOTION	PAGE	24
HB-0625 MOTION	PAGE	31
HB-1341 MOTION	PAGE	33
HB-1691 MOTION	PAGE	36
HB-1765 MOTION	PAGE	34
HB-1773 MOTION	PAGE	37
HB-1818 MOTION	PAGE	38
HB-1847 MOTION	PAGE	39
HB-2039 MOTION	PAGE	41
HB-2142 MOTION	PAGE	48
HB-2440 MOTION	PAGE	2
HB-2440 MOTION	PAGE	36
HB-2612 MOTION	PAGE	50
HB-2801 MOTION	PAGE	50
HR-0220 ADOPTED	PAGE	69
HR-0333 ADOPTED	PAGE	63
HR-0345 MOTION	PAGE	52
HR-0345 ADOPTED	PAGE	54
PHJR-0018 FIRST READING	PAGE	69
SJR-0050 ADOPTED	PAGE	65

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER MADIGAN	PAGE	1
PRAYER - REVEREND DELBERT KELTO	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
HOUSE AT EASE	PAGE	12
PERFUNCTORY SESSION	PAGE	12
COMMITTEE REPORTS	PAGE	12
PERFUNCTORY SESSION - AT EASE	PAGE	14
HOUSE RECONVENES - SPEAKER MADIGAN	PAGE	14
AGREED RESOLUTIONS	PAGE	64
GENERAL RESOLUTIONS	PAGE	65
DEATH RESOLUTION	PAGE	66
ADJOURNMENT	PAGE	68
PERFUNCTORY SESSION - RECONVENES	PAGE	68
COMMITTEE REPORTS	PAGE	68
COMMITTEE REPORTS	PAGE	72
PERFUNCTORY SESSION - ADJOURNMENT	PAGE	73