

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

133rd Legislative Day

April 28, 1992

Speaker McPike: "The House will come to order. The Chaplain for today is Reverend Robert Barr from the Christian Church in Tower Hill, Illinois. Reverend Barr is the guest of Representative Noland. The guests in the balcony may wish to rise and join us for the invocation."

Reverend Barr: "Dear God and Father in Heaven, we're grateful for all Your blessings and for the blessings that You give us every day. And, Father, today help us to reflect upon these blessings and all the many ways that You have blessed us. Help us, Father, to thank You daily for these. And, dear God, bless the State of Illinois and the leaders of this state that are gathered today here. I ask that You lead this assembly today. I ask that You guide each Representative here and the decisions that will be made in this Session. Father, help these men and women and all their activities today. Lord, make them aware of the great responsibilities given them as Legislators of the State of Illinois and assist them in fulfilling their duties. Father, we continue to rely upon Your strength and power to govern these Legislators, who, in turn, govern our state. And this is my prayer, in Jesus' name. Amen."

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

Klemm - 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. Ropp, that was 'Representative Klemm' I said. You probably thought I said 'Representative Ropp', to lead us in the Pledge. Representative Matijevich."

Matijevich: "Mr. Speaker, the only absence that I have so far is

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Representative Mulcahey."

Speaker McPike: "Thank you. Representative Kubik."

Kubik: "Yes, let the record reflect that Representative Doederlein is excused today. And, somebody...I think Representative McPike is here as well."

Speaker McPike: "Thank you. Mr. Clerk, take the record. One hundred-sixteen Members answering a Roll Call, a quorum is present. Could we have the attention of the Members, please? Representative Weaver, in the Chair."

Weaver: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, it is my distinct pleasure to introduce to you the Championship Basketball team from Eastern Illinois University. They won the Mid-continental Conference Championship by beating Wright State; nationally ranked Wisconsin, Green Bay; and U of I at Chicago. They finished first in the First Division, in Mid-Conference...Mid-Continental Conference eight out of its ten years of existence. This year, this team is the only state university team to qualify for the NCAA Division 1 Playoffs. I'd like Coach Rick Samuels to introduce the team members to you."

Rick Samuels: "Thank you, Mike. It's our pleasure to be here, and we thoroughly enjoyed the opportunity to represent Eastern Illinois and the State of Illinois in the NCAA Basketball Tournament. I'll introduce my seniors, and I'd just have them raise their hands: Steve Rowe, from Chicago; Barry Johnson, from Bloomington; David Olson, from Newark; Rod McKinnis, from Chicago; Kevin Martin, from Brookport, all from Illinois. Juniors: Derrick Kelly, from Evansville, Indiana; Eric West, from St. Louis, Missouri. Sophomores: Curtis Leib, from Flora; Kevin Robertson, from Joliet; Troy Collier from Danville.

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Freshmen: Louis Jordan, from Oak Park; Andre Rodriguez, from Oak Park; Steven Nichols, from Shelbyville; Walter Jordan, from Champaign. My two managers, Mike Hoban, Sherry Conn. Assistant Coaches Dave Webber, Mike Church, George Morgan. Our trainer, Lance McNamara. Athletic Director, Mike Ryan, is with us. Our president Stan Reaves is also with us. I would also like to take this brief moment, if I could, to present Representative Weaver with a T-Shirt symbolizing the Mid-Continent Conference Championship in the NCAA Tournament appearance. Thanks, Mike. Thank you, Gentlemen."

Speaker McPike: "Representative McPike in the Chair. Mr. Clerk, SJR 15."

Clerk O'Brien: "Senate Joint Resolution, Constitutional Amendment 15, 'RESOLVED, BY THE SENATE OF THE EIGHTY-SEVENTH 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, a proposition to amend Section 3 of Article VIII of the Illinois Constitution as follows: ARTICLE VIII FINANCE. SECTION 3. STATE AUDIT AND AUDITOR GENERAL. (a) The General Assembly shall provide by law for the audit of the obligation, receipt and use of all funds administered by state government whether directly or indirectly by the legislative, executive or judicial branch of the state or by any instrumentality of any branch, whether appropriated or not and regardless of source, but not funds administered by units of local government or school districts, except as established by the General Assembly by law. The General Assembly, by a vote of three-fifths of the members elected

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to each house, shall appoint an Auditor General and may remove him for cause by a similar vote. The Auditor General shall serve for a term of ten years. His compensation shall be established by law and shall not be diminished, but may be increased, to take effect during his term. (b) The Auditor General shall conduct the audit of all funds administered by State government. He shall make additional reports and investigations as directed by the General Assembly. He shall report his findings and recommendations to the General Assembly and to the Governor. Source: Illinois Constitution. Schedule: This Constitutional Amendment takes effect upon approval by the electors of this state.' First Reading of the Constitutional Amendment."

Speaker McPike: "Representative McGann."

McGann: "Thank you, Mr. Speaker. Members of the Assembly. I move to suspend the posting requirement in Rule 20. This in relation to the Executive Committee so that SJRCA 15 can be heard tomorrow in the Executive Committee."

Speaker McPike: "All right. Does anyone rise in opposition to the Gentleman's Motion? Hearing no objections, the Attendance Roll Call will be used, and the Motion carries. Representative Pullen."

Pullen: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. It is my privilege to announce to the House that we have visiting us today a very distinguish class of students from Main East High School in Park Ridge, Illinois in my district. They are in the gallery behind me, on this side of the House and they are accompany by their teacher Carl Carlson who was also my teacher when I was a student at Main East back in the dark ages. Please welcome, Main East High School. Thank you."

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Speaker McPike: "How old is he? Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker. I would move to waive the posting requirements for House Bill 3012, Committee on Election Law. I spoke with Representative Stern. It's my understanding that she has consented to having those posting requirements waived for that Bill."

Speaker McPike: "All right, you've heard the Gentleman's Motion. Representative Stern indicates that she approves. Are there any objections? Hearing none, Attendance Roll Call will be used; the Motion carries. Representative Bruce Farley. Mr. Bruce Farley."

Farley: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. For the purpose of announcement, I would like to announce that, and remind, I should say, the Members of the House that there will be a dedication ceremony of the Injured Workers Statue and memorial on the Capitol lawn, on the corner of Monroe and 2nd at 12:30. Mr. Lane Kirkland is in town for the dedication, along with Governor Edgar, and other dignitaries. So I would invite the Members of the House to please join us at the dedication at 12:30 on the Capitol lawn."

Speaker McPike: "Mr. Kubik."

Kubik: "Thank you, Mr. Speaker. I would move to suspend the appropriate rule to waive the posting rule on House Bill 3213. I have spoken with the Chairman of the Election Law Committee, Representative Stern, and she is agreeable to this Motion and supports the Motion."

Speaker McPike: "All right, you've heard the Gentleman's Motion. Representative Stern agrees with the Gentleman's Motion. Are there any objections? Any objections? Hearing no objections, the Attendance Roll Call be used; the Motion carries. Representative Homer."

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Homer: "Thank you, Mr. Speaker. One of my Bills, House Bill 4073, dealing with home owners' insurance was assigned to the Insurance Committee this afternoon. However, at your request, and I agree, the Bill would be more appropriately assigned to the Judiciary I Committee. So at this time, I would ask leave to waive the posting notice for tomorrow so that the Bill can be heard in Judiciary I, that is, House Bill 4073. And I understand the Committee on Assignments is prepared to reassign that Bill. Forty-seventy three."

Speaker McPike: "Mr. Homer, has this Bill been reassigned, or will be reassigned?"

Homer: "Yes, it's being reassigned."

Speaker McPike: "All right. All right, Mr. Black, do you object to that Motion?"

Black: "I'm not certain, Mr. Speaker. It's just that we can't hear anything in here, and I don't know whether he said it was cleared with the Minority spokesman or not."

Homer: "Take it out of the record for the moment."

Speaker McPike: "All right, we'll take this Motion out of the record. Mr. Keane."

Keane: "Thank you, Mr. Speaker. I move to waive the posting requirements for Senate Bill 318, and ask that it be referred for Revenue Committee. I've talked to both sides of the aisle, and it's no problem."

Speaker McPike: "All right, you've heard the Gentleman's Motion on Senate Bill 318. Are there any objections? Hearing none, the Attendance Roll Call will be used. The Motion carries. Mr. Keane."

Keane: "Thank you. I'd like to have the same Motion on House Bill 3150, which inadvertently was not posted to Revenues. So, I'd ask to waive the posting requirements and have the Bill posted in Revenue."

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Speaker McPike: "And this has been cleared with the Minority spokesman?"

Keane: "It was...it's being done so now. It was posted in committee last week. I asked for them to re-post it, and for some reason they didn't re-post it."

Speaker McPike: "All right, are there any objections to the Motion on House Bill 3150? Hearing none, the Attendance Roll Call will be used, and the Motion carries. Mr. Homer. Are you ready on that Motion? Would you repeat that Bill?"

Homer: "Thank you, yes. I move to waive the posting notice on House Bill 4073, and I've got the concurrence of the Minority spokesman on the House Judiciary I Committee for that Motion."

Speaker McPike: "Mr. Clerk, put that Bill number up, please. Alright, you've heard the Gentleman's Motion on House Bill 4073. Are there any objections? There being none, the Attendance Roll Call will be used, and the Motion carries. Any announcements? Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I'd like to move that we waive the posting notice and have House Bill 3438 heard in Financial Institutions at 4:00."

Speaker McPike: "Mr. Granberg, has this been cleared with the other side? Yes. All right, you've heard the Gentleman's Motion on House Bill 3438. Hearing no objections, the Attendance Roll Call will be used, and the Motion carries. Representative Dunn."

Dunn: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise for the purpose of moving to waive the appropriate rule, so the following Bills can be heard in committee this week. This request has been approved by each of the appropriate Minority spokespersons. The Bills are as follows: House Bill 3927, House Bill 3928, House

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Bill 4071, House Bill 4075, House Bill 4081 and House Bill 4093, which was for, Mr. Black was just, 4094, pardon me, was just added, Mr. Black, at the request of Mr. McCracken. That's in my Committee, Jud. I. One Bill in addition to the ones I gave you a moment ago. So, if there's no objection, I would like leave to have these Bills heard in committee this week."

Speaker McPike: "Mr. Clerk, do you have a list of the Bills? All right. You've heard the Gentleman's Motion on House Bills 3927, and the Clerk has a list of the remaining Bills on that Motion. Are there any objections to this? Representative Currie, are you objecting? No. Hearing no objections, Mr. Klemm, are you...Mr. Klemm?"

Klemm: "I just wanted to point out, Mr. Speaker, that the Bill that Representative Dunn was talking about is posted on our Calendar already, and I was wondering if it's an oversight, but it's...I have no objection to it."

Speaker McPike: "That was probably an oversight. You've heard the Gentleman's Motion. There being no objections, Attendance Roll Call will be used, and the Motion carries. Representative Currie."

Currie: "I would move to waive the posting requirements on House Bill 3261, so the Bill could be heard in the Children Family Law Committee this week. I've cleared the request with both the Chairman of the Committee and the Minority spokesman."

Speaker McPike: "House Bill 3261 has been cleared with both sides of the aisle. It's been cleared with both sides of the aisle. It has not? Mr. Black."

Black: "If it has been cleared with our side of the aisle, I am not aware of that. If the Sponsor would tell me who she cleared it with, I would be glad to admit I..."

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Speaker McPike: "Mr. McCracken."

Currie: "The Minority spokesman, Representative McCracken."

Speaker McPike: "Mr. McCracken."

Black: "Mr. McCracken approved it? That's good enough for me."

Speaker McPike: "All right, you've heard the Lady's Motion.

There being no objections, the Attendance Roll Call will be used, and the Motion carries. Representative McNamara."

McNamara: "Thank you, Mr. Speaker. I move to suspend the rules on House Joint Resolution Constitutional Amendment 30, to be heard in Executive Committee tomorrow. It's been cleared with both sides of the aisle."

Speaker McPike: "HJRCA30. You've heard the Gentleman's Motion. Is there any objection? Hearing none, the Attendance Roll Call will be used, and the Motion carries. Any further announcements? Any further announcements? Representative Flinn?"

Flinn: "Mr. Speaker, I would like to announce that we only have ten Bills in Financial Institutions. We plan to complete our work today. If those Sponsors will show up in a timely manner, we'll get them out in a timely manner. If they don't, they will lose their Bill. We do not plan to be there after today."

Speaker McPike: "All right, Representative Matijevich now moves that the House stand adjourned until tomorrow. Until tomorrow at the hour of 1:00 p.m., 1:00 p.m. tomorrow. All in favor say 'aye'...until 1:00 p.m. tomorrow allowing Perfunctory time for the Clerk...for the reading of Constitutional Amendments. All in favor say 'aye', opposed 'no'. The ayes have it, and the House stands adjourned."

Clerk McLennand: "Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #2, offered by Representative Parcells: 'WHEREAS, The First Congress of

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the United States of America, at its first session begun and held March 4, 1789, sitting in New York, New York, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit: RESOLVED, by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following (Article) be proposed to the Legislatures of the several States, ... which (Article), when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.: (An Article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution. "Article the second ... No law, varying the compensation for the services of the Senators and Representatives, shall take effect until an election of Representatives shall have intervened." and WHEREAS, Article V of the Constitution of the United States allows the ratification of the proposed Amendment to the United States Constitution by the General Assembly of the State of Illinois; and WHEREAS, Article V of the Constitution of the United States does not dictate a time limit on ratification of an amendment submitted by Congress, and the First Congress specifically did not provide any time constraint for ratification of the above-quoted Amendment; and WHEREAS, The Supreme Court of the United States in 1939 ruled in the landmark case of Coleman v. Miller that Congress is the final arbiter on the question of whether too much time has elapsed between

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Congress' submission of a particular amendment and the most recent state legislature's ratification of same if Congress did not specify a deadline on the proposal's consideration; and WHEREAS, Section 11 of Article IV of the Constitution of the State of Illinois provides that "Changes in the salary of a member (of the Illinois General Assembly) shall not take effect during the term for which he has been elected."; and WHEREAS, The General Assembly of the State of Illinois finds that the proposed Amendment is still meaningful and necessary as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were in the eighteenth century when the proposed Amendment was submitted for its adoption; and WHEREAS, The proposed amendment to the United States Constitution has already been ratified by the legislatures of the following states on the dates indicated, to wit: Alaska on May 5, 1989; Arizona on April 3, 1985; Arkansas on March 5, 1987; Colorado on April 18, 1984; Connecticut on May 13, 1987; Delaware on January 28, 1790; Florida on May 31, 1990; Georgia on February 2, 1988; Idaho on March 23, 1989; Indiana on February 19, 1986; Iowa on February 7, 1989; Kansas, on April 5, 1990; Louisiana on July 6, 1988; Maine on April 27, 1983; Maryland on December 19, 1789; Minnesota on May 22, 1989; Montana on March 11, 1987; Nevada on April 26, 1989; New Hampshire on March 7, 1985; New Mexico on March 13, 1986; North Carolina on December 22, 1789; Ohio on March 6, 1873; Oklahoma, July 10, 1985; Oregon, May 19, 1989; South Carolina on July 19, 1790; South Dakota on February 21, 1985; Tennessee on May 23, 1985; Texas on May 25, 1989; Utah on February 21, 1986; Vermont on November 3, 1791; Virginia on December 15, 1791;

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West Virginia on March 10, 1988; Wisconsin on June 30, 1987; Wyoming on March 3, 1978; therefore be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the foregoing proposed amendment to the Constitution of the United States is ratified by the General Assembly of the State of Illinois; and be it further RESOLVED, That the Secretary of State of Illinois shall transmit certified copies of this resolution to the Archivist of the United States, to the Vice-President of the United States and to the Speaker of the United States House of Representatives with a request that it be printed in full in the Congressional Record. Second Reading of Constitutional Amendments. This Constitutional Amendment will be held on order of Second Reading. House Joint Resolution Constitutional Amendment #16, offered by Representative Petka. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH 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 6 months after the adoption of this resolution a proposition to change Section 10 of Article IV and Section 1 of Article VIII of the Illinois Constitution as follows: ARTICLE IV THE LEGISLATURE SECTION 10. EFFECTIVE DATE OF LAWS The General Assembly shall provide by law for a uniform effective date for laws passed before May 1 of a calendar year. The General Assembly may provide for a different effective date in any law passed before May 1. A Bill passed after April 30 shall not become effective before May 1 of the next calendar year unless the General Assembly by the vote of three-fifths of the members elected

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to each house provides for an earlier effective date.

ARTICLE VIII FINANCE SECTION 1. GENERAL PROVISIONS Public funds, property, or credit shall be used only for public purposes. The State, units of local government and school districts shall incur obligations for payment or make payments from public funds only as authorized by law or ordinance. Reports and records of the obligation, receipt and use of public funds of the State, units of local government and school districts are public records available for inspection by the public according to law. The State fiscal year shall begin on May 1. Second Reading Constitutional Amendments. This Constitutional Amendment will be held on Order of Second Reading. House Joint Resolution Constitutional Amendment #25, offered by Representative Homer. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH 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 6 months after the adoption of this resolution a proposition to change Section 10 of Article IV of the Illinois Constitution as follows: ARTICLE IV THE LEGISLATURE SECTION 10. EFFECTIVE DATE OF LAWS The General Assembly shall provide by law for a uniform effective date for laws passed before June 1 of a calendar year. The General Assembly may provide for a different effective date in any law passed before June 1. A bill passed after May 31 shall not become effective before June 1 of the next calendar year unless the General Assembly by the vote of three-fifths of the members elected to each house provides for an earlier effective date. Second Reading Constitutional Amendment. This Constitutional Amendment

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will be held on order of Second Reading. House Joint Resolution Constitutional Amendment #27, offered by Representative Hicks. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH 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 6 months after the adoption of this resolution a proposition to amend Section 10 of Article IV and Section 11 of Article V of the Illinois Constitution as follows: ARTICLE IV THE LEGISLATURE SECTION 10. EFFECTIVE DATE OF LAWS The General Assembly shall provide by law for a uniform effective date for laws passed prior to May 1 of a calendar year. The General Assembly may provide for a different effective date in any law passed prior to May 1. A bill passed after April 30 shall not become effective prior to May 1 of the next calendar year unless the General Assembly by the vote of three-fifths of the members elected to each house provides for an earlier effective date. ARTICLE V THE EXECUTIVE SECTION 11. GOVERNOR - AGENCY REORGANIZATION The Governor, by Executive Order, may reassign functions among or reorganize executive agencies which are directly responsible to him. If such a reassignment or reorganization would contravene a statute, the Executive Order shall be delivered to the General Assembly. If the General Assembly is in annual session and if the Executive Order is delivered on or before February 1, the General Assembly shall consider the Executive Order at that annual session. If the General Assembly is not in annual session or if the Executive Order is delivered after February 1, the General Assembly shall consider the Executive Order at its next annual session, in which case

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the Executive Order shall be deemed to have been delivered on the first day of that annual session. Such an Executive Order shall not become effective if, within 60 calendar days after its delivery to the General Assembly, either house disapproves the Executive Order by the record vote of a majority of the members elected. An Executive Order not so disapproved shall become effective by its terms but not less than 60 calendar days after its delivery to the General Assembly. SCHEDULE This Amendment takes effect upon approval by the electors of this State. Second Reading Constitutional Amendments. This Constitutional Amendment will be held on Order of Second Reading."

Clerk McLennand: "No further business, the House does stand adjourned until 1:00 tomorrow."

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