

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

132nd Legislative Day

April 23, 1992

Speaker McPike: "The House will come to order. The House will come to order. The chaplain for today is Reverend Farries Morrison, Jr., from the Prayer Wheel Church of God in Christ, in Springfield. Reverend Morrison is the guest of Representative Curran. The guests in the balcony may wish to rise and join us for the invocation."

Reverend Morrison: "Shall we pray. Eternal God, our Father, Creator of the Universe, of mankind, how excellent is Thy name. We thank You for Your loving kindness and tender mercy. Thank You for health, for life, liberty and the pursuit of happiness. As these governmental Representatives of the public continue today their labor of legislative labor, with the issues that will be brought before them, we ask You to endow them with strength, common sense and wisdom, to make the best decisions that will make this society that we live in a better place to live for all mankind. Now we thank You for what has been, for what is and for what will be. In Thy most holy and immaculate name we pray. Amen."

Speaker McPike: "We'll be led in the Pledge of Allegiance by Representative Hartke."

Hartke - 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 McPike: "Roll Call for Attendance Mr. Kubik."

Kubik: "Yes, Mr. Speaker. Let the record reflect that Representative Harris and Ryder are not here today."

Speaker McPike: "Representative Matijevich."

Matijevich: "Let the record reflect the excused absence of Representative Richard Mulcahey."

Speaker McPike: "Mr. Clerk, take the record. One hundred

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fifteen, Members answering the Roll Call, a quorum is present. Message from the Senate."

Clerk O'Brien: "A Message from the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate adopted the following Senate Joint Resolution, the adoption of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Joint Resolution #130, a Constitutional Amendment, adopted by the Senate April 23, 1992. Linda Hawker, Secretary of the Senate'."

Speaker McPike: "Representative Matijevich. Mr. Matijevich."

Matijevich: "Mr. Speaker, I would ask leave of the House and use of the Attendance Roll Call for the purposes of suspending the posting notice on House Bill 3038. I received a note from a staff member that...so that that Bill can be heard in Public Utilities Committee Tuesday. The staff member inadvertently left that off the posting. Both the Chairman, Ellis Levin, and the Minority spokesman, Jay Ackerman, have been notified, and this has cleared both sides of the aisle. Thank you."

Speaker McPike: "All right. With permission from the Minority spokesman and the...Senate...and the Chairman, hearing no objections...Mr. Black, it's been cleared with Mr. Ackerman."

Black: "All right."

Speaker McPike: "All right, hearing no objections, the Attendance Roll Call will be used, and the Motion carries. Mr. Saltsman."

Saltsman: "Thank you, Mr. Speaker. I'd like to file the Motion pursuant to Rule 20(k). I move to suspend the posting requirements in Rule 20 in relation to the following Committee, or Bill, or Resolution: SJRCA 30...130."

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Speaker McPike: "All right. You've heard the Gentleman's Motion. Are there any objections? Hearing none, the Attendance Roll Call will be used, and the Motion carries. Mr. Wennlund. Representative Wennlund, in the Chair."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'm delighted today to welcome, to the Illinois House of Representatives, Boy Scout Troop 237 from Frankfort Square in Will County, Illinois, where their scout leaders are Roe Abshire and Terry Colclasure, the troop members that are here to participate in the Lincoln Heritage 21-mile walk from Lincoln's Tomb, to the City of Springfield. And the members are: Brian Abshire, Rob Colclasure, Brian Bozinovich, Dan Allen, Chris Gadvilus, Tom Catt, Paul Schmidt and Gene Cicuto. We're delighted that they're here, and we welcome to the House of Representatives. They're going to participate with 11,000 other Boy Scouts, Girl Scouts and other scouting troops that participate in honoring the memory of one of the greatest presidents, Abraham Lincoln. Please give them your warm welcome, and we appreciate them being here and participating in this greatest event in scouting. Thank you."

Speaker McPike: "Representative McPike, in the Chair. Resolution."

Clerk O'Brien: "A Message from the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate adopted the following Senate Joint Resolution, the adoption of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Joint Resolution #149, Resolved, by the Senate of the 87th General Assembly of the State of Illinois, the House of Representatives concurring

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herein, that when the two Houses adjourn on Thursday, April 23, 1992, they stand adjourned until Tuesday, April 28, 1992 at 12:00 noon. Linda Hawker, Secretary of the Senate."

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

Clerk O'Brien: "Agreed Resolutions. House Resolution 1840, offered by Representative Saltsman, 1842, offered by Representative Wennlund; 1843, by Representative Kubik; 1844, by Representative Mautino...Marinero, I'm sorry, House Resolution 1846, offered by Representative Parke; House Joint Resolution 121, offered by Representative Sieben; House Joint Resolution 122, offered by Representative Balthis and Giglio; House Resolution 123, offered by Representative Balthis and Giglio; House Resolution...House Joint Resolution 124, offered by Representative McCracken."

Speaker McPike: "Representative Hultgren, for what reason do you rise? Representative Matijevec...Further Agrees."

Matijevec: "Speaker, we've..."

Speaker McPike: "House...Mr..."

Clerk O'Brien: "House Resolution 138, offered by Representative McGann. I'm sorry, that's House Resolution 1838, McGann; 1847, Cowlshaw; and 1850, Cowlshaw. No further."

Speaker McPike: "Representative Matijevec."

Matijevec: "Mr. Speaker, we've examined the Resolutions, they are agreed to. I 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

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'ayes' have it. Agreed Resolutions are adopted. Death Resolutions."

Clerk O'Brien: "House Resolution 1839, offered by Representative LeFlore, with respect to the memory of Myrtle Scott. House Resolution 1841, offered by Representative Steczo, with respect to the memory of Tom Mikuta. House Resolution 1845, offered by Representative Morrow, with respect to the memory of Helen Bernice. House Resolution 1848, offered by Representative Cowlshaw with respect to the memory of Richard G. Lenert. House Resolution 1849, offered by Representative Cowlshaw, with respect to the memory of Ellen G. Baird."

Speaker McPike: "Representative Matijevec moves the adoption of the Death Resolutions. All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Death Resolutions are adopted. Page 8 of the Calendar, appears House Joint Resolution Constitutional Amendment 29. Mr. Clerk, has this been read a third time?"

Clerk O'Brien: "This Resolution has been read a Third time previously."

Speaker McPike: "Representative Homer."

Homer: "Thank you, Mr. Speaker. This is the State Mandates Resolution. It's urgent that the Resolution passes today in order to get to the Senate next week. As you may know, the Constitutional Amendments must be approved by May 1st in order to be placed on the ballot in November. This Resolution is Co-Sponsored, it's Homer-Daniels, and others which would specify that any executive...any executive action or legislative action that would require an expenditure of funds by unit of local government or school district in order to implement, would not become law unless that action received three-fifths vote approval by the

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Illinois General Assembly on the mandate was funded. So, in order for any mandate to have the force of law, whether it be executive action or action of the General Assembly through legislation, it would not have the force of law unless it passed by three-fifths vote of both Houses or unless it was funded. The obvious purpose of this is to ensure that before actions of the state become burdens and mandates on local governments and school districts, that true meaning be given to the effect of the mandates, so that we will have to put our money where our mouth is and impose no new obligation on local government or schools unless we're willing to pay for it, and if we don't, or if we don't pass it by three-fifths vote, they will not be obligated to follow that law. It also applies in cases of reduction of the tax base, the Property Tax base of local taxing districts as well. So, I would answer questions, it's a bi-partisan initiative, and urge unanimous support."

Speaker McPike: "And on the Gentleman's question, Representative Currie."

Currie: "Thank you, will the Gentleman yield for a question?"

Speaker McPike: "Yes."

Currie: "Representative, is this prospective only or do we have to go back and apply these principles to all the old mandates that we've already approved?"

Homer: "Counsel, who helped in drafting the Resolution, advises me that...that it would be prospective only, and, therefore, if it is not clear by the text of the Amendment, I would state at this time, for purpose of legislative intent, that it is our intent that this Amendment be prospective only-apply only to mandates passed after the effective date of the Constitutional Amendment."

Currie: "So, some silly and unnecessary mandates that were

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costly, that passed by simple majorities, will continue to plague local governments, but a really important new mandate without funding will require the extra votes in order to succeed."

Homer: "Well, this...Yeah, there has to be a starting point and the starting point would be the effective date of the Amendment."

Currie: "Okay, to...to the Amendment, Mr. Speaker. We're all properly concerned about the effects of our actions on local government, we ought to be, but I don't think this Constitutional Amendment is the way to resolve that problem. I believe in democracy, I believe in majority rule. I don't think super majorities are...should be required for actions about local governments, which are creatures of this General Assembly's...creatures of Illinois State Governments. I think this is an over-reaction to some legitimate concerns on the part of locals; but we have a better answer, and that is making sure that our majority votes are responsive, to and concerned about, the problems that our measures may create for local units of government. Thank you."

Speaker McPike: "The question is, 'Shall this Resolution pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? Turner, 'aye'. Have all voted who wish? The Clerk will take the record. On this Resolution, there are 109 'ayes' and 1 'no'. And HJRCA 29, having received a Three-Fifths Constitutional Majority, is hereby declared passed. Any announcements? Representative Matijevich now moves that the House stand adjourned until next Tuesday, at the hour of 12:00 noon, allowing Perfunctory time for the Clerk, for Committee Reports, Messages from the Senate and

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Constitutional Amendments. All in favor say 'aye', opposed, 'no'. The 'ayes' have it and the House stands adjourned."

Clerk O'Brien: "A Message from the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, the adoption of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Joint Resolution Constitutional Amendment #15, adopted by the Senate April 23, 1992. Linda Hawker, Secretary of the Senate.' Senate Joint Resolution #130, Constitutional Amendment, offered by Speaker Madigan. Resolved, by the Senate of the 87th General Assembly of the State of Illinois, the House of Representatives concurring herein; that there shall be submitted to the electors of the state for adoption or rejection at the general election next occurring, at least six months after the adoption of this Resolution: Proposition to amend Section 1 of Article X of the Illinois Constitution; as follows: Article X; Education; Section 1. Fundamental Right-Free Schools: A fundamental right of the People of the State is the educational development of all persons to the limits of their capacities. It is the paramount duty of the State to provide for a thorough and efficient system of high quality public education institutions and services and to guarantee equality of educational opportunity as a fundamental right of each citizen. Education in public schools through the secondary level shall be free. The State has the preponderant financial responsibility for financing the system of public education. There may be such other free education as the General Assembly provides by law.

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Schedule. This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading of the Constitutional Amendment: Introductions: Introduction - First Reading of Bills. House Bill 4201, offered by Representative Turner; a Bill for an Act to amend the School Code. First Reading of the Bill. House Bill 4202, offered by Representative Homer; a Bill for an Act to create the Public Agency Construction Equitable Adjustment Act. First Reading of the Bill."

Clerk McLennand: "Committee Reports. Representative DeLeo, Chairman of the Committee on Consumer Protection, to which the following Bills were referred, action taken April 22nd, 1992, reported the same back with the following recommendations: 'do pass' House Bill 3410; 'do pass as amended' House Bill 3133 and 2691. Representative Hartke, Chairman of the Committee on Counties and Townships, to which the following Bills were referred, action taken April 22nd, 1992, reported the same back with the following recommendations: 'do pass' House Bills 2757, 2759, 2762 and 2763; 'do pass as amended' House Bills 3036 and 2664; 'do pass Short Debate Status' House Bills 3210, 3105, 3104, 3134, 3327, 3485, 2945; 'do pass as amended Short Debate Status' House Bill 3191.; 'do pass Consent Calendar' House Bill 3208, 3427, 3057, 3037 and 2921; tabled in committee House Bill 3367. Representative Kulas, Chairman of the Committee on Environment and Energy, to which the following Bills were referred, action taken April 22nd, 1992, reported the same back with the following recommendations: 'do pass' House Bills 3351, 3320 and 3073; 'do pass as amended' House Bill 3039; 'do pass as amended' House Bill 3039; 'do pass Short Debate Status' House Bill 3029; 'do pass as amended Short Debate Status' House Bill 3567 and

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3110. Representative Monique Davis, Chairman of the Committee on Elementary and Secondary Education, to which the following Bills were referred, action taken April 22nd, 1992, reported the same back with the following recommendations: 'do pass' House Bill 3086; 'do pass as amended' House Bills 825 and 1890; 'do pass Short Debate Status' House Bills 3066 and 3115; 'do pass Consent Calendar' House Bill 3248; 'do pass as amended Consent Calendar' House Bill 1132. Representative Saltsman, Chairman of the Committee on Executive, to which the following Bills were referred, action taken April 22nd, 1992, reported the same back with the following recommendations: 'do pass' House Bills 2986, 3243, 3156, 2833, 2834, 2865, 2992, 2991, 2990, 3253, 3206. House Joint Resolution Constitutional Amendments 2, 16, 25 and 27.; 'do pass as amended' House Bill 3013; 'do pass Short Debate Status' House Bills 3154, 3204, 3205, 3030; 'do pass Consent Calendar' House Bills 3055, 3056, 3100 and 3054; 'do pass as amended Consent Calendar' House Bill 3230. Representative Phelps, Chairman of the Committee on Health Care, to which the following Bills were referred, action taken April 22nd, 1992, reported the same back with the following recommendations: 'do pass Consent Calendar' House Bills 3651, 3643 and 3202; 'do pass as amended Consent Calendar' House Bills 3045 and 3119. Representative Wyvetter Younge, Chairman of the Committee on Higher Education, to which the following Bills were referred, action taken April 22nd, 1992, reported the same back with the following recommendations: 'do pass' House Bills 2339 and 3197; 'do pass as amended' House Bills 1727 and 3051; 'do pass Short Debate Status' House Bills 3645 and 3347; 'do pass as amended Short Debate Status' House Bills 3453

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and 3252. Representative Dunn, Chairman of the Committee on Judiciary I, to which the following Bills were referred, action taken April 22nd, 1992, reported the same back with the following recommendations: 'do pass' House Bills 3567, 3284, 3412, 3439; 'do pass as amended' House Bill 487.; 'do pass Short Debate Status' House Bills 3630 and 3356. Representative Homer, Chairman of the Committee on Judiciary II, to which the following Bills were referred, action taken April 23rd, 1992, reported the same back with the following recommendations: 'do pass' House Bills 2688, 2696, 3041 and 3968. 'do pass as amended' House Bill 2804, 3271, 3290 'do pass Short Debate Status' House Bills 2736, & 3288, 'do pass as amended Short Debate Status' House Bill 2750 'do pass Consent Calendar' House Bill 2946 and 3183. Representative Steczko, Chairman of the Committee on Registration and Regulation, to which the following Bills were referred, action taken April 22, 1992, reported the same back with the following recommendations: 'do pass' House Bill 3222; 'do pass as amended' House Bill 565, 1816 and 2942; 'do pass Short Debate Status' House Bill 2928, 2950, 3188, 3228, 3314 and 3324; 'do pass as amended Short Debate Status' House Bills 2723 and 3096; 'do pass Consent Calendar' House Bills 3824. Representative Curran, Chairman of the Committee on State Government Administration, to which the following Bills were referred, action taken April 22, 1992, reported the same back with the following recommendations: 'do pass' House Bill 3606, 3592, 3391, 3571 and 3140; 'do pass as amended' House Bill 1680 and 2697; 'do pass Short Debate Status' House Bill 3490 and 3479; 'do pass Consent Calendar' House Bills 2748, 3731 & 3357. Representative Turner, Chairman of the Committee on Housing, to which the following Bills were referred, action

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taken April 23, 1992, reported the same back with the following recommendations: 'do pass Short Debate Status' House Bill 3239, 3422, 1503 and 3240; 'do pass as amended Consent Calendar' House Bill 1504. Representative Morrow, Chairman of the Committee on Economic & Urban Development, to which the following Bills were referred, action taken April 23, 1992, reported the same back with the following recommendations: 'do pass' House Bill 2952. Representative Shaw, Chairman of the Committee on Constitutional Officers, to which the following Bills were referred, action taken April 23, 1992, reported the same back with the following recommendations: 'do pass Short Debate Status' House Bill 3388 and 3625; 'do pass Consent Calendar' House Bill 3598, 3599, 3454 and 3437. Representative Preston, Chairman of the Committee on Children & Family Law, to which the following Bills were referred, action taken April 23, 1992, reported the same back with the following recommendations: 'do pass' House Bill 3483; 'do pass as amended' House Bill 3266 and 3416; 'do pass Short Debate Status' House Bill 3342, 3343, 3315, 3262, 3481, 3233, 661, 2751, 1181, 1182 and 3322; 'do pass Consent Calendar' House Bills 3331, 2784, 3461 & 2962. Representative Wolf, Chairman of the Committee on Personnel & Pensions, to which the following Bills were referred, action taken April 23, 1992, reported the same back with the following recommendations: 'do pass' House Bill 2645, 2667, 2730 and 2895. Committee Reports."

Clerk McLennand: "Being no further business, the House does not stand adjourned until April 28th at the hour of 12:00.

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