

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

11th Legislative Day

March 3, 1987

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. The Chaplain for today will be the Reverend Dr. George F. Pope, Pastor of the First Presbyterian Church of Danville. Dr. Pope is the guest of Representative Bill Black. Will the guest in the gallery please rise to join us in the invocation?"

Reverend Pope: "Thank you, Mr. Speaker. Let us pray. Almighty God, whose power has created the rich, fertile soil of our land, the wealth and industry of our cities, the great diversity of talent and reservoir of energy in our people, we give thanks for the great bounty of manifold benefits these, Your gifts, have brought among us. We pray for Your watchful care and guidance of the Members of this Assembly. Grant in the discharge of their duties a true clarity of insight and the wisdom of patience. In their deliberations compel among them a spirit of amity, understanding and fidelity to the common good. In the decisions they undertake, inspire them with a counsel of Your laws of equity, justice and compassion. Confirm the actions of this chamber, oh Lord, so that the blessings You have so generously bestowed may flow to all Your people. Amen."

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

Ropp - er 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. Have all recorded themselves who wish to be recorded? Mr. Greiman, are there any excused absences?"

Greiman: "Mr... let the record show that Mr. Levin is away on official business and then Mr. Huff is ill today."

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Speaker Madigan: "Mr. Greiman, has Mr. Homer been recorded as 'present'?"

Greiman: "No, he is not. He's..."

Speaker Madigan: "Well, I know that Mr. Homer is in the Capitol Complex, so if someone will record Mr. Homer as 'present'. Let the record reflect the excused absences read into the record by Representative Greiman. Mr. Piel, are there any excused absences?"

Piel: "Yes, Mr. Speaker. Would the record show that we do not have any at the present time?"

Speaker Madigan: "Thank you, Mr. Piel. Mr. Clerk, take the record. There being 113 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk, you have a House Joint Resolution."

Clerk O'Brien: "House Joint Resolution #22, be it resolved by the House of Representatives of the 85th General Assembly of the State of Illinois, the Senate concurring herein, that when the two Houses shall convene in Joint Session on Wednesday, March 4, 1987 at the hour of 12:00 noon for the purpose of hearing His Excellency, Governor James R. Thompson present to the General Assembly his Budget Message for Fiscal Year 1987 as required by chapter 127, section 28 of the revised statutes."

Speaker Madigan: "The Chair recognizes Mr. McPike for the purpose of a House Joint Resolution #22. Mr. McPike. Would you turn on Mr. McPike?"

McPike: "Thank you, Mr. Speaker. If the Clerk has read the House Joint Resolution, then I would move for its adoption."

Speaker Madigan: "The question is, 'Shall the Resolution be adopted?' Those in favor say 'aye'... the Chair recognizes Mr. McCracken."

McCracken: "Parliamentary inquiry, or is this the Adjournment Resolution?"

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McPike: "No, it is not."

Speaker Madigan: "I believe that this Resolution invites the Senate to join us tomorrow to hear your friend, the Governor, tell us about new taxes."

McCracken: "Well, we're not necessarily all for that."

Speaker Madigan: "Shall we proceed? So the question is, 'Shall the Resolution be adopted?' Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. On page two of the Calendar, on the Order of Motions there appears House Bill 307, and the Chair recognizes Mr. Leverenz. Mr. Leverenz."

Leverenz: "Thank you, Mr. Speaker. I would move to discharge the Appropriations I Committee on House Bill 307 and move it to the Order of Second Reading."

Speaker Madigan: "The Gentleman moves that the Committee on Appropriations I be discharged and that this Bill be placed on the Order of Second Reading. On that question, those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Motion is adopted and the Bill shall be placed on the Order of Second Reading, First Legislative Day. The Chair recognizes Mr. Leverenz. Mr. Leverenz."

Leverenz: "Mr. Speaker, I'd like to move this to Second Reading for the purpose of an Amendment."

Speaker Madigan: "Mr. Leverenz, pursuant to your Motion as printed on the Calendar the Bill was put on the Order of Second Reading, First Legislative Day. I think the proper request at this time is that with leave the matter be put on the Order of Second Reading, Second Legislative Day. Is there leave? Leave is granted. The Bill is now on the Order of Second Reading. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "House Bill 307, a Bill for an Act to amend Sections of an Act making appropriations and

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reappropriations to various agencies. Second Reading of the Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Leverenz and Mays, amends House Bill 307 on page one, by deleting line two and inserting lieu thereof the following and so forth."

Speaker Madigan: "Mr. Leverenz."

Leverenz: "Thank you, Mr. Speaker. Amendment #1 would provide some additional technical changes and expand the use for which we passed the money in the first place. I would move for the adoption of the Amendment."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. The Chair recognizes Representative Braun."

Braun: "Thank you, Mr. Speaker. While we're at ease, and this is a question to the Body or anyone who may be listening; Representative Grace Mary Stern has a beautiful antique pen, brooch and on it are some words in Russian, we think. Steve Nash and Myron Kulas have indicated that this is probably Russian. We don't know what it says and we are very curious. So if anyone speaks or reads or can translate Russian, probably Pre-Revolutionary Russian, would you please contact Representative Grace Mary Stern and solve the mystery for us? Thank you very much."

Speaker Madigan: "The Chair recognizes Mr. Flinn for the purpose of an announcement. Please give your attention to Mr. Flinn. This is an important announcement."

Flinn: "Mr. Speaker, while... while we're standing by, I would like to make two announcements. One is that the Elections Committee on the contest of Christensen versus Weller will

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meet one half hour after the adjournment in Room M-1, rather, in the Stratton Building. And also while I'm up, the Members of the Financial Institutions Committee, I would like to let you know that we're going to be meeting in 118 at 4:30 this afternoon. It's going to be an organizational meeting. We will not spend a lot of time but we will try to give everybody a sense of direction where the Committee is going to go this year."

Speaker Madigan: "Thank you, Mr. Flinn. The Chair recognizes Mr. Richmond for an announcement."

Richmond: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Particularly, to the Members of the House Ag Committee, we're meeting at 4:30 and we will be doing just a slight bit more than organizational meeting. We're going to hear a preliminary briefing on the complete... just completed report of the Illinois Forestry Commission. I would urge all Members to be present. Thank you."

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

Terzich: "Yes, Mr. Speaker, there will be an informal meeting of the Veterans' Affairs Subcommittee, chaired by Representative Pangle. We'll be meeting immediately upon adjournment in Room 122A, which will consist of the Chairman, Representative Pangle and Representative DeLeo... Berrios and myself and Representative Klemm will also choose two people from the Republican side. Thank you."

Speaker Madigan: "Mr. Terzich, for the purpose of the record, this will be an informal meeting because that Subcommittee has not yet been established."

Terzich: "That's correct, yes. But we will be meeting in 122A."

Speaker Madigan: "Thank you. Are there any other announcements? The Chair is prepared to adjourn. Is there any Member who wishes to address the Body? Mr. McCracken, did you have anything to say for the good and well being of the Body?"

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Okay. There will a Perfunctory Session for the purpose of introduction of Bills, reading of Committee Reports and First Reading of Constitutional Amendments. And with that the Chair recognizes Mr. McPike, who moves that the House stand adjourned until 12:00 noon tomorrow, providing for a Perfunctory Session for the previously stated purposes. Would the Members please be advised that tomorrow will be a Joint Session with the Senate to hear the Governor's Budget Message, and would all Members please be in the chamber at least ten minutes in advance of the hour of noon so we are in our chairs and ready to welcome the Governor? So with that the House shall stand adjourned until 11:45 tomorrow."

Clerk O'Brien: "Any Members that need their pictures taken for ID cards may have their picture taken in front of the Clerk's Office on the 1st floor, in front of Room 115, in the Capitol Building. Members pictures for ID cards."

Clerk Leone: "Introduction and First Reading of House Bills. House Bill 308, offered by Representative McPike, a Bill for an Act in relationship to sewer and water projects and amending Acts herein named. First Reading of the Bill. House Bill 309, offered by Representative Kirkland, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 310, offered by Representative Kirkland, a Bill for an Act to amend Sections of the Illinois Marriage and Dissolution of Marriage Act. First Reading of the Bill. House Bill 311, offered by Representative Kirkland, a Bill for an Act to amend Sections of the Workers' Compensation Act. First Reading of the Bill. House Bill 312, offered by Representative Kirkland, a Bill for an Act to amend Sections of the Code of Criminal Procedure. First Reading of the Bill. House Bill 313, offered by Representative Kirkland, a Bill for an Act to amend Sections of the School

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Code. First Reading of the Bill. House Bill 314, offered by Representative Kirkland, a Bill for an Act to amend Sections of the Illinois Fairness in Lending Act. First Reading of the Bill. House Bill 315, offered by Representative Kirkland, a Bill for an Act to amend Sections of the Illinois Fairness in Lending Act. First Reading of the Bill. House Bill 316, offered by Representative Kirkland, a Bill for an Act to enlarge the corporate limits of the Metropolitan Sanitary District of Greater Chicago. First Reading of the Bill. House Bill 317, offered by Representative Kirkland, a Bill for an Act to amend Sections of the Code of Civil Procedure. First Reading of the Bill. House Bill 318, offered by Representatives McPike and Flinn, a Bill for an Act to amend Sections of the Environmental Protection Act. First Reading of the Bill. House Bill 319, offered by Representative McPike, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 320, offered by Representative Satterthwaite - et al, a Bill for an Act to create the Illinois State Insured College and University Responsive Education Trust and prescribe its powers and duties of the Trust and the Board of Directors. First Reading of the Bill. House Bill 321, offered by Representative Satterthwaite, a Bill for an Act designating a state fossil. First Reading of the Bill. House Bill 322, offered by Representative Harris, a Bill for an Act to create the Residential Telephone Customer Privacy Act. First Reading of the Bill. House Bill 323, offered by Representative Harris, a Bill for an Act to amend Sections of the Compensation Review Act. First Reading of the Bill. House Bill 324, offered by Representative Harris, a Bill for an Act to amend Sections of the Election Code. First Reading of the Bill. House

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Bill 325, offered by Representative Didrickson, a Bill for an Act to amend Sections of the Workers' Compensation Act. First Reading of the Bill. House Bill 326, offered by Representative Didrickson - et al, a Bill for an Act concerning spouse and child support payments. First Reading of the Bill. House Bill 327, offered by Representative Weaver, a Bill for an Act to amend Sections of the County Jail Good Behavior Allowance Act. First Reading of the Bill. House Bill 328, offered by Representative Curran, a Bill for an Act to amend Sections of the Mobile Home, Landlord and Tenant Rights Act. First Reading of the Bill. House Bill 329, offered by Representative Johnson - et al, a Bill for an Act to amend Sections of the Election Code. First Reading of the Bill. House Bill 330, offered by Representative McPike, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 331, offered by Representative Madigan - et al, a Bill for an Act to amend Sections of the Illinois Pension Code and amending the State's Mandates Act. First Reading of the Bill. House Bill 332, offered by Representative Saltsman, a Bill for an Act relating to collective bargaining agreements. First Reading of the Bill. House Bill 333, offered by Representative Johnson - et al, a Bill for an Act in relationship to the possession of firearms and acquisition of firearm owners' identification cards. First Reading of the Bill. House Bill 334, offered by Representative Harris, a Bill for an Act to amend Sections of the Revenue Act. First Reading of the Bill. House Bill 335, offered by Representative Harris, a Bill for an Act to repeal the Compensation Review Act. First Reading of the Bill. House Bill 336, offered by Representative Deuchler and Frederick, a Bill for an Act to amend Sections of the Charitable Games

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Act. First Reading of the Bill. House Bill 337, offered by Representative Stange, a Bill for an Act to amend an Act in relationship to blood banks. First Reading of the Bill. House Bill 338, offered by Representative Parcels and Countryman, a Bill for an Act to revise the law in relationship to Casimir Pulaski's birthday. First Reading of the Bill. House Bill 339, offered by Representative Homer, a Bill for an Act to amend Sections of the Illinois Controlled Substance Act. First Reading of the Bill. House Bill 340, offered by Representative Barger, a Bill for an Act in relationship to the occupation and use tax and motor vehicle sales. First Reading of the Bill. House Bill 341, offered by Representative Kubik, a Bill for an Act to amend Sections of the Election Code. First Reading of the Bill. House Bill 342, offered by Representative Barger, a Bill for an Act to amend Sections of the Code of Civil Procedure. First Reading of the Bill. House Bill... Continuing with the Introduction of First Reading, House Bills. House Bill 343, offered by Virginia Frederick - et al, a Bill for an Act to authorize the medical testing of certain convicted defendants to determine whether they have a sexually transmittable disease. First Reading of the Bill. House Bill 344, offered by Representative Virginia Frederick - Bill Pederson, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 345, offered by Representative Greiman, a Bill for an Act to amend Sections of the Environmental Protection Act. First Reading of the Bill. House Bill 346, offered by Representative Capparelli - et al, a Bill for an Act to amend Sections of the Illinois Marriage and Dissolution of Marriage Act. First Reading of the Bill. House Bill... Continuing with Introductions. House Bill 347, offered by Representative Hensel, a Bill for an Act to

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amend Sections of the Senior Citizens' and Disabled Persons' Property Tax Relief Act and Pharmaceutical Assistance Act. First Reading of the Bill. House Bill 348, offered by Representative Bowman, a Bill for an Act in relationship to abused and neglected children and their families, amending certain Acts herein named. First Reading of the Bill. House Bill 349, offered by Representatives Kubik and O'Connell, a Bill for an Act to amend Sections of the Unified Code of Corrections. First Reading of the Bill. House Bill 350, offered by Representative Satterthwaite, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 351, offered by Representative Parke, a Bill for an Act to amend Sections of the Illinois Insurance Code. First Reading of the Bill. Continuing with Introductions. House Bill 352, offered by Representative Hartke, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 353, offered by Representative Hartke, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 354, offered by Representative Hartke, a Bill for an Act to amend Sections of the Public Utilities Act. First Reading of the Bill. House Bill 355, offered by Representative Hartke, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 356, offered by Representative Hartke, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 357, offered by Representative Hartke, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 358, offered by Representative Hartke, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 359, offered by Representative Dunn and Currie,

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a Bill for an Act to amend Sections of the Illinois Agency Development... Employment Development Act. First Reading of the Bill. House Bill 360, offered by Representatives Dunn and Currie, a Bill for an Act making appropriations to the Department of Public Aid. First Reading of the Bill. House Bill 361, offered by Representatives LeFlore and Parke, a Bill for an Act to amend Sections of the Illinois Vehicle Code. First Reading of the Bill. House Bill 362, offered by Representative McGann - et al, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 363, offered by Representative Homer and William Pederson, a Bill for an Act to amend Sections of the Illinois Income Tax Act. First Reading of the Bill. House Bill 364, offered by Representatives Homer and William Pederson, a Bill for an Act to amend Sections of the Illinois Income Tax Act. First Reading of the Bill. House Bill 365, offered by Representative Homer, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 366, offered by Representative McAuliffe - et al, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 367, offered by Representatives Parke and LeFlore, a Bill for an Act to amend Sections of the Illinois Insurance Code. First Reading of the Bill. House Bill 368, offered by Representatives Matijevich and Stern, a Bill for an Act in relationship to the construction of areas subject to flooding. First Reading of the Bill. House Bill 369, offered by Representative Anthony Young, a Bill for an Act to amend Sections of the Motor Vehicle Retail Installment Sales Act. First Reading of the Bill. House Bill 370, offered by Representative Kustra - et al... correction Representative Krska - et al, a Bill for an Act to amend

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Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 371, offered by Representative Krska - et al, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 372, offered by Representative Martinez - et al, a Bill for an Act to amend Sections of the Illinois... Illinois Notary Public Act. First Reading of the Bill. House Bill 373, offered by Representative McGann, a Bill for an Act to provide for the recall of Mayors. First Reading of the Bill. House Bill 374, offered by Representative McGann, a Bill for an Act to repeal the Illinois Sports Facility Authority Act. First Reading of the Bill. House Bill 375, offered by Representative Stange - et al, a Bill for an Act to amend Sections of the Insect Pest and Plant Disease Act. First Reading of the Bill. House Bill 376, offered by Representative Daley - et al, a Bill for an Act to amend Sections of the Illinois Pension Code and the State Mandates Act. First Reading of the Bill. House Bill 377, offered by Representative Rice - Van Duyne and Pangle, a Bill for an Act to amend Sections of the Unified Code of Corrections. First Reading of the Bill. House Bill 378, offered by Representative Rice - et al, a Bill for an Act to add articles to the Criminal Code. First Reading of the Bill. House Bill 379, offered by Representative Preston - McGann, a Bill for an Act in relationship to certain emergency medical care. First Reading of the Bill. House Bill 380, offered by Representative Pangle, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill. House Bill 381, offered by Representative McGann - et al, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 382, offered by Representative Berrios - et al, a Bill for an Act to amend

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Bill. House Bill 395, offered by Representative Saltsman, a Bill for an Act to amend Sections of the Illinois Marriage and Dissolution of Marriage Act. First Reading of the Bill. House Bill 396, offered by Representative Terzich - et al, a Bill for an Act to amend Sections of an Act concerning fees and salaries and to classify several counties of this state with reference hereto. First Reading of the Bill. House Bill 397, offered by Representative Terzich - et al, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 398, offered by Representative Hoffman and Cowlshaw, a Bill for an Act in relationship to state aid to school districts. First Reading of the Bill."

Clerk O'Brien: "The Perfunctory Session will recess until 3:30 p.m. Perfunctory Session will be... will return to Session. Committee Reports. Representative Matijevich, Chairman from the Committee on Rules, to which the following Resolution was reported, action taken April 3, 1987. The Committee reports a Committee Resolution and recommended it be adopted. House Resolution... House Resolution 86, Rules Committee recommends 'do adopt'. House Joint Resolution 81, Rules Committee recommends 'be adopted as amended'. Introduction and First Reading of Bills. House Bill 399, offered by Representative Curran and Panayotovitch, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. House Bill 400, Hoffman - Mulcahey - Cowlshaw - and Satterthwaite, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 401, Matijevich and Breslin, a Bill for an Act to repeal Sections of the Citizens' Utility Board Act. First Reading of the Bill. House Bill 402, offered by Representative Breslin and Ronan, a Bill for an Act to amend Sections of the Illinois

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Income Tax Act. First Reading of the Bill. House Bill 403, Breslin, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. Introduction and First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #3, offered by Representatives Daniels and Dunn. Resolved, by the House 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 Section 8 and 12 of and to add Sections 12.1, 12.2, 12.3 and 12.4 and 12.5 to Article VI of the Constitution, the amended and added Section to read as follows: Article VI, Section 8, Associate Judges. Each associate court shall have such number of Associate Judges as provided by law. In any judicial circuit which adopts Section 12.1 and 12.3 by a local option referendum pursuant to Section 12.2, the Associate Judges shall be selected by appointment in the manner provided by those Sections. Otherwise, Associate Judges shall be appointed by the Circuit Judges in each circuit as the Supreme Court shall provide by rule. In the Cook County Circuit, unless otherwise provided by law, at least one-fourth of the Associate Judges shall be appointed from and reside outside Chicago. The Supreme Court shall provide by rule for manners... for matters to be assigned to Associate Judges. Section 12, Election of Circuit Judges. (a) In a Judicial Circuit which adopts Section 12.1 and 12.2... 3 by the local option referendum pursuant to Section 12.2, Circuit Judges shall be selected in a manner provided by those Sections, unless such manner of selection is terminated by referendum pursuant to Section

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12.2; otherwise, in the manner provided by this Section.

(b) Circuit Judges shall be nominated at primary elections or by petitions and shall be elected at special (sic - general) or judicial elections as provided by law. A person eligible for the office of Circuit Judge may cause his name to appear on the ballot as a candidate for Circuit 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. A Circuit Judge elected to office under this Section 12(b) may stand for retention for a full term pursuant to Section 12.4.

(c) The office of a Circuit Judge shall be vacant upon the incumbent's death, resignation, retirement, removal or upon the inclusion of a term without retention in office or whenever an additional Circuit Judge is authorized by law.

(d) A vacancy occurring in the office of Circuit Judge shall be filled as the General Assembly may provide by law or in the absence of a law by appointment by the Supreme Court. The person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Circuit Judges shall serve until the first Monday in December following the second next general or judicial election. Section 12.1, Appointment of Judges of the Supreme Court and Appellate Court and Circuit Courts upon adoption.

(a) The provisions of this Section shall govern the selection of all Supreme and Appellate Judges and of those Circuit and Associate Judges of any Circuit which adopts this Section and Section 12.3 by a local option referendum pursuant to Section 12.2. For the purpose of this Section and Section 12.4, the term 'Judge' includes all such Supreme, Appellate, Circuit and Associate Judges except where a distinction is indicated. (b) Judges shall be appointed by the Governor from nominees

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submitted by the Judicial Nominating Commissions except when appointed by the Supreme Court in accordance with paragraph (f) of this Section. (c) The office of a Judge shall be vacant upon the incumbent's death, resignation, retirement, removal, or upon conclusion of a term without retention in office or whenever an increase in the number of Judges is authorized. (d) As soon as a vacancy occurs in the office of Judge or will occur within six months by a day certain, the Administrative Director of the Illinois Courts shall promptly notify the chairman of the appropriate Judicial Nominating Commission who shall immediately convene the Commission. (e) Within 42 days after the receipt of such notice of a vacancy, the Commission shall submit to the Governor a list of three nominees in alphabetical order who are qualified for review by the Commission. For the purposes of Sections for review by the Commission. For the purposes of... for the purposes of Sections 12.1 through 12.5 of this Article, 'qualified for review by the Commission' means persons who have by their character, temperance, professional aptitude, experience, and commitment to equal justice under the law, are deemed by the Commission to be best qualified to fill the vacancy. The Commission may not include on the list a nominee who is on another list then pending before the Governor or the Supreme Court pursuant to Section 12.1(f) to fill a vacancy in the same judicial office. The function of a list shall terminate upon making the required appointment therefrom. (f) Immediately upon receipt of a list the Governor shall make it public. Not fewer than 28 nor more than 56 days after the receipt of a list, the Governor shall appoint therefrom a person to fill the vacancy. If any appointment is not made by the Governor within 56 days, the Commission shall immediately submit the

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list to the Supreme Court, which shall promptly make the appointment from the list. (g) A person appointed to fill a vacancy pursuant to this Section 12.1 shall serve an initial term ending on the first Monday in December following the next general election held after the completion of one year in office. At that general election the Judge may stand for retention in office for a full term pursuant to Section 12.4. (h) Upon adoption by the... by a Circuit of this Section and Section 12.3 by a local option referendum pursuant to Section 12.2, the terms of the Associate Judges of that Circuit shall conclude as provided in this subsection (h) regardless of the date or dates of previous appointment and regardless of any other provisions of this Article VI: 1. The Administrative Director of the Illinois Courts shall forthwith divide the Associate Judges (sic - Judgeships) into the Circuit, including those then vacant, into two groups, equal in number as near as may be, with terms to expire as follows: Group 1 on the first Monday in December after the general election next following the adoption of the local option referendum and on every fourth anniversary of that day. Group 2 on the first Monday in December after the second general election next following the adoption of the local option referendum and on every fourth anniversary of that day. 2. The Administrative Director(s) of the Illinois Courts shall forthwith by lot assign the Associate Judges when in office to the above groups. 3. The Associate Judgeships may be added or terminated in a Circuit, the Administrative Director of the Illinois Courts shall promptly adjust the groups accordingly while maintaining their equality in number as near as may be. Section 12.2, Circuit Local Option Referenda. (a) The electors of any Judicial Circuit may by a referendum here designated as a

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local option referendum adopt a proposition requiring Sections 12.1 and 12.3 to govern the selection of Circuit Judges and Associate Judges of that Circuit. The electors of a Circuit shall vote on the proposition at the next general election held not less than three months following the filing of petitions with the Secretary of State, signed by not fewer than five percent of the total number of electors who voted at the next preceding general election in the Circuit, asking that the proposition be submitted to referendum. If a majority of votes cast on the proposition are in the affirmative, Sections 12.1 and 12.3 shall thereafter govern the selection of Circuit Judges and Associate Judges of the Circuit Court of that Circuit. (b) After the eight year following... eighth year following a local option referendum thereby... whereby the electors of a Circuit have adopted Sections 12.1 and 12.3 to govern the selection of Circuit Judges and Associate Judges pursuant to this Section, the electors of the Circuit may terminate their adoption of Sections 12.1 and 12.3 by a local option referendum. Such a referendum shall be subject to the same requirements and conducted in the same manner as a referendum for adoption of Sections 12.1 and 12.3. If a majority of the votes cast on the proposition to terminate are in the affirmative, the selection of Circuit Judges and Associate Judges of that Circuit shall thereafter be governed by Sections 12 and 8, respectively, unless and until Sections 12.1 and 12.3 are again adopted pursuant to this Section. Section 12.3, Judicial Nominating Commissions. There shall be a Judicial Nominating Commissions in each Judicial District for the nomination of Judges for the Supreme and Appellate Courts for that District and in each Judicial Circuit which by a local option referendum adopts Section 12.1 and this Section 12.3

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for the nomination of Circuit and Associate Judges for that Circuit. (b) Each Judicial Nominating Commission shall consist of eleven members who are residents of the Appellate (sic - appropriate) District or Circuit: six non-lawyers and five lawyers. (c) The non-lawyer members of each Judicial Nominating Commission shall be adopted as follows: three by the General... by the Attorney General and three by the state official or officer first in the order indicated who was elected to office and not affiliated with the same political party as the Attorney General: the Secretary of State, the Comptroller, the Treasurer, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate. (d) The lawyer members of each Judicial Nominating Commission shall be elected by secret ballot without political party or other designation by those lawyers admitted to practice in Illinois whose principal office is in the appropriate District or Circuit, in such manner as provided by Supreme Court Rules. (e) Upon appointment of the initial non-lawyer members of each Judicial Nominating Commission, the Attorney General shall divide the appointees by lot into three groups equal in number as near as may be with one of his appointments in each group, and shall by lot designate the groups to serve initial terms of two, four and six years respectively. The initial lawyer members of each Judicial Nominating Commission shall also be divided by lot into three groups equal in number as near as may be, and the groups shall by lot be designated to serve initial terms of two, four and six years respectively, all in such manner as provided by Supreme Court Rule. Thereafter, the terms of all Commission members shall be six years. (f) A vacancy in the

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non-lawyer membership of a Judicial Nominating Commission shall be filled for the unexpired term or for a full term, as the case may be, by the Attorney General if qualified by being affiliated with the same political party as the official who had appointed the person whose vacancy is to be filled, otherwise by the elected State official who is so designated (sic - qualified) and first in the order indicated in subsection (c) of Section 12.3. A vacancy in the lawyer membership of a Judicial Nominating Commission shall be filled for the unexpired term or for a full term, as the case may be, by elections set forth in subsection (d) of Section 12.3. (g) The Chairman of each Judicial Nominating Commission shall be selected by vote of all the members of the Commission. The term of a Chairman shall be three years unless his or her remaining term as a member of the Commission expires sooner. (h) Any person who holds any office under the United States or this state or any political subdivision or municipal corporation or municipality or unit of local government of this state and receives compensation for services rendered in such office, or who holds any office or official position in a political party, shall be ineligible to serve on a Judicial Nominating Commission. Compensation for service in the state militia or the armed services of the United States for such period of time as may be determined by Supreme Court Rule shall not be considered a disqualification. No member of a Judicial Nominating Commission may be appointed to judicial office while serving on the Commission for a period of three years thereafter. (i) A member having served a full term of six years on a Judicial Nominating Commission may not serve on a Commission during the next three years. No person may serve on more than one Judicial Nominating Commission at the same time. (j) The

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Commission may conduct such investigations, meetings and hearings, all of which may be secret, and employ such staff members as may be necessary to perform their duties. Members of Commissions shall not receive any compensation for their services but shall be entitled to reimbursement for necessary expenses. The General Assembly shall appropriate funds to the Supreme Court for such reimbursement and for all other administrative expenses of the Commissions. (k) Nominations shall be submitted to the Governor only upon concurrence of not less than three-fifths of all members of the Commission. (l) All lawyer and non-lawyer members of each Judicial Nominating Commission shall be subject to ethics and economic disclosure requirements as provided by law, and lawyer members shall be subject to campaign financing disclosure requirements as provided by law. Section 12.4, Retention Elections. (a) Not less than six months before the general election next preceding the expiration of the term of office of (i) a Supreme, Appellate or Circuit Judge who was elected to that office, or of (ii) an Associate Judge in office in a Judicial Circuit upon adoption by the Circuit of Sections 12.1 and 12.3 by a local option referendum pursuant to Section 12.2 or of (iii) a Supreme, Appellate, Circuit or Associate Judge who was appointed to that office pursuant to Section 12.1, he or she may file in the office of the Secretary of State a declaration of candidacy for retention in that office for a full term. Not less than 63 days before the election, the Secretary of State shall certify the Judge's candidacy to the proper election officials. At the election the name of each such Judge who has timely filed a declaration of candidacy for retention (except each Circuit and Associate Judges who, pursuant to Section 12.5, has been found

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qualified for review by the Commission and qualified to serve for the succeeding term) shall be submitted to the electors, separately and without party distinction on the sole question of retention in office for another term. Retention elections shall be conducted at general elections in the appropriate Judicial Districts and Circuits. The affirmative vote of three-fifths of the electors voting on the question of retention shall elect a Judge to that office for a full term commencing on the first Monday in December following the election. (b) A Judge eligible to file a declaration of candidacy for the retention who fails to do so within the time herein specified, or having filed, fails of retention shall vacate the office on the first Monday in December following the election, whether or not a successor shall yet have qualified. If an incumbent Judge, eligible to do so, does not timely file a declaration of candidacy for retention, the selection of a successor, if any, shall proceed immediately in the manner provided in Section 12 or 12.1, whichever applies, so that the successor may take office as soon as a vacancy occurs. (c) An authorized retention (sic - reduction) in the number of Judges shall be without prejudice to the right(s) of Judges in office at the time to seek retention in accordance with the provisions of this Section. The retention (sic - reduction) shall become effective when a vacancy occurs in the affected unit. Section 12.5, Judicial Review Commissions for Circuit and Associate Judges. (a) The provisions of this Section 12.5 shall govern the retention of Circuit and Associate Judges in the Cook County Circuit unless that circuit by local option referendum terminates the option (sic - operation) of Section 12.1 and 12.3. (b) In any Circuit other than the Cook County Circuit, the adoption of the provisions of this Section 12.5 shall be

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submitted to the electors as a separate question at the election, if any, at which a local option referendum is held pursuant to Section 12.2. If a majority of the votes cast on such separate question are in the affirmative, the provisions of this Section 12.5 shall thereafter govern the retention of Associate Judges in that Circuit, provided that Sections 12.1 and 12.3 are adopted by the Circuit pursuant to Section 12.2. (c) In each Judicial Circuit in which the retention of Circuit and Associate Judges or Associate Judges only is governed by this Section pursuant to subsection (a) or (b), of Judicial Review Commission shall be created and empowered to determine qualification for retention of Circuit and Associate Judges in Cook County, or of Associate Judges in any circuit other than the Cook County Circuit. (d) Members of a Judicial Review Commission shall be appointed or elected as provided by subsections (c) and (d) of Section 12.3 with respect to members of a Judicial Nominating Commission. (e) The terms of all members of a Judicial Review Commission shall begin six months before the general election in each year in which a general election is held, and shall expire on the first Monday in November of the same year. Appointments and elections to a Judicial Review Commission may not take place earlier than 45 days before the term is to commence. (f) A vacancy in the membership of a Judicial Review Commission shall be promptly filled as provided in subsection (f) of Section 12.3 with respect to vacancies of a Judicial Nominating Commission. (g) Judicial Review Commissions shall be governed by the provisions of subsections (b), (g), (h) and (j) of Section 12.3 with respect to Judicial Nominating Commissions, as well as by this Section. (h) A person having served on a Judicial Review Commission may not serve on a Judicial

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Review Commission during the next eight years. A persons who has served on a Judicial Nominating Commission may not serve on a Judicial Review Commission for a period of eight years thereafter. No person may serve on a Judiccial Nominating Commission while serving on a Judicial Review Commission. (i) In Circuits governed by this Section 12.5, for each Circuit and Associate Judge in Cook County, or Associate Judge in other circuits, who has timely filed a declaration of candidacy for retention in office pursuant to Section 12.4, the Secretary of State shall within fourteen days of receipt of such declaration of candidacy, submit the Judge's name to the Administrative Director of the Illinois Courts. Not more than six nor less than five months before the general election next preceding the expiration of the term of office of such Judge, the Administrative Director of the Illinois Courts shall notify the Chairman of the appropriate Judicial Review Commission of the Judge's candidacy. The Chairman shall then promptly convene the Commission. (j) If by concurrence of not less than three-fifths of its members the Commission finds the candidate to be qualified for review by the Commission and qualified to serve another term, the candidate shall be retained in office for a full term commencing on the first Monday in December following the election. Not less than 84 days before the election the Commission shall prepare and submit to each candidate its finding(s) as to whether the Committee (sic - Commission) finds or fails to find that candidate qualified for review by the Commission and qualified to serve for another term. Not less than 77 days before the election, the Commission shall submit to the Secretary of State a list stating by name (i) which candidates it has found qualified to serve another term; (ii) which candidates it has failed to find so qualified,

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and (iii) which candidates have withdrawn their candidacy by written notification to the Commission. (k) Failure of a candidate to be found qualified for retention by a Judicial Review Commission shall be without prejudice to the candidate's right to stand for retention by the electorate at a general election pursuant to Section 12.4. Schedule. If approved by the electors, this Amendment shall take effect the next day following proclamation of the result of the vote, except that, to provide time for the establishment of District Judicial Nominating Commissions, vacancies occurring in the office of Supreme and Appellate Judge to and including the following June 30th, shall continue to be filled as provided in Section 12(c), Article VI or the Constitution, adopted in 1970, effective July 1, 1971, for a term ending the first Monday in December after the next general election; and vacancies occurring after the following June 30th shall be filled as provided herein. In a Judicial Circuit which adopts Sections 12.1 and 12.3 by a local option referendum, the following schedule shall apply: Those Sections shall take effect the next day following proclamation of the results of the referendum except that, to provide time for the establishment of a Circuit Judicial Nominating Commission, vacancies occurring in the office of Circuit Judge and Associate Judge to and including the following March 31st shall continue to be filled as provided in Sections 8 and 12, Article VI of the Constitution adopted in 1970, for a term ending the first Monday in December after the next general election. Vacancies occurring after the following March 31st shall be filled as provided herein. First Reading of the Constitutional Amendment. Further Introduction and First Reading of Bills. House Bill 404, offered by Representatives Currie - and Johnson, a Bill for

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an Act to amend Acts in relation to the sale and use of human body parts. First Reading of the Bill. House Bill 405, Johnson and Currie, a Bill for an Act to add Sections to the Experimental Organ Transplantation Procedure Act. First Reading of the Bill. House Bill 406, Johnson and Currie, a Bill for an Act to amend Sections of the Uniform Anatomical Gift Act. First Reading of the Bill. House Bill 407, Johnson and Currie, a Bill for an Act in relation to anatomical gifts. First Reading of the Bill. House Bill 408, Stern - Currie and Johnson, a Bill for an Act to add Sections to the Uniform Anatomical Gift Act. First Reading of the Bill. House Bill 409, Currie - Johnson and Stern, a Bill for an Act to amend Sections of the Critical Health Problems and Comprehensive Health Education Act. First Reading of the Bill. House Bill 410, Klemm - Waite and Doederlein, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. Introduction and First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #4, offered by Representatives McPike - Flinn - Wolf - Richmond - and Mautino - et al. Resolved, by the House 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 Section 8, 10 and 12 of Article VI of the Constitution to read as follows: Article VI, Section 8, Associate Judges. Each Circuit Court Judge... Each Circuit Court shall have such number of Associate Judges as provided by law. Associate Judges shall be appointed by the Circuit Judges in the Cook County Circuit as the Supreme Court shall provide by rule. Associate Judges outside the Cook County

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Circuit shall be elected in the manner provided in Section 12 of this Article. In the First Judicial District, unless otherwise provided by law, at least one-fourth of the Associate Judges shall be appointed from and reside outside Chicago. The Supreme Court shall provide by rule for matters to be assigned to Associate Judges. Section 10. Terms in (sic - of) Office. The terms of office of Supreme, Appellate and Circuit Court Judges (sic) shall be ten years; of Circuit Judges and Associate Judges outside Cook County, six years; and of Associate Judges in Cook County, four years. Section 12. Election and Retention. (a) Supreme Court... Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition. Associate Judges outside Cook County shall be nominated at primary elections or by petition. Judges shall be elected at general or judicial elections as the General Assembly shall provide by law. Associate Judges outside Cook County shall be elected at general or judicial elections as the General Assembly shall provide by law. A person eligible for the office of Judge may cause his name to appear on the ballot as a candidate for 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. (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, or Associate Judge outside Cook County, is authorized by law, the office shall be filled in the manner provided for filling a vacancy in that office. (c) A vacancy occurs (sic - occurring) in the office of Supreme, Appellate or Circuit Judge(s) or Associate Judge(s) outside Cook County shall be filled as the General Assembly may provide by law.

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In the absence of a law, vacancies may be filled by appointment by the Supreme Court. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate 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 less than 60 days prior to the next primary election to nominate Judges shall serve until the vacancy is filled at the second general or judicial election following such appointment. (d) Not less than six months before the general election preceding the expiration of his term in office, a Supreme, Appellate or Circuit Judge, or Associate Judge outside Cook County, who has been elected 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 and Associate Judges outside Cook County. 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. (e) A law reducing the number of Appellate or Circuit Judges or Associate Judges outside Cook County 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. (f) For the

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purpose of this Section, the term Judge includes Associate Judges outside Cook County. Schedule. This Amendment shall take effect upon its adoption by the electors of this state and shall apply to vacancies occurring in the office of Associate Judge outside Cook County on or after its adoption. First Reading of the Constitutional Amendment. No further business. The House now stands adjourned until 11:45 a.m., March the 4th, 1987."

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