

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

131st Legislative Day

April 22, 1992

Speaker McPike: "The House will come to order. The Chaplain for today is Father Spreen from St. Augustine Church in Ashland, Illinois. Father Spreen is the guest of Representative Hasara. The guests in the balcony may wish to rise and join us for the invocation."

Father Spreen: "Let us place ourself in a prayerful mood. Heavenly Father, the Judeo-Christian communities have just celebrated the Passover and the Easter Resurrection. Each celebration is commemorative of great events in salvation history. The Passover was such as that God did miraculous events to the person of Moses. Easter is an event in which God did miraculous events to the person Jesus. Each celebration is proof that Adonai, God, is our God and we are His people. With each event, God directed us by His light in all that we do on the pilgrimage way of life. The Passover feast and the Resurrection Sunday fills us with hope and expectation. Our hope is the light of God leading us through the pilgrimage of life to the expectation of eternal life. It is in this spirit of hope that we are gathered here to begin another day of legislative activities of the House of Representatives. We hope to do our work assigned us with a mutual respect and love for one another. We hope to accomplish our respectful (sic - respective) assignments for the greater honor and glory of God, for the good of our state and for the good of our constituents. We thank You, God for the gift of life. We accept You as our God and ask You to continue to accept us as your people. God, You protected Your people of Israel for 40 days in the desert and have protected Your people from the Resurrection of Christ. Please, God, continue to give us Your light, Your guidance, Your protection, throughout this day. Amen."

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

Wojcik - 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. Representative Matijevich?"

Matijevich: "Mr. Speaker, I know Representative Mulcahey is excused and Lucco's not with us, I don't think this week. So, nobody's been giving me the list. But, I know Representative Mulcahey is excused."

Speaker McPike: "Yes, Representative Mulcahey is excused. Mr. Kubik?"

Kubik: "No excused absences Mr. Speaker."

Speaker McPike: "Mr. Clerk, take the Roll Call. One hundred seventeen members answering a Roll Call, a quorum is present. Page five of the Calendar. Constitutional Amendments. Third Reading. HJRCA 28. Mr. Clerk, has this been read a third time?"

Clerk O'Brien: "The Constitutional Amendment has been read a third time in full."

Speaker McPike: "Representative Granberg? Mr. Granberg? Kurt Granberg?"

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House the Joint Constitutional Amendment #28 would simply provide that a proposed Amendment to the Illinois Constitution be placed on the ballots in the November election providing for a Crime Victim's Bill of Rights. And, I'd be happy to answer any questions you might have."

Speaker McPike: "All right. On the Amendment, Representative Parke."

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Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of this Constitutional Amendment. I think that the recognition that criminals are, or people that are accused of crimes, do have certain rights. I think it's time to recognize the victims of those crimes as also having certain rights...That's why I think that this Constitutional Amendment should be placed on the ballot so the people of Illinois can recognize and vote for a piece of legislation that allows victims a certain amount of understanding through the Constitution and protection. And, so that their rights are also recognized when they are violated and I would ask this Body to support this worthwhile Constitutional Amendment?."

Speaker McPike: "Representative Petka."

Petka: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker McPike: "Yes."

Petka: "Representative, why did you feel that it is necessary to embody this language in a Constitutional Amendment? After all, I believe that the...all of these rights are already found under various provisions in the Illinois Revised Statutes."

Granberg: "Thank you, Representative. As you are aware, Representative, being a former state's attorney, sometimes the victims are not accorded the same rights as if under common law as they would be under a Constitutional Amendment. This would simply provide that we treat the victims of crime in the same level as the criminals. They should be afforded the same protections. They should be on an equal plane. They should be afforded the same type of rights, and this would give more power to do that."

Petka: "I certainly couldn't agree with you more, Representative,

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but the question I asked, we already have embodied all of these various rights instead...under...various provisions in the Illinois Revised Statutes. And, you know, we have basically made a policy statement here in the General Assembly of precisely the reason for this Constitutional Amendment. So my question again is, 'Why does it become necessary to do the same thing twice?'

Granberg: "Representative, what we have when we put it, not only in common law, but we have in the Constitution, that sends a clear message to the people of this state and the crime victims that they should be treated, they should be afforded, those Constitutional rights. It makes it more enforceable, as you are aware, through the criminal law and it sends that message to the people, these victims, if they are treated, they should be treated accordingly, they should have the respect and the determination of the law behind them. And this Constitutional Amendment will do that."

Petka: "Thank you."

Speaker McPike: "All right. Is anyone else rising in opposition to this Amendment? Representative Granberg, to close."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This proposed Constitutional Amendment will put this on the ballot in November of this year, and we would like to give the people of Illinois their opportunity to show that they want the victims of crimes to be afforded the same rights, to be on an equal plane, as those who are, in fact, the criminals. We need to send a message in this state that the victim should not be overlooked, that they should be afforded the same Constitutional rights. They should not take a back seat to criminals, and, they will not be. They've done this in Michigan and Florida. Ninety

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percent of the vote of the people voting in Florida approved of this Amendment, and we think that will happen, that will be the case in Illinois. We can send that message today by passing this proposed Constitutional Amendment, and putting that proposed Amendment on the Ballot in November. With your help, we will send that message to all the people in this state, that we, in fact, want to protect our people and the victims of crime in the state of Illinois."

Speaker McPike: "The question is 'Shall the House pass House Joint Resolution, Constitutional Amendment 28?' All those in favor vote 'aye'. Opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. Mr. Ropp would like to vote 'aye'. Mr. Klemm would like to vote 'aye'. And on this Constitutional Amendment, there are 117 'ayes' and no 'nays', and, by a three-fifths Constitutional Majority, the House hereby passes House Joint Resolution Constitutional Amendment 28, and on this Constitutional Amendment is declared passed. Representative Saltsman."

Saltsman: "Thank you, Mr. Speaker. Pursuant to Rule 20(K), I move to suspend the posting requirements in Rule 20 in relation to the following committee and build a Resolution scheduled to be heard at 12:30 p.m., April 22, 1992, in Room 118 of the Capitol Building. Committee: Executive. And we have an attached list. I ask for passage of this Motion."

Speaker McPike: "Is there any opposition to the Motion? Mr. Black."

Black: "Thank you very much, Mr. Speaker, just an inquiry of the Chair. This motion is to suspend rules. We're not voting on HJR 2 as the Board says. Right?"

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Speaker McPike: "Mr. Clerk? HJR 2? Right. Did you want to solicit all the Bills? I mean that's the only one we've listed. Did you want the Clerk to list all the Bills?"

Black: "No. He's just listing the ones in order. I am assuming that every one on this sheet is in the Gentleman's Motion."

Speaker McPike: "Yes."

Black: "All right. Thank you."

Speaker McPike: "Hearing no opposition, the Attendance Roll Call will be used, and the Motion carries. Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. I would like to exempt the posting rules for House Bill 3968 so it may be heard in Judiciary Committee tomorrow morning. I have cleared it with both sides of the aisle."

Speaker McPike: "All right, the Gentleman has cleared this with the Minority spokesman. Is there any opposition to the Gentleman's Motion? Hearing none, the Attendance Roll Call will be used, and the posting requirements are waived on House Bill 3968. Mr. Clerk, HJRCA 29. Mr. Clerk, has this been read a second time?"

Clerk O'Brien: "The Resolution has been read a second time in full. No Committee Amendments."

Speaker McPike: "Third Reading. Mr. Clerk, you can read this in Perfunct. Agreed Resolutions. Representative Wolf, in the Chair."

Wolf: "Representatives of the Assembly, if I can have your attention a second, please. I'm very delighted to be here today and to be able to present to you an individual who has brought a considerable amount of recognition, not only to himself but to the state of Illinois as the result of an award that he received out in California. With the Clerk's permission, I would ask the Clerk now to read a Resolution

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which we passed in the General Assembly recently which describes this award. Mr. Clerk."

Clerk O'Brien: "House Resolution 1454, offered by Representative Wolf. 'Resolved by the House of Representatives of the 87th General Assembly of the State of Illinois, that we congratulate Edward M. Schroeder as being named 'Outstanding Teacher of 1991' by the National Panel of Educators under the sponsorship of the Walt Disney Organization commend him for his deep dedication to helping young people develop their abilities and wish him all the best in the future; and be it further Resolved, that a suitable copy of this Preamble and Resolution be presented to Edward M. Schroeder.'"

Wolf: "Members of the Assembly, I am proud to present the National Teacher of the Year, Mr. Ed Schroeder."

Schroeder: "Thank you very much. And thank you from the bottom of my heart for this honor. It is a privilege to be here and address you for just a few minutes. When I was growing up in Southern Illinois, I couldn't believe that when I was being touched by Disney magic at the age of 6 and 7 with films like 'Song of the South', and 'Cinderella' that at the age of 52, I would be touched again by Disney magic. My life has certainly not been the same since receiving this award, and I certainly hope that I can continue to live up for what it stands for. I do love what I'm doing. I think I'm making a difference, and I'm getting paid for it. What more could I ask for? So, again, thank you from the bottom of my heart for this privilege and honor to be here today. Thank you."

Speaker McPike: "House Resolutions."

Clerk O'Brien: "House Resolution 1823, offered by Representative McGuire; House Resolution 1824, offered by Representative

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Weller; House Resolution 1825, offered by Representative Marinaro; House Resolution 1826, offered by Representative Walsh; House Resolution 1829, offered by Representative Petka; House Resolution 1830, offered by Representative Novak; House Resolution 1831, offered by Representative Leitch; House Resolution 1832, offered by Representative Black; House Resolution 1833, offered by Representative Black; House Resolution 1834, offered by Representative Ryder; House Resolution 1836, offered by Representative DeJaegher; and House Resolution 1837, offered by Representative DeJaegher."

Speaker McPike: "Representative Matijevich."

Matijevich: "Mr. Speaker, 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 'ayes' have it. Agreed Resolutions are adopted. Death Resolutions."

Clerk O'Brien: "House Resolution 1835, offered by Representative Morrow, with respect to the memory of Darnell Ann McLean. House Resolution 1827, offered by Representative Ryder, with respect to the memory of E. Clarendon Yorker Smith."

Speaker McPike: "Representative Matijevich moves the adoption of the Death Resolutions. All in favor say 'aye'. Opposed, 'no'. The 'ayes' have it. Death Resolutions are adopted. General Resolutions."

Clerk O'Brien: "Introduction - First Reading of Bills. House Resolution 1828, offered by Representative Walsh."

Speaker McPike: "Committee on Assignment. Any announcements? Any announcements? Representative LeFlore."

LeFlore: "Thank you, Mr. Speaker. I would just like to announce that the Appropriations Human Services meeting will be at

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9:00 a.m. instead of 8:00 a.m. It was listed in the directory for 8:00 a.m.. yesterday, but it's at 9:00 a.m. today. Would like for all the Members to be present, on time. Thank you."

Speaker McPike: "And the Executive Committee will meet in Room 118. Mr. Saltsman, is that correct? Mr. Saltsman, Room 118? Representative Matijevich moves that the House now stand adjourned until tomorrow at the hour of 4:00 p.m., allowing the Clerk Perfunctory time for Committee Reports and Constitutional Amendments. All in favor say 'aye'. Opposed, 'no'. The 'ayes' have it. The House stands adjourned."

Clerk O'Brien: "Committee Reports. Representative Richmond, Chairman of the Committee on Agriculture, to which the following Bills were referred action taken April 21, 1992, reported the same back with the following recommendations: 'do pass' House Bill 3487; 'do pass Short Debate Status' House Bill 3712; 'do pass as amended Short Debate Status' House Bill 3065; 'do pass Consent Calendar' House Bill 3344; 'do pass as amended Consent Calendar' House Bill 2905; and, 'do adopt' Senate Joint Resolution 73. Representative McNamara, Chairman of the Committee on Educational Finance, to which the following Bill were referred, action taken April 21, 1992, reported the same back with the following recommendations: 'do pass' House Bill 3249; 'do pass Consent Calendar' House Bill 2940 and 3695; Representative Flinn, Chairman of the Committee on Financial Institutions, to which the following Bills were referred, action taken April 21, 1992, reported the same back with the following recommendations: 'do pass Short Debate Status' House Bill 3128, 3647 and 3568; 'do pass as amended Short Debate Status' House Bill 3127 and 2738; 'do

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pass Consent Calendar' House Bill 3436. Representative White, Chairman from the Committee on Human Services, to which the following Bills were referred, action taken April 21, 1992, reported the same back with the following recommendations: 'do pass' House Bill 2877; 'do pass as amended' House Bill 2452 and 2994; 'do pass Short Debate Status' House Bills 3108 and 3149; 'do pass as amended' Short Debate Status House Bill 3408. Representative Rice, Chairman for the Committee on Insurance, to which the following Bills were referred, action taken April 21, 1992, reported the same back with the following recommendations: 'do pass' House Bill 3157, 3698, and 3283; 'do pass Short Debate Status' House Bill 3281, 3282 and 3050; 'do pass as amended Short Debate Status' House Bill 2987; 'do pass as amended Consent Calendar' House Bill 3323. Representative Farley, Chairman from the Committee on Labor and Commerce, to which the following Bills were referred, action taken April 21, 1992, reported the same back with the following recommendations: 'do pass' House Bills 2901, 2925, 2936, 2937, 2938, 3098, 3221, 3227, 3264, 3475, 3512 and 3616. Representative Brunsvold, Chairman from the Committee on Municipal & Conservation Law, to which the following Bills were referred, action taken April 21, 1992, reported the same back with the following recommendations: 'do pass Short Debate Status' House Bills 2959, 3257, 3328, 3379, 3640 and 3686; 'do pass Consent Calendar' House Bills 2919 and 3506. Representative Levin, Chairman of the Committee on Public Utilities, to which the following bills were referred, action taken April 21, 1992, reported the same back with the following recommendations: 'do pass' House Bill 3011 and 3733.

Clerk O'Brien: "House Joint Resolution Constitutional Amendment

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29, 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 add Section 13 to Article VII of the Constitution to read as follows: Section 13. State Mandates. (a) A "State mandate" is a law or executive action that requires the expenditure of funds by a unit of local government or school district in order to implement that law or executive action, or a law that exempts privately owned property or other specified items from the local tax base. (b) A State mandate is "funded" at any time that a law is in effect providing for reimbursement by the state to the unit of local government or school district of all funds necessary to implement the requirements of the State mandate, or to replace the revenue loss created by the State mandate. (c) A State mandate that is not funded is not enforceable while not funded unless a bill implementing the State mandate passed with the concurrence of at least 3/5 of the members elected to each house of the General Assembly. This amendment takes effect upon its approval by the electors of this State. Third Reading of the Constitutional Amendment, and the Amendment will be held on the order of Third Reading."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment 35, offered by Representative Rotello. 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

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next occurring at least 6 months after the adoption of this resolution a proposition to amend SECTION 1. GOAL - FREE SCHOOLS A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities. To fulfill every individual's equal right to a public education, the State shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the General Assembly provides by law. The State has the primary responsibility for financing the system of public education. SCHEDULE. This Constitutional Amendment takes effect upon approval by the electors of this State'. First Reading of the Constitutional Amendment."

Clerk O'Brien: "Introduction and First Reading of Bills. House Bill 4200, offered by Representative Al Ronan, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill. There being no further business, the House now stands adjourned."

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