

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

12th Legislative Day

February 5, 1997

Speaker Madigan: "The House shall come to order. The Members shall be in their Chairs. The Chaplain for today is Reverend Walter Carlson of the United Methodist Trinity Church in Springfield. Reverend Carlson is the guest of Representative Duane Noland. The guest in the gallery may wish to stand and join us for the invocation."

Reverend Carlson: "Let us pray. I'm thankful and grateful, gracious and almighty God for these people assembled before me. Before You. I am grateful for their commitment, for their wisdom, for their spirit, for their intentions. As they speak for all of Your people in the State of Illinois. May You continue to fill them with Your will, with Your choices, with Your spirit. All these things we pray in Your name and with Your blessing. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Andrea Moore."

Moore, Andrea - 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 Madigan: "Roll Call for Attendance. Mr. Cross."

Cross: "Thank you, Mr. Speaker. Glad to say that we don't have anyone absent or excused today. Thank you."

Speaker Madigan: "Very good. Thank you. For what purpose does Representative Davis, seek recognition?"

Davis, S.: "Thank you, Speaker. I would like to make an announcement, that the Veterans' Committee will be cancelled for tomorrow."

Speaker Madigan: "The Gentleman has announced the cancellation of the meeting of the Veterans' Committee scheduled for tomorrow. The Chair recognizes Mr. Hannig, are there any excused absences?"

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Hannig: "Yes, thank you, Mr. Speaker. There are no excused absences on this side of the aisle."

Speaker Madigan: "All right. The Clerk shall take the record. There being 118 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Dart, Chairman from the Committee on Judiciary I-Civil Law, to which the following Bills were referred, action taken on February 5, 1997, reported the same back with the following recommendations: 'Do pass as amended Short Debate' House Bill 87 and House Bill 139."

Speaker Madigan: "Mr. Brady. Do you have House Bill 133, do you want to call the Bill? On page 2 of the Calendar on the Order of House Bills, Third Reading, there appears House Bill 133. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 133, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is intended to clarify the situation that exist in this state. Presently there is some confusion on whether or not police authorities have the opportunity to ticket people who are violating handicap parking spaces on private property. The purpose of this legislation is to clarify the statues to make it clearer, the police have the authority to ticket those who are violating handicap parking spaces on private property. This Bill was brought to me by the City of Bloomington. And I ask for your favorable support."

Speaker Madigan: "The Gentleman moves 'do pass' and the Chair recognizes Mr. Granberg."

Granberg: "Thank you, Mr. Speaker. Will the Gentleman yield?"

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Speaker Madigan: "The Gentleman indicates that he will yield."

Granberg: "Thank you, Representative Brady. Does this also increase the penalty for violation of the handicap parking provision?"

Speaker Madigan: "Will you turn on, Mr. Brady, please."

Brady: "No."

Granberg: "So, this is strictly clarifying language at the request of that one municipality. And I also assume then the Illinois Municipal League has no opposition to the Bill, Representative?"

Brady: "There is no known opposition to the Bill. There are some municipalities which do ticket, but there's some question about whether or not those tickets will be held up in court."

Granberg: "I'm sorry, could you repeat that, I couldn't hear you Representative."

Brady: "Sure. I know of no opposition to this Bill. To clarify, there are some municipalities that presently do ticket, but others don't believe that that ticket would hold up in court if it was taken to that level."

Granberg: "Have you had any conversations with the Municipal League, Representative?"

Brady: "Could you repeat the question."

Granberg: "Have you had any conversations with the Municipal League about this Bill?"

Brady: "No."

Granberg: "Municipal League has not contacted you, or you have not contacted them for their...for their opinion on the Bill?"

Brady: "Not to my knowledge, Representative. I know of no opposition and everyone has been in support of this piece of legislation that's contacted me."

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Granberg: "Okay, I think Representative Hartke, has some questions. I'm going to go outside and just talk to someone from the League very briefly."

Brady: "Thank you."

Speaker Madigan: "The Chair recognizes Mr. Bost."

Bost: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Bost: "Yes. Representative Brady, if we have a shopping center owner and that shopping center owner does not want someone from the local municipality, one of the police officers coming and issuing tickets, is there a control measure in there to stop that from occurring?"

Brady: "The drafting of this legislation is intended to give complete authority regardless of the shopping landlords, tenant wishes of the property."

Bost: "Okay. Thank you."

Speaker Madigan: "Mr. Hartke."

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

Speaker Madigan: "Sponsor yields."

Hartke: "Representative Brady, we talked earlier. Did you say that you have contacted the Illinois Municipal League or they contacted you? Are they in favor of this legislation?"

Brady: "Representative, I have...to my recollection, they have not contacted me in either opposition or support. The only contacts I've had have been people who have supported this legislation, and I've had numerous."

Hartke: "It's my understanding that this is permissive language. Is that correct? I mean it's not mandated on the cities

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that they must enforce it on private property, but it is a permissive thing?"

Brady: "Representative, it simply authorizes them to ticket individuals permissively as they would on public property. Yes."

Hartke: "Mr. Bost raised a very interesting point. What if a...individual, a shopping center or private business does not want the law enforced on private property, on their property. Could they request then that they not enforce this piece of legislation, and it be adhered to?"

Brady: "Representative, the way I understand the language and the way that we drafted it, or the intention we drafted it, was so that no part of the statutes would prohibit the police from ticketing individuals who violate handicap parking on private property. My interpretation of that is, that a landlord could not ask police not to do it. The intention of this legislation is, as you know, when someone come in to build a new building or there are certain requirements from fire to handicap and so forth. It simply allows the police authority of the jurisdiction required the ordinance to enforce that ordinance that they had required on private property."

Hartke: "Thank you very much. My understanding, the municipal league is neutral on this piece of legislation, so I think it would be a good idea. And I think most businesses who have, parking places available for handicap individuals, maybe even pregnant women, it would be a good idea if it were enforced to show our respect for those individuals who are handicapped. I support the legislation."

Speaker Madigan: "Mr. Brady to close."

Brady: "Thank you, Mr. Speaker, and thank you Ladies and Gentlemen of the House. I just ask for your favorable

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support for what I think is a very good piece of legislation."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there 116 voting 'aye', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Hannig, for the purpose of an announcement."

Hannig: "Yes, thank you..."

Speaker Madigan: "Will everyone give their attention to Mr. Hannig, please. Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. For the purpose of an announcement. At the request of Representative Davis and Younge, the Chairmen's of Human Services Appropriations and Education Appropriation and Education Appropriation and with the consent of Spokesman Weaver and Mulligan, those two committees will meet jointly tomorrow at 9:00 in Room 114. That's different from what's shown on your Calendar. So, make your changes, 114 tomorrow at 9:00 for the Appropriation Committee, Human Services and Education. A subject matter only hearing but we would like to see you there. Thank you."

Speaker Madigan: "For what purpose does Representative Slone, seek recognition? Representative Slone."

Slone: "Thank you, Mr. Speaker. I seek recognition to note that my light did not light, Mr. Speaker, and I wish to be recorded as voting 'yes', on the previous question."

Speaker Madigan: "Representative, you're too late to record yourself. Everyone voted on that question. But for the purposes of the record, you could indicate that you

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attempted to change your vote. Mr. Clerk, Representative Slone was telling us that her switch is not working. Representative Slone, we will investigate that. Thank you. Mr. Novak. Mr. Novak."

Novak: "Yes, thank you, Mr. Speaker. For purpose of information, this afternoon at 5:00 p.m. the Organizational meeting for the Electric Utilities Special Committee on Deregulation will be meeting in Room 114. I know this is posted in our Calendar today, but I just wanted to encourage all those Members that have been appointed by the Leadership on both sides of the aisle, please show up, it's a very important organizational meeting so we can get our work started this Session. Thank you."

Speaker Madigan: "Are there any further announcements? Mr. Clerk, do you have any further business? The Chair recognizes Mr. Hartke. Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker. The Democrats would request a caucus immediately in Room 114."

Speaker Madigan: "Have all Democrats heard the announcement. There will be an immediate Democratic caucus. Democrats. Democrats, there will be an immediate Democratic caucus, Room 114. Mr. Churchill indicates that there's no need for a Republican caucus. That he has issued his orders for the day? Representative Mulligan. Who demands a caucus? Mulligan."

Mulligan: "Caucus of one, I'm sorry. Thank you, Mr. Speaker. On House Bill 133, I don't know if my light had gone on for that Bill?"

Speaker Madigan: "There were two Members who were not recorded on the Bill."

Mulligan: "If I was not recorded, I'd like the record to reflect that I would have voted 'aye' on that Bill."

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Speaker Madigan: "Very good. Thank you very much. Not anything further to come before the Body. Proving perfunctory time, Representative Currie moves that the House does stand adjourned until 12:00 noon tomorrow. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until 12:00 noon tomorrow. All Democrats please go to Room 114."

Clerk Rossi: "Introduction and First Reading of Resolutions. House Resolution 19, offered by Representative Brosnahan, Rules Committee. Introduction and First Reading of House Bills. House Bill 517, offered by Representative Pugh, a Bill for an Act to require certain first time drug offenders to preform community service. House Bill 518, offered by Representative Pugh, a Bill for an Act to create the Environmental Justice Act. House Bill 519, offered by Representative Pugh, a Bill for an Act to amend the Illinois Food, Drug and Cosmetic Act. House Bill 520, offered by Representative Pugh, a Bill for an Act making appropriations for the Westside Restoration Initiative Area of the City of Chicago. House Bill 521, offered by Representative Stephens, a Bill for an Act regarding farm machinery, amending named Acts. House Bill 522, offered by Representatives Bugielski and Saviano, a Bill for an Act creating the Home Medical Equipment and Services Provider License Act. House Bill 523, offered by Representative McKeon, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. House Bill 524, offered by Representative Leitch, a Bill for an Act concerning districts. House Bill 525, offered by Representative Leitch, a Bill for an Act to amend the Illinois Municipal Code. House Bill 526, offered by Representative Leitch, a Bill for an Act to amend the Illinois Income Tax Act. House

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Bill 527, offered by Representative Andrea Moore, a Bill for an Act to amend the Property Tax Code. House Bill 528, offered by Representative Andrea Moore, a Bill for an Act to amend the Property Tax Code. House Bill 529, offered by Representative Andrea Moore, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 530, offered by Representative Andrea Moore, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 531, offered by Representative Andrea Moore, a Bill for an Act to amend the Charitable Games Act. House Bill 532, offered by Representative Andrea Moore, a Bill for an Act to amend the Bingo License and Tax Act. House Bill 533, offered by Representative Andrea Moore, a Bill for an Act to amend the Service Use Tax Act. House Bill 534, offered by Representative Andrea Moore, a Bill for an Act to amend the Retailers' Occupation Tax Act. House Bill 535, offered by Representative Slone, a Bill for an Act concerning health benefit notices, amending named Acts. House Bill 536, offered by Representative Feigenholtz, a Bill for an Act to create the Tattoo Artist License Act. House Bill 537, offered by Representative Kotlarz, a Bill for an Act in relation to taxation. House Bill 538, offered by Representative Lang, a Bill for an Act to amend the Code. House Bill 539, offered by Representative Lang, a Bill for an Act to amend the Civil Administrative Code. House Bill 540, offered by Representative Lang, a Bill for an Act Disabilities Act. House Bill 541, offered by Representative Woolard, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 542, offered by Representative Hartke, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 543, offered by Representative Deering, a Bill for an Act to amend the Open Meetings Act. House Bill 544, offered

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by Representative Cross, a Bill for an Act to amend the Unified Code. House Bill 545, offered by Representative Cross, a Bill for an Act to amend the Criminal Proceeding Interpreter Act. House Bill 546, offered by Representative Schakowsky, a Bill for an Act to amend the Illinois Educational Labor Relations Act. House Bill 547, offered by Representative Holbrook, a Bill for an Act in relation to corrections, and amending named Acts. House Bill 548, offered by Representative Holbrook, a Bill for an Act to amend the Juvenile Court Act. House Bill 549, offered by Representative Wirsing, a Bill for an Act relating to school district income taxes, amending named Acts. House Bill 550, offered by Representative Hartke, a Bill for an Act to amend the Public Community College Act. First Reading of these House Bills."

Clerk Bolin: "Introduction - First Reading of Bills. House Bill 551, offered by Representative Parke, a Bill for an Act to amend the Illinois Educational Labor Relations Act. House Bill 552, offered by Representative Durkin, a Bill for an Act to amend the Private Sewage Disposal Licensing Act. House Bill 553, offered by Representative Durkin, a Bill for an Act to amend the Private Sewage Disposal Licensing Act. House Bill 554, offered by Representative Woolard, a Bill for an Act to amend the Illinois Coal and Energy Development Bond Act. House Bill 555, offered by Representative Woolard, a Bill for an Act to amend the Unemployment Insurance Act. House Bill 556, offered by Representative Woolard, a Bill for an Act to amend the Election Code. House Bill 557, offered by Representative Saviano, a Bill for an Act to amend the Physician Assistant Practice Act. House Bill 558, offered by Representative Wojcik, a Bill for an Act concerning managed care dental

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benefit plans. House Bill 559, offered by Representative Smith, a Bill for an Act to amend the School Code. House Bill 560, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. House Bill 561, offered by Representative Bergman, a Bill for an Act concerning school buses. House Bill 562, offered by Representative Bugielski, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 563, offered by Representative Deering, a Bill for an Act in relation to public employee pensions, amending named Acts. First Reading of these House Bills. Introduction and First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #6, offered by Representative Schoenberg.

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH 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 9 of Article IX of the Illinois Constitution as follows:

ARTICLE IX

REVENUE

SECTION 9. STATE DEBT

(a) No State debt shall be incurred except as provided in this Section. For the purpose of this Section, "State debt" means bonds or other evidences of indebtedness which are secured by the

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full faith and credit of the State or are required to be repaid, directly or indirectly, from tax revenue and which are incurred by the State, any department, authority, public corporation or quasi-public corporation of the State, any State college or university, or any other public agency created by the State, but not by units of local government, or school districts. Notwithstanding the other provisions of this Section, the aggregate State debt outstanding in one fiscal year may not exceed 50% of the State's aggregate revenues in that fiscal year.

(b) State debt for specific purposes may be incurred or the payment of State or other debt guaranteed in such amounts as may be provided either in a law passed by the vote of three-fifths of the members elected to each house of the General Assembly or in a law approved by a majority of the electors voting on the question at the next general election following passage. Any law providing for the incurring or guaranteeing of debt shall set forth the specific purposes and the manner of repayment.

(c) State debt in anticipation of revenues to be collected in a fiscal year may be incurred by law in an amount not exceeding 5% of the State's appropriations for that fiscal year. Such debt shall be retired from the revenues realized in that fiscal year.

(d) State debt may be incurred by law in an amount not exceeding 15% of the State's appropriations for that fiscal year to meet deficits caused by emergencies or failures of revenue. Such law shall provide that the debt be repaid within one year of the date it is incurred.

(e) State debt may be incurred by law to refund outstanding State debt if the refunding debt matures within the term of the outstanding State debt.

(f) The State, departments, authorities, public corporations and quasi-public corporations of the State, the State colleges and universities and other public agencies created by the State, may

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issue bonds or other evidences of indebtedness which are not secured by the full faith and credit or tax revenue of the State nor required to be repaid, directly or indirectly, from tax revenue, for such purposes and in such amounts as may be authorized by law.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading of House Joint Resolution Constitutional Amendment #6. House Joint Resolution Constitutional Amendment #7, offered by Representative Schoenberg

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH 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 2 of Article VIII of the Illinois Constitution as follows:

ARTICLE VIII

FINANCE

SECTION 2. STATE FINANCE

(a) The Governor shall prepare and submit to the General Assembly, at a time prescribed by law, a State budget for the ensuing fiscal year. The budget shall set forth the estimated balance of funds available for appropriation at the beginning of

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the fiscal year, the estimated receipts, and a plan for expenditures and obligations during the fiscal year of every department, authority, public corporation and quasi-public corporation of the State, every State college and university, and every other public agency created by the State, but not of units of local government or school districts. The budget shall also set forth the indebtedness and contingent liabilities of the State and such other information as may be required by law. Proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget.

(b) The General Assembly by law shall make appropriations for all expenditures of public funds by the State. Appropriations for a fiscal year shall not exceed 98% of funds estimated by the General Assembly to be available during that year.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect in the next fiscal year after approval by the electors of this State. First Reading of House Joint Resolution Constitutional Amendment #7. Perfunctory Session will stand in recess until 2:30 p.m."

Clerk Rossi: "There being no further business, the House Perfunctory Session will stand adjourned. The House will reconvene in Regular Session tomorrow at 12:00 noon."