

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

126th Legislative Day

June 7, 1990

Speaker McPike: "The House will come to order. The Chaplain for today is Father Jeff Holtman of St Aloysius Church in Springfield. Father Holtman is a guest of Representative Curran. The guests in the balcony may wish to rise and join us for the invocation."

Father Holtman: "We'll begin with Psalm 111. I will thank the Lord with all my heart, in the meeting of the just and of the Assembly, great are the works of the Lord to be pondered by all who love them, majestic and glorious His work. His justice stands firm forever, He makes us remember His wonders, the Lord is compassion and love. He gives food to those who fear Him, keeps his covenant ever in mind. He has shown His 'mite' to His people by giving them the land of the nations. His works are justice and truth, his precepts are all of them sure, standing firm for ever and ever. They are made in uprightness and truth, He has sent deliverance to His people and established his covenant for ever, Holy God's name to be feared. Let us pray. Almighty and eternal God, You have revealed Your glory to all the nations. God of power and might, wisdom and justice through You, authority is rightly administered, laws are enacted and judgement is decreed. We pray for Jim Thompson our Governor, for the Members of this House of Representatives, and for all who are entrusted to guard our welfare. May we be preserved and unioned in that peace which the world cannot give, and after enjoying the blessings of this life, be admitted to those which are eternal. We pray to You for Lord and God forever and ever. Amen."

Speaker McPike: "We will be led in the Pledge of Allegiance by Representative Ropp."

Ropp - et al: "I pledge allegiance to the flag of the United

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States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

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

Matijevich: "Yes, let the record reflect the excused absence of Representative Farley, recuperating nicely and I understand, could be back next week. Two announcements also, Mr. Speaker. The third House golf outing is scheduled this coming Monday the 11th. It will be at the Rail Golf Club. Tee off time, 12:00 noon, be there by 11:15. Shotgun start, dinner afterwards, there are 168 signed players, further details, Joe Lucco. Also House - Senate softball game, Tuesday, further details see Ralph Capparelli. Thank you, Mr. Speaker.

Speaker McPike: "Mr. Kubik."

Kubik: "Thank you, Mr. Speaker. Let the record reflect that Representative Piel and Williamson are excused for the day."

Speaker McPike: "Thank you. Mr. Clerk, take the record. 115 people answering the Roll Call, a quorum is present. Representative Rice."

Rice: "There will be an Election Committee meeting immediately after Session in room 114."

Speaker McPike: "Committee Reports."

Clerk O'Brien: "Representative Leverenz, Chairman from the Committee on Appropriations I, to which the following Bill was referred, action taken June 7, 1990, reported the same back with the following recommendations: 'Do pass as amended', Senate Bill 1783. Representative Cullerton, Chairman from the Committee on Coal and Oil Resources, to which the following Bills were referred, action taken June 7, 1990, reported the same back with the following

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recommendation: 'Do pass Short Debate Status', Senate Bill 2037; 'Do pass as amended Short Debate Status', Senate Bill 2110. Representative Brunsvold, Chairman from the Committee on Constitutional Officers, to which the following Bills were referred, action taken June 7, 1990, reported the same back with the following recommendations: 'Do pass' Senate Bill 1550 and 1512; 'Do pass Short Debate Status', Senate Bill 1508 and 2176; 'Do pass as amended Short Debate Status', Senate Bill 1612 and 2239; 'Do pass Consent Calendar', Senate Bills 1897, 2090, 2088 and 1498. Representative Preston, Chairman of the Committee on Consumer Protection, to which the following Bill was referred, action taken June 6, 1990, reported the same back with the following recommendation: 'Do pass Consent Calendar', Senate Bill 1572. Representative Van Duyne, Chairman of the Committee on Counties and Townships, to which the following Bills were referred, action taken June 6, 1990, reported the same back with the following recommendations: 'Do pass', Senate Bill 1531; 'Do pass Consent Calendar', Senate Bills 1657, 1641, 1635, 1867 and 2209. Representative Rice, Chairman from the Committee on Elections, to which the following Bill was referred, action taken June 6, 1990, reported the same back with following recommendation: 'Do pass Short Debate Status', Senate Bill 1904. Representative Kulas, Chairman from the Committee Energy and Environment and Natural Resources, to which the following Bills were referred, action taken June 6, 1990, reported the same back with the following recommendations: 'Do pass as amended', Senate Bill 2001; 'Do pass Short Debate Status', Senate Bill 2119 and 2171; 'Be adopted' Senate Joint Resolution 11. Representative Satterthwaite, Chairwoman on the Committee Higher Education, to which the following Bills were referred, action taken June 6, 1990

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reported the same back with the following recommendations:
'Do pass', Senate Bill 1585; 'Do pass as amended', Senate
Bill 1515 and 1523; 'Interim Study Calendar', Senate Bill
2274. Representative Hicks..."

Speaker McPike: "Excuse me, Mr. Clerk. Representative Rice."

Rice: "I would like to waive the posting requirement so Senate
Bill 1994 could be heard immediately after Session."

Speaker McPike: "In Elections?"

Rice: "In Election Committee. In room 114."

Speaker McPike: "Is this a...is this a recessed Committee?"

Rice: "No, I adjourned. Waiving of the posting requirements
only."

Speaker McPike: "Representative Olson. Representative Olson."

Olson, M.: "Thank you, Mr. Speaker. We have agreed to waive the
nominal posting notice so that the Elections Committee can
meet immediately after Session in 114."

Speaker McPike: "Is anyone else seeking recognition? Yeah,
Representative McCracken."

McCracken: "Yes, I just want to make it clear that it is for this
Bill and this Bill only. No other Bill will be considered
in that Committee Hearing."

Speaker McPike: "Alright."

McCracken: "Thank you."

Speaker McPike: "Representative Johnson are you seeking
recognition? Alright. The Gentleman asks leave to suspend
the posting requirement for Senate Bill 1994 for Elections
that...which will be held immediately after adjournment.
The House will stand in Perfunctory Session to allow the
Committee Report to be read in. Are there any objections?
Hearing none, the Attendance Roll Call will be used, the
Motion carries. Proceed, Mr. Clerk."

Clerk O'Brien: "Representative Hicks, Chairman from the Committee
on...Select Committee on Horse Racing, to which the

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following Bills were referred, action taken June 7, 1990, reported the same back with following recommendations: 'Do pass as amended', Senate Bill 1768; 'Do pass Short Debate Status', Senate Bill 1065 and 2056. Representative Dunn, Chairman from the Committee on Judiciary I, to which the following Bills were referred, action taken June 6, 1990, reported the same back with the following recommendations: 'Do pass', Senate Bill 1767, 1965 and 1736; 'Do pass as amended', Senate Bill 2308 and 2190; 'Do pass Short Debate Status', Senate Bill 2306, 2113 and 2012; 'Do pass as amended Short Debate Status', Senate Bill 2216, 1702 and 2014; 'Do pass Consent Calendar', Senate Bill 1723. Representative Homer, Chairman from the Committee on Judiciary II, to which the following Bills were referred, action taken June 7, 1990, reported the same back with the following recommendations: 'Do pass', Senate Bill 2084 and 2267; 'Do pass as amended', Senate Bill 1874 and 2038; 'Do pass Short Debate Status', Senate Bill 2106 and 2291; 'Do pass as amended Short Debate Status', Senate Bill 1518; 'Do pass Consent Calendar', Senate Bill 1613; 'Interim Study Calendar', Senate Bill 2276. Representative Giorgi, Chairman from the Committee on Labor and Commerce, to which the following Bills were referred, action taken June 7, 1990, reported the same back with the following recommendations: 'Do pass', Senate Bill 1501; 'Do pass as amended', Senate Bill 1704; 'Do pass as amended Short Debate Status', Senate Bill 1639 and 1638. Representative McGann, Chairman of the Committee on Mental Health...Select Committee on Mental Health, to which the following Bills were referred, action taken June 7, 1990, reported the same back with the following recommendations: 'Do pass as amended Short Debate Status', Senate Bill 2046...or that's 2076 and 2075; 'Do pass Consent Calendar', Senate Bill

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1840. Representative Wolf, Chairman of the Committee on Personnel and Pensions, to which the following Bills were referred, action taken June 7, 1990, reported the same back with the following recommendation: 'Do pass as amended Short Debate Status', Senate Bill 1951. Representative Krska, Chairman of the Committee Registration and Regulation, to which the following Bills were referred, action taken June 6, 1990, reported the same back with the following recommendations: 'Do pass', Senate Bill 2182; 'Do pass Consent Calendar', Senate Bill 1532, 1709 and 1744; 'Do pass as amended Consent Calendar', Senate Bill 1617. Representative Hannig, Chairman of the Committee on State Government, to which the following Bills were referred, action taken June 6, 1990 reported the same back with the following recommendation: 'Do pass', Senate Bill 1593, 2195 and 2086."

Speaker McPike: "On page 9 of the Calendar, Special Call, Consent Calendar, Education, appears Senate Bill 1660. Representative Steczko. Representative Steczko. Read the Bill, Mr. Clerk. Special Call, page 9."

Clerk O'Brien: "Senate Bill 1660, a Bill for an Act to amend the School Code. Third Reading of the Bill. It's on Consent Calendar, Third Reading, Second Day."

Speaker McPike: "Mr. Steczko. It's your Bill, Sir."

Steczko: "Thank you, Mr. Speaker. Senate Bill 1660 is a Bill that amends the School Code, relating to administrative certificates which was put together by the State Board of Education. I move for its passage."

Speaker McPike: "Representative McCracken."

McCracken: "I figured it out, I know why you want this Bill today. The Chicago School Superintendent doesn't have enough credit hours to be a superintendent. That's the reason. Right, am I right? So it's got to pass today or

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else Kimbro has to give back a million dollars. Is that it? I know what this Bill does. Representative Steczo, is it correct that this is for our distinguished Chicago School Superintendent?"

Steczko: "Representative McCracken, that's news to me if it is."

McCracken: "Oh, well, maybe I'm wrong. Alright, well I don't know why we're not running all of the Consent Calendar Bills today but, this clearly is the most important Bill of the Session so I will relent and let this one move today. And if this does by chance apply to the Chicago School Superintendent, put in a good word for me."

Speaker McPike: "Representative Levin."

Levin: "It's my understanding Representative that this Bill does not effect the Superintendent, Kimbro. And that he is required to follow the same procedures as everybody else, that in fact, he applied last week to take the test that he is required to take, and assuming he passes that test he will have one year to take the additional courses."

Speaker McPike: "Representative McCracken."

McCracken: "I am delighted to be corrected and I am delighted that Superintendent Kimbro is going back to school. I couldn't be happier. I think the nationwide talent search was money well spent."

Speaker McPike: "Representative Steczo."

Steczko: "Mr. Speaker, would Representative McCracken still like us to put in a good word for him?"

Speaker McPike: "The question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 114 'ayes', no 'nays'. Senate Bill 1660 having received the Constitutional Majority is hereby declared passed. On page 11 of the Calendar, under Motions, on Senate Bills...Representative Cullerton has the

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first Motion. Do you wish to call that on House Bill 1044 and Representative Churchill, do you wish to call the tabling Motion. Alright, under Senate Bill 1522, Representative Kubik, on a Motion. Mr. Kubik. Page 11 of the Calendar under Motions. Representative Cullerton has raised an objection that this Motion is out of order because you can't discharge rules. Senate Bill 1550, Representative Parcels. Out of the record. Senate Bill 1591, Representative Levin. Mr. Levin."

Levin: "Thank you, Mr. Speaker. I would move to discharge Elementary and Secondary Education Committee from further consideration of Senate Bill 1591. I move it to Second Reading, First Legislative Day. This Bill was the only Bill that was posted for House Elementary and Secondary Education Committee, and rather than have the committee meet to consider just this one Bill, there was an agreement reached with Representative Hoffman that...we would just discharge this Bill. This Bill is intended to be a vehicle in the event we need..."

Speaker McPike: "Representative Hoffman, is that right? Correct. Alright, Representative Levin...Representative Levin..."

Levin: "...any Amendments on Chicago school reform at this point..."

Speaker McPike: "The Motion is to discharge the Elementary and Secondary and place it on Second Reading, First Legislative Day. Hearing no objections, the Attendance Roll Call is used and the Motion carries. Senate Bill 1994, Representative DeLeo. Out of the record. The Motion on Senate Bill 2128 is out of order and on 2194, Representative Regan, is out of order. The Chair has three Motions to discharge that are not on the House Calendar but are filed with the Clerk, and they will require 71 votes for discharge. The first is a Motion by Representative

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Homer on Senate Bill 1974. Representative Homer."

Homer: "Thank you, Mr. Speaker. I would move to discharge the House Executive Committee from further consideration of this Bill and advance it to the Order of Second Reading. The Bill was posted yesterday in the...Executive Committee and it...I was not able to be there because of a personal matter, but I think there was a miscommunication perhaps with the respect to the Bill and its intent. The Bill is the vehicle for the implementation of the proposed tollway from Chicago to Kansas City, and the Bill is anticipated to be put into a Conference Report, so that if and when legislative recommendations can be formulated this Bill can serve as the vehicle to implement that important project that would allow for a tollroad be constructed between Chicago and Kansas City which would provide a great deal of economic revitalization and many jobs for Illinois citizens. So, I would move that we discharge this Bill."

Speaker McPike: "Are there any objections to this Motion? Representative McCracken, there is no objections to this Motion? Representative McCracken."

McCracken: "Yeah, no, we have no objection and Tom, I'm sorry to hear about your father's passing away."

Speaker McPike: "Representative Homer."

Homer: "Well, thank you, Representative McCracken and thank you, to all of you who have...through your kindness and notes and expressions of sympathy. It certainly gives support in a time like that and I thank you."

Speaker McPike: "Alright, the Attendance Roll Call will be used and Representative Homer's Motion carries. The second Motion is on Senate Bill 1916 by Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to discharge Judiciary II from further consideration and advance to the Order of Second Reading."

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This...I must clarify that I did have a fair hearing, a short time in Judiciary II. Representative Homer, Mr. Chairman there was very open about hearing our Bill. The problem I had was keeping the number of votes that we knew we had in place and this is very important to AFSCME concern. This is...also supported by the Department of Corrections. This passed out of the House with 84 votes, I believe, identical Bill that went to the Senate, and we feel like...the votes and support was there, we didn't have the time. I would appreciate the consideration."

Speaker McPike: "Representative McCracken."

McCracken: "Yes, this...really what we're considering at this point if I move to divide the question is the Calendar requirement which takes 71 votes for you to suspend. We have seen this type of Bill before, we're familiar the merits of the issue, we are in opposition to the merits of the issue. I ask my colleagues to join me in resisting the Motion to suspend the Calendar requirement."

Speaker McPike: "Representative Olson."

Olson, M: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd join Representative Phelps in his request for a favorable vote on this discharge Motion. We've addressed the issue here one time before, and now we can put it in a good form."

Speaker McPike: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Motion to discharge. It had more than a fair hearing in Judiciary II. What this Bill does is..."

Speaker McPike: "To the Motion, Sir."

Wennlund: "Rise in opposition, I urge all the Members and colleagues to vote 'no' on this side of the aisle."

Speaker McPike: "Representative Regan."

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Regan: "Thank you, Mr. Speaker, Members of the House. It not only had one fair hearing, it had two fair hearings and lost both times. I urge opposition."

Speaker McPike: "Representative Phelps to close."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Regan was in error, I did not have two chances. The Bill might have through at the length this Session but not today. So I would appreciate your support."

Speaker McPike: "The question is, 'Shall Senate Bill 1916 be discharged from J (sic - Judiciary) II?' All those in favor vote 'aye', opposed vote 'no'. Representative Black to explain his vote. Representative Homer to explain his vote."

Homer: "Thank you, Mr. Speaker. I vote 'no'. I'm the Chairman of that committee. The Gentleman was aported a full hearing today, he...we took a Roll Call vote, he came up short by the vote, and regardless to the merits of the Bill he did have a full hearing and I believe that this should not be subject to a discharge."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. Representative Parke."

Parke: "Inquiry of the Chair. How many votes does this need to be..."

Speaker McPike: "The Chair has announced three times that it requires 71 votes."

Parke: "Thank you, Mr. Chair..."

Speaker McPike: "Have all voted? Now it needs 60. No, it needs 71 votes. On this...Mr. Clerk would you take the record. On this Motion there are 61 'ayes' and 46 'nos'. Mr. Phelps. And the Motion fails. Senate Bill 2276. Representative Santiago."

Santiago: "Mr. Speaker, Ladies and Gentlemen of the House.

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This...I move to discharge from committee House Bill 2276. This Bill was debated this morning in Judiciary II for about an hour, and there were some problems that came up during that time and we have worked out all the problems with all the parties concerned so what I...I ask to discharge it from committee and have it...heard."

Speaker McPike: "Representative Countryman."

Countryman: "First of all, Mr. Speaker, I question whether this Motion is in order. The Gentleman placed the Bill on the Order of Interim Study and therefore, it's left the committee, it's on the Order of Interim Study. And then, secondly, I question the status of the Amendments that are on the Bill at the present time. I think if you review the committee record, that Amendment #1 was adopted, the Bill was voted on and failed, and then there was a Motion to reconsider that vote but Amendment #1 was never tabled, so Amendment #1 is on the Bill in my judgement and I'd ask the Chair to so rule if you find the Motion is in order."

Speaker McPike: "The...the Parliamentarian is going to check on this and...Representative Williams...Representative Homer. Representative Homer."

Homer: "Thank you, Mr. Speaker. By the way, if the electrician would check my light, it doesn't seem to work, my speak light. Actually the...the Bill was called and voted on twice in committee, it failed on both Roll Calls, I would ask the Parliamentarian to consider, in fact, whether our rules there by automatically table a Bill that is called a second time in committee, a second Roll Call. And therefore, I would submit that the Bill is currently on the table and that the correct Motion for the Gentleman would be a Motion to take from the table, and not a Motion to discharge."

Speaker McPike: "Representative Homer. Representative Homer."

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It's the Parliamentarian's understanding that the Bill was voted on twice. At that point the Bill is dead. It cannot be placed on Interim Study. The Committee Report erroneously reported the Bill as being placed on Interim Study. The Chair will correct at this point, and the Clerk will read into the record a corrected Committee Report showing that Senate Bill 2276 is tabled. I recognize Representative Santiago for a Motion."

Santiago: "Mr. Speaker, I move to take House Bill 2276 from the table and put it on the Active Roll."

Speaker McPike: "And on that Motion, Representative McCracken."

McCracken: "Thank you, Mr. Speaker. The Bill had two votes in committee, it was tabled automatically because it had more than one opportunity to be heard and voted upon. It doesn't need a third opportunity. I rise in opposition and ask my colleagues to join me."

Speaker McPike: "Representative Homer."

Homer: "Thank you, Mr. Speaker. The Bill was defeated in committee but the witnesses who appeared in opposition to the Bill have advised me that they have talked with the Sponsor and exacted a commitment from the Sponsor to hold the Bill on Second Reading pending an agreement with respect to...possible Amendment and therefore, because the opposition of the opponents has been removed, I would support the Gentleman's Motion to take the Bill from the table."

Speaker McPike: "Representative Countryman."

Countryman: "Well, thank you, Mr. Speaker. In the seven years I've been here, I've never been more confused about a Bill than this one. I'm the Minority Spokesman in this committee, I was there...Representative White came in, asked to put an Amendment on the Bill which I opposed, that's Amendment #1. Amendment #1 was adopted, there are

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two subsequent Amendments, Amendment #2 and Amendment #3 which were adopted I think without objection, which dealt with the substance of the Bill. The Amendment #1, in my judgement didn't deal with the Bill as it was amended as it came from the Senate. And I doubt that that Amendment is germane. After that failed, then the reconsideration was given and Amendment...Amendment #1 was supposedly withdrawn. Then we voted on the Bill and it failed again. Anyway you look at it, this Bill ought to die right here, right now. Vote 'no'."

Speaker McPike: "Thank You. Representative Regan."

Regan: "Mr. Speaker, please. I have to know...it has to be verified whether Amendment #1 is still on the Bill or not on the Bill before we can vote. Is there anyway to tell that?"

Speaker McPike: "The Motion is to take from the table. Now speak to the Motion. Representative Santiago, to close."

Santiago: "It is my belief that Amendment #1 is not...on the...on the Bill. But I ask for your support on this Bill, this is a good Bill. A good anti-drug Bill which has been Sponsored by the State's Attorney's Office. All...the reason I move to table the...take the Bill from the table was because we...the Illinois Merchants Association, the Illinois Bankers Associations and all the other groups that had problems with the Bill. They came over and they asked and...they introduced Amendments which made the Bill a better Bill and this is an agreed Bill. I don't see why we have so many problems with the Bill right now. I move...to take a Roll Call."

Speaker McPike: "Alright, everyone understands the Gentleman's Motion. And the question is, 'Shall the Motion be adopted?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will

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take the record. On this Motion there are 55 'aye', and 48 'nos', and the Motion fails. Adjournment Resolution."

Clerk O'Brien: "House Joint Resolution 136, resolved by the House of Representatives of the 86th General Assembly of the State of Illinois. The Senate concurring herein; that when the House of Representatives adjourn on Thursday, June 7, 1990 it stands adjourned until Tuesday, June 12, 1990 at the 12:00 o'clock noon. And when the Senate adjourns on Friday, June 8, 1990 it stands adjourned until Tuesday, June 12, 1990 at 12:00 o'clock noon."

Speaker McPike: "Representative Matijevich moves the adoption of the Adjournment Resolution. All in favor say 'aye', opposed 'no'. The 'ayes', have it and the Resolution is adopted. Agreed Resolutions."

Clerk O'Brien: "House Resolution 1881, offered by Representative Hicks. 1882, Curran. 1883, Stephens. 1884, Weller. 1887, Speaker Madigan and 1888, Parke - Wojcik."

Speaker McPike: "Representative Brunsvold, do you seek recognition?"

Brunsvold: "Thank you, Mr. Speaker. I would just like to mention to the Members before we adjourn, that the Quad City reception that was planned for this evening has been postponed until June 19."

Speaker McPike: "Representative Matijevich."

Matijevich: "Mr. Speaker, I'll trust...Clerk's office there that all the Resolutions are congratulatory and move the adoption of the Agreed Resolutions."

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

Clerk O'Brien: "House Joint Resolution 135, offered by Representative LeFlore. House Resolution 1886, offered by

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Representative Zickus."

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

Clerk O'Brien: "House Resolution 1885, offered by Representative Stephens with respect to the memory of Jesse M. Young, Jr."

Speaker McPike: "Representative Matijevich moves the adoption of Death Resolution. All in favor say 'aye', opposed 'no'. The 'ayes', have it and the Resolution is adopted. Any announcements? Representative Matijevich moves that the House stand adjourned until Tuesday, at the hour of 12:00 noon. Allowing the Clerk Perfunctory time for Committee Reports. All in favor of the Motion say 'aye', opposed 'no'. The 'ayes', have it. The House stands adjourned."

Clerk O'Brien: "Corrected Committee Report. Senate Bill 2276 was reported as having been placed on Interim Study Calendar on the Committee on Judiciary II, earlier today. The Bill should have been reported as tabled, pursuant to Rule 26(d). The House will remain in Perfunctory Session until call of the Chair. Perfunctory Session will be back in Session. Committee Report, Representative Rice, Chairman of the Committee on Elections, to which the following Bills were referred, action taken June 7, 1990 reported the same back with the following recommendation: 'Do pass', Senate Bill 1990. Being no further business the House now stands adjourned."

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