

STATE OF ILLINOIS
88th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

94th Legislative Day

January 26, 1994

Speaker Curran: "The hour of 10:00 having arrived, the House Perfunctory Session will be in order. We will be led in prayer by the Clerk."

Clerk McLennand: "Dear Lord bless this House of Representatives and all who work and serve here on behalf of the people of this great state of Illinois. Amen."

Speaker Curran: "We will now be led in the Pledge of Allegiance by Susan Welch."

Welch - 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."

Clerk McLennand: "Introduction and First Reading of House Bills. House Bill 2697, offered by Representative Hoffman, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill. House Bill 2698, offered by Representative Brunsvold, a Bill for an Act to amend the School Code. First Reading of the Bill. House Bill 2699, offered by Representative Novak, a Bill for an Act relating to bonds for school construction. First Reading of the Bill. House Bill 2700, offered by Representative Parke, a Bill for an Act to amend the Humane Care for Animals Act. First Reading of the Bill. House Bill 2701, offered by Representative Skinner, a Bill for an Act to amend the Unified Code of Corrections. First Reading of the Bill. House Bill 2702, offered by Representative Giolitto, a Bill for an Act to amend the Illinois Income Tax Act. First Reading of the Bill. House Bill 2703, offered by Representative Lindner, a Bill for an Act to amend the Code of Criminal Procedure. First Reading of the Bill. House Bill 2704, offered by Representative Tim Johnson, a Bill for an Act to amend the Illinois Drainage Code. First

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Reading of the Bill. House Bill 2705, offered by Representative Flowers, a Bill for an Act making an appropriation to the Capital Development Board. First Reading of the Bill. House Bill 2706, offered by Representative Flowers, a Bill for an Act in relation to female prisoners and their children. First Reading of the Bill. House Bill 2707, offered by Representative Kubik, a Bill for an Act in relation to use and occupation taxes. First Reading of the Bill. House Bill 2708, offered by Representative Zickus, a Bill for an Act to amend the Property Tax Code. First Reading of the Bill. House Bill 2709, offered by Representative Zickus, a Bill for an Act to amend the Property Tax Code. First Reading of the Bill. House Bill 2710, offered by Representative Levin, a Bill for an Act to amend the Communicable Disease Prevention Act. First Reading of the Bill. House Bill 2711, offered by Representative Maureen Murphy, a Bill for an Act in relation to certain taxes imposed on fuel and energy. First Reading of the Bill. House Bill 2712, offered by Representative Schoenberg, a Bill for an Act to amend the Code of Civil Procedure. First Reading of the Bill. House Bill 2713, offered by Representative Novak, a Bill for an Act in relation to real property taxation. First Reading of the Bill. House Bill 2714, offered by Representative Brunsvold, a Bill for an Act regarding governmental employees. First Reading of the Bill. House Bill 2715, offered by Representative Capparelli, a Bill for an Act to amend certain Acts in relation to gambling. First Reading of the Bill. House Bill 2716, offered by Representative Weller, a Bill for an Act to amend the Illinois Public Demonstrations Law. First Reading of the Bill. House Bill 2717, offered by Representative Maureen Murphy, a Bill for

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an Act in relation to exemptions from real property taxes. First Reading of the Bill. House Bill 2718, offered by Representative Parke, a Bill for an Act to amend the Juvenile Court Act of 1987. First Reading of the Bill. House Bill 2719, offered by Representative Schoenberg, a Bill for an Act to amend the Civil Administrative Code of Illinois. First Reading of these House Bills. First Reading and Introduction of Constitutional Amendments. HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT #22, offered by Representative Salvi. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH 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 add Article VIIIA to the Illinois Constitution as follows: ARTICLE VIIIA EXPENDITURE LIMITATION SECTION 1. A limit to the total amount of expenditures by the State in any fiscal year is established. The annual State expenditures shall not exceed the total expenditures for the prior fiscal year, except for annual percentage changes in the cost of living and population. The General Assembly shall by law provide a method for determining the percentage change in the cost of living and population, but in no case shall the percentage change in expenditures exceed the change in the State's per capita personal income. SECTION 2. RESERVE FUND. Excess State revenue over expenditures at the end of a fiscal year shall be transferred to a Reserve Fund. The Reserve Fund shall not exceed 3 percent of the current year's expenditures. Appropriations from the Reserve Fund may be made only upon the exhaustion of all other available

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funds, including federal emergency funds, upon the declaration of an emergency by the Governor and upon concurrence of two-thirds of the members elected to each house of the General Assembly. Income earned by the Fund shall accrue to the Fund. SECTION 3. EXCESS REVENUES. For any fiscal year, the excess of revenues over expenditures, except as provided in Section 2 of this Article, shall be used for refunds as determined by the General Assembly. The General Assembly shall reduce State tax rates over the next tax year to reflect the excess of revenues over expenditures, except as provided by Section 2 of this Article. SECTION 4. EMERGENCY. The limitation imposed by Section 1 of this Article may be exceeded upon exhaustion of the fund established in accordance with Section 2 of this Article and upon declaration of an emergency by the Governor and upon concurrence of two-thirds of the members elected to each house of the General Assembly. The General Assembly, by law, shall set forth the amount of the costs of the emergency and the method by which it shall be defrayed. The limitation may be exceeded only for the years in which the emergency is declared. In no event shall those emergency expenditures be included in the computation of the limitation imposed by Section 1 of this Article for any other year. SECTION 5. MANDATED AND SHIFTED COSTS. The State shall not impose upon any unit of local government any part of the costs of new programs or services, or increases in existing programs or services, unless specific appropriation is made sufficient to pay the unit of local government for that purpose. The proportion of State revenue paid to all units of local government, taken as a group, shall not be reduced below that proportion in effect at the adoption of this Article. When

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specific expenditures are imposed upon a unit of local government, either by law or court order, the limitation imposed by Section 1 of this Article shall apply so that total expenditures are not increased. SECTION 6. SEVERABILITY. If any expenditure category, or revenue source, shall by a court of competent jurisdiction in a final order be adjudged exempt from this Article, the process of computing the expenditure limitation shall be adjusted accordingly and all remaining provisions shall be in full force and effect. SECTION 7. IMPLEMENTATION. The General Assembly shall enact legislation necessary to implement and enforce the provisions of this Article, including the adoption of a State fiscal code. SECTION 8. DEFINITIONS. (1) "Cost of living" means the Consumer Price Index (all items) for the United States, or any comparable index for the State of Illinois, as computed by the Bureau of Labor Statistics or the Department of Commerce of the United States, or successor agencies to them, for a 12-month period of time. (2) "Population" is the latest estimate of the State of Illinois population as computed by the Bureau of the Census, or successor agencies to it. (3) "Expenditures" means the total budgetary expenditures of the State of Illinois or any entity created by the State or authorized to obligate the State by indebtedness. Expenditures shall include a comprehensive total of both appropriated and non-appropriated funds. (4) "Emergency" means an extraordinary event or occurrence that could not have been reasonably foreseen or prevented and that requires immediate expenditure to preserve the health and safety of the people. It does not include economic conditions or revenue shortfall. SECTION 9. LOCAL TAX LIMITATION. Units of local government are prohibited from

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levying any tax not existing at the time of ratification of this Article, or from increasing the rates of taxes existing at the time of ratification of this Article, without the approval of a majority of the voters of that unit of local government. This Section shall not apply to taxes imposed for the repayment of principal and interest or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued. SECTION 10. EFFECTIVE DATE. The base year for allowable spending increases shall be set as fiscal year 1994. SECTION 11. APPROPRIATION OF LIMIT. Nothing contained in this Article shall be construed as requiring the State to spend or appropriate the full amount of the limitation provided in this Article. SCHEDULE This Amendment takes effect upon its adoption by the electors of this State. First Reading of House Joint Constitutional Amendment #22. First Reading of House Joint Resolution Constitutional Amendment #23. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH 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 3 of Article V of the Constitution as follows: ARTICLE V THE EXECUTIVE SECTION 3. ELIGIBILITY To be eligible to hold the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller or Treasurer, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his election. No person shall be elected to the office of Governor, Lieutenant Governor, Attorney General, Secretary

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of State, Comptroller, or Treasurer more than twice, and no person who has held the office or acted as Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer for more than two years of a term to which some other person was elected shall be elected Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer more than once.

SCHEDULE This Amendment takes effect upon its approval by the electors of this State. First Reading of House Joint Resolution Constitutional Amendment #23. First Reading of House Joint Resolution Constitutional Amendment #24, offered by Representative Blagojevich. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH 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 the Illinois Constitution by changing Section 2 of Article IV as follows: ARTICLE IV THE LEGISLATURE SECTION 2. LEGISLATIVE COMPOSITION (a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State. For the exclusive purpose of calculating length of service under the tenure limitation contained in

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subsection (c), a person who serves two years or less of a term of a Senator shall be deemed to have served two years and a person who serves more than two years of a four year term of a Senator shall be deemed to have served four years. (b) Each Legislative District shall be divided into two Representative Districts. In 1982 and every two years thereafter one Representative shall be elected from each Representative District for a term of two years. For the exclusive purpose of calculating length of service under the tenure limitation contained in subsection (c), a person who serves any part of a term of a Representative shall be deemed to have served two years. (c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. No person shall be eligible to serve as a member of the General Assembly more than eight years. No person who has served six years in the General Assembly shall be eligible to be elected to a four year term as Senator. This tenure limitation is not retroactive and shall not apply to service as a member of the General Assembly before the second Wednesday in January, 1995. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection. (d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve

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until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds. (e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly. No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term. (Source: Amendment adopted at general election November 4, 1980.) SCHEDULE This Amendment takes effect upon its approval by the electors of this State. First Reading of House Joint Resolution Constitutional Amendment #24. First Reading of House Bills. House Bill 2720, offered by Representative Cowlshaw, a Bill for an Act concerning municipal taxes. First Reading of this Bill. The House Perfunctory Session will be at ease until the hour of 2:00 p.m."

Clerk Rossi: "The hour of 2:00 p.m. having arrived, the recessed Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 2721, offered by Representative Currie, a Bill for an Act to amend the Property Tax Code. First Reading of the Bill. House Bill 2722, offered by Representative Currie, a Bill for an Act to amend the Property Tax Code. First Reading of the Bill. House Bill 2723, offered by Representative Dart, a Bill for an Act to amend the Property Tax Code. Introduction

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and First Reading of these House Bills. Being no further business, the House Perfunctory Session will stand adjourned until Wednesday, February 2, 1994, at the hour of 10:00 a.m."

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