

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

3rd Legislative Day

January 26, 1999

Clerk Rossi: "The hour of 9:00 a.m. having arrived, the House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 216, offered by Representative Bost, a Bill for an Act to amend the Wildlife Code. House Bill 217, offered by Representative Stephens, a Bill for an Act to amend the Wildlife Code. House Bill 218, offered by Representative Reitz, a Bill for an Act to amend the Wildlife Code. House Bill 219, offered by Representative Reitz, a Bill for an Act to amend the Wildlife Code. House Bill 220, offered by Representative Woolard, a Bill for an Act to amend the Wildlife Code. House Bill 221, offered by Representative Klingler, a Bill for an Act to amend the Illinois Pension Code. House Bill 222, offered by Representative Skinner, a Bill for an Act to amend the Unified Code of Corrections. House Bill 223, offered by Representative Dart, a Bill for an Act in relation to firearms. House Bill 224, offered by Representative Dart, a Bill for an Act in relation to firearms. House Bill 225, offered by Representative Dart, a Bill for an Act in relation to firearms. House Bill 226, offered by Representative Dart, a Bill for an Act in relation to firearms. House Bill 227, offered by Representative Delgado, a Bill for an Act to amend the Criminal Code. House Bill 228, offered by Representative Dart, a Bill for an Act to amend the Criminal Code. House Bill 229, offered by Representative Bost, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 230, offered by Representative Bassi, a Bill for an Act to amend the School Code. House Bill 231, offered by Representative Lopez, a Bill for an Act to amend the Home Repair Fraud Act. House Bill 232, offered by Representative Dart, a Bill for an Act to amend certain Acts in relation to liens.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

3rd Legislative Day

January 26, 1999

House Bill 233, offered by Representative Dart, a Bill for an Act concerning the regulation of electricians. House Bill 234, offered by Representative Boland, a Bill for an Act concerning distribution of tobacco litigation settlements. House Bill 235, offered by Representative Leitch, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 236, offered by Representative Durkin, a Bill for an Act to revise the Civil Administrative Code of Illinois. House Bill 237, offered by Representative Hoffman, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 238, offered by Representative Brady, a Bill for an Act to amend the Code of Criminal Procedure. House Bill 239, offered by Representative Brady, a Bill for an Act to amend the School Code. House Bill 240, offered by Representative Black, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 241, offered by Representative Hoffman, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 242, offered by Representative John Jones, a Bill for an Act to amend the Wildlife Code. House Bill 243, offered by Representative Lopez, a Bill for an Act concerning the eligibility of appointed prosecutors for elective office. House Bill 244, offered by Representative Reitz, a Bill for an Act concerning coal. House Bill 245, offered by Representative Saviano, a Bill for an Act to amend the Professional Boxing and Wrestling Act. House Bill 246, offered by Representative Novak, a Bill for an Act concerning driver's licenses. House Bill 247, offered by Representative Novak, a Bill for an Act to amend the Citizens Utility Board Act. House Bill 248, offered by Representative Novak, a Bill for an Act to amend the Criminal Code of 1961. House Bill 249, offered by Representative Novak, a Bill for an Act to amend

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

3rd Legislative Day

January 26, 1999

the Criminal Code of 1961. House Bill 250, offered by Representative Novak, a Bill for an Act to amend the Citizens Utility Board Act. House Bill 251, offered by Representative Poe, a Bill for an Act to amend the Criminal Code of 1961. First Reading of these House Bills. Introduction and First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #1, offered by Representative Bill Mitchell.

'RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST 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 8.1 to Article IV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

(ILCON Art. IV, Sec. 8.1 new)

SECTION 8.1. PASSAGE OF REVENUE BILLS

A bill that would result in the increase of revenue to the State by an increase of a tax on or measured by income or by an increase of a tax on or measured by the selling price of any item of tangible personal property may become law only with the concurrence of three-fifths of the members elected to each house of the General Assembly.

SCHEDULE

This Constitutional Amendment takes effect upon approval by the electors of this State.' First Reading of this House Joint Resolution Constitutional Amendment.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

3rd Legislative Day

January 26, 1999

House Joint Resolution Constitutional Amendment #2, offered by Representative Granberg.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST 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 Article XIII of the Illinois Constitution by adding Section 9 as follows:

ARTICLE XIII
GENERAL PROVISIONS

(ILCON Art. XIII, Sec. 9 new)

SECTION 9. MOTOR FUEL TAX REVENUE

(a) Revenue from excise taxes imposed on motor fuel must be used exclusively for the construction and maintenance of State highways, for the payment of principal and interest on bonds issued for the construction and maintenance of State highways, for the acquisition of real property and rights-of-way for State highways, and for public transportation.

(b) The tax revenues designated for the purposes in subsection (a) may be loaned to another fund to be used for a different purpose according to the following requirements:

(1) That any amount loaned is to be repaid in full to the fund from which it was borrowed during the same fiscal year in which the loan was made, except that repayment may be delayed until a date not more than 30 days after the date of enactment of the State

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

3rd Legislative Day

January 26, 1999

budget for the subsequent fiscal year.

(2) That any amount loaned is to be repaid in full to the fund from which it was borrowed within 3 fiscal years from the date on which the loan was made if the Governor has proclaimed a state of emergency and declares that the emergency will result in a significant negative fiscal impact to the State.

(c) Nothing in this Section prohibits the General Assembly from authorizing by law loans to units of local government from funds that are subject to this Section for the purposes authorized under this Section.

SCHEDULE

This Constitutional Amendment takes effect July 1, 2002.' "

Clerk Bolin: "First Reading of House Joint Resolution Constitutional Amendment #3, offered by Representative Lang.

'WHEREAS, The Ninety-second Congress of the United States of America, at its Second Session, in both houses, by a constitutional majority of two-thirds, adopted the following proposition to amend the Constitution of the United States of America:

'JOINT RESOLUTION

RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE CONCURRING THEREIN), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

3rd Legislative Day

January 26, 1999

several States within seven years from the date of its submission by the Congress:

ARTICLE _____

Section 1. Equality of rights under law shall not be denied or abridged by the United States or any State on account of sex.

Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

Section 3. This Amendment shall take effect two years after the date of ratification.'; and

WHEREAS, A Joint Resolution is a resolution adopted by both houses of the General Assembly and does not require the signature of the Governor; a Joint Resolution is sufficient for Illinois' ratification of an amendment to the United States Constitution; and

WHEREAS, The United States Congress has recently adopted the 27th Amendment to the Constitution of the United States, the so-called Madison Amendment, relating to Compensation of Members of Congress; this amendment was proposed 203 years earlier by our First Congress and only recently ratified by three-fourths of the States; the United States Archivist certified the 27th Amendment on May 18, 1992; and

WHEREAS, The founders of our nation, James Madison included, did not favor further restrictions to Article V of the Constitution of the United States, the amending procedure; the United States Constitution is harder to amend than any other constitution in history; and

WHEREAS, The restricting time limit for the Equal Rights Amendment ratification is in the resolving clause

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

3rd Legislative Day

January 26, 1999

and is not a part of the amendment proposed by Congress and already ratified by 35 states; and

WHEREAS, Having passed a time extension for the Equal Rights Amendment on October 20, 1978, Congress has demonstrated that a time limit in a resolving clause can be disregarded if it is not a part of the proposed amendment; and

WHEREAS, The United States Supreme Court in Coleman v. Miller, 307 U.S. 433, at 456 (1939), recognized that Congress is in a unique position to judge the tenor of the nation, to be aware of the political, social, and economic factors affecting the nation, and to be aware of the importance to the nation of the proposed amendment; and

WHEREAS, If an amendment to the Constitution of the United States has been proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures, it is for Congress under the principles of Coleman v. Miller to determine the validity of the state ratifications occurring after a time limit in the resolving clause, but not in the amendment itself; and

WHEREAS, Constitutional equality for women and men continues to be timely in the United States and worldwide, and a number of other nations have achieved constitutional equality for their women and men; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the proposed amendment to the Constitution of the United States of America set forth in this resolution is ratified; and be it further

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

3rd Legislative Day

January 26, 1999

RESOLVED, That a certified copy of this resolution be forwarded to the Archivist of the United States, the Administrator of General Services of the United States, the President pro tempore of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and each member of the Illinois congressional delegation.' First Reading of this Constitutional Amendment. First Reading of House Joint Resolution Constitutional Amendment #4, offered by Representative Boland.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST 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 Sections 2 and 5 of Article IV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

(ILCON Art. IV, Sec. 2)

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. During each ten-year period, beginning with the general election in 2002, Senators shall first be elected for terms of six years, and then for terms of four years. 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

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

3rd Legislative Day

January 26, 1999

~~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.~~

(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.~~ During each ten-year period, beginning with the general election in 2002, Representatives shall first be elected for terms of four years, then for terms of two years, and then for terms of four 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. 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 or Representative office with more than twenty-eight months remaining in the term, the appointed Senator or Representative shall serve until the next general election, at which time a Senator or Representative shall be elected to serve for the remainder of the term. If the vacancy is in any other Senatorial or

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

3rd Legislative Day

January 26, 1999

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.)

(ILCON Art. IV, Sec. 5)

SECTION 5. SESSIONS

(a) The General Assembly shall convene each year on
the second Wednesday of January. The General Assembly
shall be a continuous body for a period beginning and
ending at noon on the second Wednesday of January of
consecutive odd-numbered years. ~~during-the-term-for-which
members-of-the-House-of-Representatives-are-elected.~~

(b) The Governor may convene the General Assembly or
the Senate alone in special session by a proclamation
stating the purpose of the session; and only business
encompassed by such purpose, together with any impeachments
or confirmation of appointments shall be transacted.
Special sessions of the General Assembly may also be
convened by joint proclamation of the presiding officers of
both houses, issued as provided by law.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

3rd Legislative Day

January 26, 1999

(c) Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house determine that the public interest so requires; and meetings of joint committees and legislative commissions may be so closed if two-thirds of the members elected to each house so determine.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect on January 1, 2001 and applies to the election of members of the General Assembly in 2002 and thereafter. It does not affect the terms of members elected in 1998 or 2000.'
First Reading of this Constitutional Amendment."

Clerk Rossi: "The House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 252, offered by Representative O'Connor, a Bill for an Act to amend the Criminal Code. House Bill 253, offered by Representative Barbara Currie, a Bill for an Act to amend the Public Aid Code. House Bill 254, offered by Representative Brunsvold, a Bill for an Act to amend the Wildlife Code. House Bill 255, offered by Representative Flowers, a Bill for an Act to amend the Medical Practice Act. House Bill 256, offered by Representative Flowers, a Bill for an Act to amend the Juvenile Court Act. House Bill 257, offered by Representative Giglio, a Bill for an Act to amend the Election Code. House Bill 258, offered by Representative Giglio, a Bill for an Act to amend the School Code. House Bill 259, offered by Representative

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

3rd Legislative Day

January 26, 1999

Giglio, a Bill for an Act to amend the School Code. House Bill 260, offered by Representative Giglio, a Bill for an Act to amend the Toll Highway Act. House Bill 261, offered by Representative Giglio, a Bill for an Act concerning point of sale inspections. House Bill 262, offered by Representative Giglio, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 263, offered by Representative Giglio, a bill for an Act to amend the Property Tax Code. House Bill 264, offered by Representative Giglio, a Bill for an Act concerning plumbers. House Bill 265, offered by Representative Giglio, a Bill for an Act concerning senior citizens. First Reading of these House Bills. Introduction and First Reading of Resolutions. House Resolution #23, offered by Representative Currie; House Resolution #... House Resolution #31, offered by Representative Currie; House Resolution #32, offered by Representative Currie; House Resolution #33, offered by Representative Currie; and House Resolution #34, offered by Representative Currie, are assigned to the Rules Committee. There being no further business, the House Perfunctory Session stands adjourned."