

STATE OF ILLINOIS
82ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

94th Legislative Day

April 20, 1982

Speaker Daniels: "Ladies and Gentlemen of the House, we will convene the House at the hour of 12:30."

Speaker Ryan: "The House will be in order, and the Members will be in their seats. We'll be led in prayer today by Father Charles 'Mulcrone' from the Cathedral of the Immaculate Conception of Springfield, Illinois. Father 'Mulcrone'."

Father 'Mulcrone': "Let us pray. Our Heavenly Father, we take just a moment to put ourselves in Your august presence, to the knowledge that You are our God, and we are Your people. We are so grateful to You for many things, the gift of life itself, this beautiful Spring day, our form of government, the many assets with which You have endowed our nation and our people. We thank You for all of these. We ask You to send Your spirit to enlighten our minds and to give us strength. We ask for Your inspiration that we may have a vision that goes beyond today, a vision beyond our own area to be sensitive to the needs of our brothers and sisters so that, in years to come, history will thank us for what we have done here, this day. Grant us Your peace, Your justice, Your love. We ask this in His name. Amen."

Speaker Ryan: "Thank you, Father. We'll be led in the pledge today by Representative Stewart."

Stewart, 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 Ryan: "Roll Call for Attendance. Take the record, Mr. Clerk. With 159 Members answering the roll, a quorum of the House is present. I have an announcement from the Illinois Heart Association... or from the American Heart Association, an Illinois affiliate. Mr. Clerk, will you read this message, please?"

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Clerk Leone: "The Illinois affiliate of the American Heart Association will be screening for high blood pressure today and tomorrow in the nurse's station next to the Speaker's Office. High blood pressure seldom has any symptoms, but it can lead to a heart attack, stroke or early death. The Speaker recommends everybody stop into the nurse's station either today or tomorrow."

Speaker Ryan: "Representative Madigan do you... or Getty, do you have any excused absences, Representative Getty? Representative Telcser. Representative Daniels, excused absences?"

Daniels: "Yes. Let the record show that Representative Macdonald is absent due to illness."

Speaker Ryan: "The record will so indicate. Representative Getty."

Getty: "Mr. Speaker, may the record reflect that Representative Vitek is absent due to illness?"

Speaker Ryan: "The record will so indicate. Committee Report."

Clerk Leone: "Representative Pullen, Chairman from the Committee on Executive to which the following Bills were referred, action taken April 15, 1982 and reported the same back with the following recommendations: 'do pass' House Joint Resolution Constitutional Amendment #29. 'Do pass' Senate Joint Resolution Constitutional Amendment #36."

Speaker Ryan: "Introduction and First Reading of House Bills."

Clerk Leone: "House Bill 2614, Topinka - Terzich, a Bill for an Act to amend Sections of the Election Code. First Reading of the Bill. House Bill 2615, Cullerton, a Bill for an Act to make terms a Judges appointment to fill vacancies. First Reading of the Bill. House Bill 2616, J. J. Wolf, a Bill for an Act to amend Sections of the Illinois Horseracing Act. First Reading of the Bill. House Bill 2617, Daniels, a Bill for an Act to amend Sections of the

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Code of Criminal Procedure. First Reading of the Bill. House Bill 2618, Birkinbine - Hallstrom, a Bill for an Act conveying certain lands to Wilmette Park District. First Reading of the Bill"

Speaker Ryan: "On the Calendar, on page four, under the Order of House Bills, Third Reading appears House Bill 79, Representative Catania. Out of the record. House Bill 89, Representative Deuster. Out of the record. House Bill 139, Representative Wikoff. Out of the record. House Bill 156, Representative Stearney. Out of the record. House Bill 210, Representative Tuerk. Out of the record. House Bill 281, Deuster. Out of the record. House Bill 519, Hoxsey. Out of the record. House Bill 554, Daniels. 554, out of the record. House Bill 555, Tuerk. Out of the record. 556, House Bill 556. Out of the record. House Bill 651, Swanstrom. Out of the record. House Bill 618, Topinka. Out of the record. House Bill 658, Collins. Out of the record. House Bill 665, Representative Catania. Out of the record. House Bill 703, Watson. Out of the record. House Bill 710, Klemm. Out of the record. House Bill 711, Cullerton. Out of the record. House Bill 714, Klemm. Out of the record. House Bill 730, Pierce. Out of the record. Don't save it too long. Representative Stearney, on House Bill 745. Out of the record. House Bill Hann... House Bill 798, Hannig. Out of the record. House Bill 807, Tuerk. Out of the record. House Bill 842, Rigney. Out of the record. House Bill 845, Grossi. Out of the record. House Bill 859, Karpziel. Out of the record. I'll tell you what, let's go to page two, House Bills, Second Reading. Under the Order of House Bills, Second Reading, on page two, appears House Bill 429, Representative Pechous. Want that one out of the record, too. If you want to table any of these Bills, feel free to

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say so. Thanks. House Bill 957, Representative Daniels. Out of the record. House Bill 1004, Representative Kelley. Out of the record. House Bill 1053, Terzich. Out of the record. House Bill 1054, Terzich. Out of the record. 1055, Terzich. Out of the record. 1060, Representative Levin, do you want to do business? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1060, a Bill for an Act to amend the Illinois Housing Development Act. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Ryan: "Any Motions filed with respect to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there further Amendments?"

Clerk Leone: "Floor Amendment #2, Levin - Vinson, amends House Bill 1060 as amended."

Speaker Ryan: "Gentleman from Cook, Representative Levin, on Amendment #2. Could we have a little order here, please? The Gentleman would like to present his Amendment. Proceed, Representative."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, you may recall that House Bill 1060 was on the floor last week, and, in the process of discussion, Representative Vinson asked for an Amendment to provide that the Legislators, in districts surrounding where an Illinois housing development project would be located, would also receive notice of the project. That's what Amendment #2 does. It was cleared with Representative Vinson, and I would ask adoption of the Amendment, at this point."

Speaker Ryan: "Is there any discussion? The question is, 'Shall Amendment #2 to House Bill 1060 be adopted?'. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

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Speaker Ryan: "Third Reading. House Bill 115... 1108, Representative Schneider. Out of the record. How about 1215, Representative Levin? You're here to do business today. Run the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1215, a Bill for an Act to amend an Act concerning public utilities. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Ryan: "Are there any Motions filed with respect to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there further Amendments?"

Clerk Leone: "Floor Amendment #2, Levin, amends House Bill 1215 as amended."

Speaker Ryan: "Gentleman from Cook, Representative Levin, on Amendment #2 to House Bill 1215."

Levin: "Okay. Mr. Speaker, Ladies and Gentlemen of the House, since this Bill was originally introduced last year, and it had a reporting requirement of March 1, 1982. Obviously, that has passed and Amendment #2 simply deletes that March 1, '82 date and replaces it with a February 1, 1983 date."

Speaker Ryan: "Is there any discussion? Is there any discussion? The question is, 'Shall Amendment #2 to House Bill 1215 be adopted?'. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 1271, Representative Hoffman. Out of the record. House Bill 1317, Representative Daniels. Out of the record. House Bill 1346, Representative McClain. Out of the record. House Bill 1351, Representative Winchester. Out of the record. House Bill 1502, Abramson. Representative Abramson on 1502. Out of the record. 1527, Representative Miller."

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Out of the record. Representative Friedrich, do you seek recognition?"

Friedrich: "Yes, Mr. Speaker, I'd like to ask for a 45 minute recess for a Republican Conference immediately in room 114."

Speaker Ryan: "Republican Conference in room 114, immediately. Return back to the floor at 1:45. Representative Greiman. Representative Madigan, do you need a Conference? Republicans are going to go to Conference. Do you want a Conference? Want to announce it, or do you want me to announce it? There's your caucus Chairman, Representative Greiman."

Madigan: "Did you just announce a Republican Conference immediately?"

Speaker Ryan: "We're going to go down to Conference and come back at a quarter till two."

Madigan: "Fine. There shall be a Democratic Conference at the same time."

Speaker Ryan: "What room do you normally meet in? 118?"

Madigan: "Yes."

Speaker Ryan: "Okay. Here's the program, Ladies and Gentlemen? Republican Conference in 114 immediately, Democrat Conference in 118 immediately. We will reconvene on the floor of the House at 1:45. Until that time, the House now stands in recess. The House will be in order and the Members will be in their seats. On page three, under the Order of House Bills, Second Reading appears House Bill 1543, Representative Levin. Out of the record. House Bill 1733, Representative Hallock. Out of the record. House Bill 1770, Representative Terzich. Out of the record. 1771, Terzich. Out of the record. 1772, Terzich. Out of the record. 1773, Terzich. Out of the record. 1775, Terzich. Out of the record. 1776, Terzich. Out of the

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record. 1777, 1779, 1780, 1781, 1782, 1783, 1784, all Representative Terzich's. Out of the record. House Bill 1841, Karpziel. Want the Bill read, Representative? Read the Bill."

Clerk Leone: "House Bill 1841, a Bill for an Act to establish a uniform budget and appropriation procedure for units of local government and school districts. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Ryan: "Are there any Motions filed with respect to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. Representative Cullerton, for what purpose do you seek recognition?"

Cullerton: "Thank you, Mr. Speaker. Mr. Speaker, at this time I wanted to make an introduction of an eighth-grade class, Our Lady of Good Council School in St. Louis, Missouri. Sister Veronica and ...two sisters, Nancy."

Speaker Ryan: "Who's your assistant? Welcome class. Who's your assistant, Representative?"

Cullerton: "My assistant is Maggie Cullerton."

Speaker Ryan: "I see."

Cullerton: "She's a good Democrat from Chicago."

Speaker Ryan: "If you'll leave her at your switch, that'll be okay with me. I think I can convince her the right way. 1845, Representative Terzich. Representative Terzich, you've got a whole page of Bills here? Do you want to call any of them? None. Do you want to table any of them? None. House Bill 1846, out of the record. 1847, Terzich. Out of the record. 1848, Terzich. Out of the record. 1849, Terzich. Out of the record. 1850, Terzich. Out of the record. 1851, Terzich. Out of the record. 1852,

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Terzich. Out of the record. House Bill 2115, Representative Yourell. Out of the record. Representative Madigan, for what purpose do you seek recognition?"

Madigan: "Mr. Speaker, Maggie Cullerton is complaining of a headache. She's been here for about two hours, and she has a headache already. And she thought that maybe you, as a pharmacist, could prescribe something for the headache."

Speaker Ryan: "She ought to sit on the Republican side for a while. Probably clear her right up. ... Daniels, will you come to the Chair, please? The Attorney General has joined us at the rear of the chamber. Welcome, General Fahner. Nice to have you with us today. Representative Daniels, in the Chair."

Speaker Daniels: "House Bills, Third Reading - House Bill 869, Representative Reilly. Out of the record. House Bill 891, Representative Reilly. Out of the record. House Bill 918, Representative DiPrima. 918. Read the Bill."

Clerk Leone: "House Bill 918, a Bill for an Act to amend the Senior Citizens and Disabled Persons Property Tax Relief Act. Third Reading of the Bill."

Speaker Daniels: "Representative DiPrima, on House Bill 918."

DiPrima: "Yes, Sir, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 918 is a Bill for the senior citizens and disabled veterans on fixed incomes that incur the greatest losses from rising property taxes, inflation rates and..."

Speaker Daniels: "Excuse me, Representative DiPrima. Representative Conti, for what purpose do you rise?"

Conti: "Well, these are important Bills that I would like to hear the contents of the Bills and what they do."

Speaker Daniels: "Your point is well taken."

Conti: "I wish we could have some order in the House."

Speaker Daniels: "Will the Members please be in their seats? Will all those not entitled to the floor please retire to

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the gallery? Doorkeeper, please remove those people not entitled to the floor. We're on Third Reading. Maggie Cullerton has a headache. Please give your attention to Representative DiPrima. Representative DiPrima."

DiPrima: "Who also has a headache."

Speaker Daniels: "Representative DiPrima and his headache."

DiPrima: "On House Bill 918. Well, this Bill will provide much needed tax and utility bill relief for these groups, under the Circuit Breaker Program. This Bill would broaden the base of participation for grants by eliminating benefits from the Circuit Breaker income requirements. The proposed legislation will complement the Federal Energy Assistance Program for the poor. Unfortunately, this Program has been cut significantly by the national administration and most of its funds will come from the state's public utility tax revenues, which have increased by an estimated 350 million between 1976 and 1982. I would appreciate a favorable vote."

Speaker Daniels: "Any discussion? Gentleman from Cook, Representative Conti."

Conti: "Can I ask the Sponsor a question? Will he yield?"

Speaker Daniels: "Gentleman indicates he'll yield."

Conti: "What's the fiscal impact on this, Larry?"

DiPrima: "About 24 million."

Conti: "124 million?"

DiPrima: "No, 24 million?"

Conti: "I got my answer."

DiPrima: "A mere bag of shells for the old folks and the veterans."

Speaker Daniels: "Further discussion? Gentleman from Livingston, Representative Ewing."

Ewing: "Mr. Speaker, would the Sponsor yield for a question?"

DiPrima: "Yes, Tom."

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Speaker Daniels: "Indicates he will."

Ewing: "Larry, I really couldn't understand your explanation of this Bill. I couldn't hear, and I couldn't understand it. Would you tell me... this amends the Circuit Breaker?"

DiPrima: "Yes, Sir."

Ewing: "How does that work? How are you extending it or how are you amending it? I really couldn't hear the Bill."

DiPrima: "It will be ... It will exclude the veterans benefits from it from the calculations from income."

Ewing: "I see. So, currently, then we must include veterans benefits in deciding whether a person is eligible for the Circuit Breaker?"

DiPrima: "Right."

Ewing: "So, we're going to take that out?"

DiPrima: "Yes, Sir."

Ewing: "Now, do we... do we include other pensions and railroad retirements and things like that when we figure the Circuit Breaker?"

DiPrima: "Yes, we do."

Ewing: "Your Bill only takes out veterans pensions?"

DiPrima: "Yes, Sir."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House..."

Speaker Daniels: "Excuse me, Sir. Ladies and Gentlemen of the House, may we please have your attention? All those not entitled to the floor, please retire to the gallery. Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I think that Representative DiPrima's Bill is probably put in and sponsored out of the most sincere of motives, and I am certain that there are many of our veterans who would then qualify for the Circuit Breaker relief. I do question, though, whether we should, even for our veterans, those people who fought for our country, single them out for

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special treatment. We have many senior citizens who have given a great deal, throughout their working years, for all of us, and this program has been set up to be fair and equal across the board for all of them. And I think that you should look very, very closely at this before we get into exempting one particular interest group after another. And I think, unfortunately, I must encourage you to vote 'no' on this matter. Thank you."

Speaker Daniels: "Further discussion? Gentleman from Cook, Representative Kornowicz."

Kornowicz: "Mr. Speaker and Members of the House, House Bill 918, if everybody would keep quiet and listen to this most important Bill in this Session. This is a... This is a Bill that every Legislator should vote for, no matter what Party, because this is a Bill that will help out the needy people. This House Bill 918 is a fuel grant for households. This is the only Bill that will help the needy. This is the number one priority for the senior citizens. This is the number one priority for senior citizens, and you know who's the Gentleman that fights for the senior citizens throughout the State of Illinois and the Democratic Party is Ed Kornowicz. Now, since 1978, the cost of home heating has almost doubled and, from 1981 to 1985, the gradual phase-out of natural gas and well-head, will re-double the cost again, notwithstanding inflation. In a little over a decade, the average cost of a home heating of Illinois' residents has gone from 375 dollars in 1971 to almost 1100 dollars by 1982. In fact, an elderly resident's entire inflation adjustment of his Social Security is almost totally offset by this rise in home fuel costs; leaving them nothing to combat the rising costs of food, gas, clothing and other inflation items. Consequently, House Bill 918 was introduced and amended to

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correct the deplorable situation. Amendment #1 retitles the Circuit Breaker Act of the Senior Citizens and Disabled Persons. All Circuit Breaker recipients will receive for a grant to help defray increasing fuel costs. The grant will be equal to 75% of the amount of increase in home fuel costs for the preceding year, minus five percent of household income of 40 dollars, whichever is greater. There can be only one claim for the fuel grant per household. The Department of Public Aid is directed to exclude the amount of the fuel grant ... of their cash assistance that may provide to the grantee. This will be effective for 1982 on a 1981 claim. I ask you for a favorable vote."

Speaker Daniels: "Further discussion? Gentleman from Hardin, Representative Winchester."

Winchester: "Thank you... Thank you, Mr. Speaker and Ladies and Gentlemen of the House. It is often, as I have done many times, difficult to speak against Bills proposed by Representative Kornowicz, particularly when it's Bills that will be beneficial to senior citizens, a group of distinguished people in the State of Illinois that deserve as much financial assistance as we can possibly afford to give them, in times when we have the money to give to them. But I must remind all of my colleagues on the House floor that, over the last couple of years, we have drained, we have drained our revenue sources by some 500 to 600 million dollars, as a result of taking the sales tax off of food two pennies, as it is now, which I might remind my colleagues across the aisle that they, at one point, wanted to take the full five pennies off which would have probably caused the state to have lost nearly one billion dollars in revenues, which we so desperately need. But, by using good, common Republican sense, we were able to amend that

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Bill to only take off one cent each year and with the provision that we could stop after taking two pennies off. But we have increased the Circuit Breaker, throughout the years; but, when you add the Circuit Breaker increases and when you add the taking the sales tax off the food, we've lost pretty close to 600, maybe 700 million dollars. Now, I am for helping senior citizens, and I will probably vote for legislation to help senior citizens, when we have the money to help senior citizens; and, I know Representative Kornowicz sincerely speaks for senior citizens and has good and sincere intent with this Bill. It is only going to cost a mere, a mere three million dollars, but the Fiscal Commission is not for sure that that's going to be the cost. It could be more, but their conservative figure or liberal figure, whichever, is three million dollars. But three million dollars is three million dollars, when you add to the serious financial problems that we have in this state, Mr. Speaker; and, I would, reluctantly, reluctantly now, ask that the Members vote against this Bill only during this time when we do have very serious financial problems. Perhaps, if we are able to ... to straighten out our financial problems, more money has become available, then we should, yes, come back and take a hard look at the need for help to our senior citizens. Thank you."

Speaker Daniels: "Gentleman from Bureau, Representative Mautino."

Mautino: "Thank... Thank you, very much, Mr. Speaker and Ladies and Gentlemen of the House. I stand in support of House Bill 918, and I would like to mention to my good colleagues, Representative Collins and Representative Conti and to Representative McAuliffe, that, since I was a pall bearer to Larry's last Bill, I will not be a pall bearer to this Bill, which is a good one. I'd like to point out that there are over a hundred Cosponsors on this legislation,

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and the mere fact that the recent news articles maintain that over 30,000 households will have their utilities shut off during these next two weeks gives us the reason and the need to enact this legislation. If, in fact, we don't take care of those who have taken care of us over the past twenty or thirty years with their input and their tax dollars, we'll certainly be doing a disservice to the senior citizens and the veterans. In this regard, Larry DiPrima has an excellent Bill, and I'm happy to sponsor it and hope that we do get the hundred Cosponsors, who are on this Bill already, to vote 'yes' when the Bill is called. Thank you."

Speaker Daniels: "Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker..."

Speaker Daniels: "Excuse me, Sir. May the Majority Leader please have your attention? Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, I'm delighted that the previous speaker mentioned the sponsorship of this Bill, because, much to my surprise, I find my name is listed as one of the Cosponsors. I, however, am sure that, in a moment of weakness, I capitulated to the wiles of the brilliant sponsor of this legislation and allowed him to add my name as one of the Cosponsors. But I would like to point out to the Members of the House and to the Gentleman who spoke last, in particular, that this Bill has been amended, and the Amendments have dramatically changed and altered the fiscal implication which House Bill 918 would have on the state's General Revenue Fund. Now, Mr. Speaker and Members of the House, just last week distinguished Members from the other side of the aisle stood up on the floor and debated a Bill dealing with the inheritance tax from the point of view of damaging the state's fiscal integrity. They made an eloquent plea to save the state's

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General Revenue Fund from undue abuse. Now, they can't have it both ways. The Democratic side of the aisle is either going to be for fiscal responsibility or they're not going to be for it. Mr. Speaker and Members, I know, as does every Member, that there are just and noble causes in which all of us have an interest, but the state simply cannot afford it, unless some Members are willing, at the same time, to demonstrate to Illinois citizens how the state's General Revenue Fund would survive the attacks which are placed upon it. So, Mr. Speaker and Members of the House, I rise to oppose House Bill 918, my Cosponsorship notwithstanding; and, when I'm finished with my remarks, I'll ask that my name be removed as Cosponsor because the Bill is not the Bill which was originally introduced. This Bill would cost our General Revenue Fund some 18 million dollars, and, when Illinois faces a fiscal crisis, it is the very people whom this Bill proports to help who will be hurt the most. We must protect our senior citizens and the people of Illinois who depend on government for help by maintaining the state's fiscal integrity and so; therefore, Mr. Speaker, I rise in opposition to House Bill 918."

Speaker Daniels: "Further discussion? Gentleman from Cook, Representative Conti."

Conti: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I also find my name on this Bill, and I don't believe there are two greater and more sincere men than Representative DiPrima and Kornowicz in trying to help the senior citizens. Last Thursday, when I left Springfield, I happened to attend a meeting in the northwest side of Chicago where second, elementary and higher education groups were meeting, and we cut the secondary education fund by 35 million dollars and we cut the higher education

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by 18 million dollars. That was sad enough, to leave those two meetings, but Saturday morning I met with a group of people where we are closing a school for the retarded and the handicapped children of the City of Chicago which only entailed about four million dollars. And how could we go back home? How could we go back home and show any fiscal responsibility by voting for a Bill like this that, after it has been amended, the way I read it I've had three figures thrown at me so far; 24 million, four million and now the last speaker says some 28 million. The staff man just came back here and told me that this is going to cost us some 36 million dollars. I started out ribbing Larry about this Bill when we first came out, because I knew I was a Cosponsor of the Bill. Little did I know that there were these Amendments attached to it. Little can I go back home, after cutting these school funds off and, especially, the one that hurt the most is the meeting I had Saturday morning where there are going to be handicapped children and there are going to be retarded children that there won't be any place for us to put them because of a four million dollar cut. So, if you're going to show any kind of fiscal responsibility, go back home. Be sincere with the voters, not tell them what they want to hear. Tell them what they have to hear. We're going to have to defeat Bills like this."

Speaker Daniels: "Further discussion? Gentleman from Lake, Representative Matijeovich."

Matijeovich: "Mr. Speaker, Ladies and Gentlemen of the House, it may be that we'd like to have it both ways. We, evidently, in no way influenced your vote on our argument on the inheritance tax. The problem that we see nowadays is that people, not only senior citizens, but many, many people are very concerned about the high cost of heating their homes.

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More than senior citizens are complaining to me that they just cannot cut it anymore with regards to paying their home heating fuel bills. Now, if, for example, I could see that, as a policy, both this administration in Springfield and the administration in Washington were doing something with regards to the matter of deregulation of natural gas, with regards to that decision, then maybe we wouldn't take this tact with regards to this Bill. But all of us know that home heating fuel is going to be tripled in the very near future, and there is a built-in increase in the public utility taxes. It is, right now, the third... third-greatest tax in the State of Illinois, and I think that something ought to be built into the law in the State of Illinois that seniors or disabled persons that are very severely impacted ought to be getting some benefit because of those high home heating fuel bills. Some of them just can't pay it now. It is becoming an increasingly difficult burden for them. So, what Representative Kornowicz is... Kornowicz has been doing, by his Amendment, is saying that we ought to have the Circuit Breaker formula - those who benefit from it, as far as the real estate property tax relief, that ought to be... that structure ought to be built in to help people who can't pay their bills with regards to home heating fuels. We've had a very difficult winter. Now, I realize that we are in very difficult straights in the State of Illinois. What many of us were arguing about last week was is that we don't know where we're at. The Governor has not made any indication of where we're at with regards to the revenue estimates. But what Representative Kornowicz is saying by this Bill is that we know, based on the higher utility bills, we know that the future is going to be even more difficult for senior citizens, even more difficult for those who are

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disabled, as far as paying their utility bills. This is a mechanism to try to help those people. Also, we do know that the taxes are going to be greater because of the high utility bills. So, I commend Representative Kornowicz. I really think that after the vote is taken that many of you are going to be voting 'aye', because you have some compassion for those seniors on fixed incomes. And I think, again, in spite of the rhetoric, that you're going to be voting for this Bill, too."

Speaker Daniels: "Further discussion? Gentleman from Cook, Representative J. J. Wolf."

Wolf: "Mr. Speaker, Members of the House, last week we all sat here on the floor and listened to the Minority Leadership make statements that the Governor's budget is out of balance, and they ably pointed out that the Economic and Fiscal Commission, which is an arm of this House of Representatives, in their revised forecast, revised forecast, have indicated that we can expect 150 million dollars less than their forecast just a couple of months ago. We ought to be looking at how we're going to trim this particular budget, if, in fact, the Governor's figures are high and if we are out of balance; and, if the Economic and Fiscal Commission's forecast is correct, now we have 150 million dollars less than we thought we had at the day the Governor delivered his Budget Message. So, on that basis, the Gentlemen, who are now speaking to spend an additional 16 or 18 million dollars, should be up here offering Amendments on how to reduce that budget, and I ask you - what's your plan? What's your plan to reduce the budget instead of asking... adding Amendments that will increase the budget? You can't have it both ways, and you can't be responsible and talk out of the same two sides of your mouth at the same time. I know it's nice to vote for

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all kinds of special interest legislation and then complain that the Governor's budget is out of balance, but I say the responsibility is on this House of Representatives, not only as fiscal responsibility, but a constitutional requirement that we do not expend more money than was forecasted to take in. And the only responsible vote to vote at this time, unfortunately, is to vote 'no'."

Speaker Daniels: "Lady from Sangamon, Representative Oblinger."

Oblinger: "Mr. Speaker and Members of the House, you will notice that my name is not on this Bill as a Cosponsor, and the reason for this is; we senior citizens don't want help at the expense of the rest of the population. The previous speakers have said poor people, disabled people and a lot of other people are having trouble paying their utility bills. We're not giving them any relief in this Bill, and we seniors don't want a ride on their back. If we have relief, we want everyone to have relief. So, don't vote for this Bill. Get one that will give the relief to all the people who need it."

Speaker Daniels: "Further discussion? Gentleman from Cook, Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. I hate to disagree with the Lady from Sangamon who just spoke, but last year I was privileged to serve as Chairman of a House Democratic Task Force on Aging and, during the course of the hearings that the Task Force had, we met and had the opportunity to meet with very many senior citizens groups, leaders of groups who represented over 600,000 senior citizens throughout the State of Illinois. During the course of those meetings, we asked them what their priorities were, what ways the state could help senior citizens in their plight and, to an organization and to a member, those people all said utility tax relief. They

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indicated to us that senior citizens and disabled persons on fixed incomes incur the greatest losses arising from property taxes, from inflation rates and from energy costs, and this Bill, House Bill 918, as amended, provides much needed utility and tax reliefs for those groups who, currently, qualify under the Circuit Breaker. We know that, since 1978, the cost of home heating has almost doubled and, with the gradual phase-out of natural gas at the well-head, that will almost re-double the cost in the very near future, notwithstanding inflation. As a result, we have had dramatic increases in public utility tax revenues. In the last five years, those public utility tax revenues have increased by over 350 million dollars. And so, what we intend to do here is to provide senior citizens and disabled persons with an opportunity to recoup a greater share of their income that they spend on home heating and utility bills. During the course of the last year, as I mentioned, we had an opportunity to meet with the American Association of Retired People and the Illinois State Council of Senior Citizens Organizations. They do represent 600,000 people in the State of Illinois, and they have indicated to us, in the recent... in the recent past, that the concept embodied in House Bill 918, as amended, is their number one priority for this year. Last year, when this Amendment was debated, notwithstanding how many people say, 'Well, I want my name removed as a Cosponsor', etcetera, the Amendment had 127 affirmative votes. I think it's the least that we can do for the senior citizens in our state who are paying over one-third of their incomes, of their fixed incomes, on utility bills, and I would encourage those 127 and more to vote in the affirmative on House Bill 918."

Speaker Daniels: "Representative Oblinger, on a point of personal

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privilege."

Oblinger: "Mr. Speaker, as a point of personal privilege - being mentioned by the last speaker, I'm not going to say I've talked to 600,000 people, individually, but I think I know the senior citizens in this State of Illinois from Cairo to Rockford and all over the rest of the state. And I would say that, yes, they want relief on their utility bills, but this is not getting at the reason that they have their high bills; and, we don't want a ride. You mean to tell me that the young people who are poor don't need the same kind of relief? Are you trying to tell me that the disabled don't need the same kind of relief? We're going at it piecemeal. We're taking care of one segment of the population only; the senior citizens, but we're saying we don't care about the rest of them. We'd better go to the source of the reason and not just put a band-aid on top of it, and the senior citizens have told me, 'Yes, we want this relief, but not at the expense of other people who are going to have to pay higher bills, higher taxes so we can have this relief. We want the resources used to go to the basic reason for the high utility costs and not play off one generation against another.'"

Speaker Daniels: "Gentleman from Cook, Representative Epton."

Epton: "Mr. Speaker, I move the previous question."

Speaker Daniels: "Gentleman has moved the previous question. The question is, 'Shall the main question be put?'. All those in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it. Gentleman from Cook, Representative DiPrima, to close."

DiPrima: "Yes, thank you, Mr. Speaker. Ladies and Gentlemen, it was just about a couple of months ago, when we were having that very cold weather, when the gas company started cutting off the gas heat for the different people, and

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there was such a ... a lot of beefing about it that they, eventually, turned on the gas and they've kept it on. And just the other day I was reading where they're hoping now that these people work out some kind of a compromise to start paying the bills that they owe, so they'll be able to give them... open up the gas jets in the fall for them. But that's how desperate the sit... the situation is up in the Chicago area, and I imagine it must be likewise throughout the state. So, if you could give me a favorable vote on this, I'd be very appreciative. Thank you."

Speaker Daniels: "The question is, 'Shall House Bill 918 pass?'

All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Gentleman from Franklin, Representative Rea, to explain his vote. One minute, Sir."

Rea: "Thank you, Mr. Speaker, Members of the House. In explaining my vote, utility costs is a number one, most common problem that the senior citizens are faced with. In the last ten years, we have seen the cost of home heating increase by four times. The elderly are the fixed... on the fixed income, after paying their utility and heating rates, they have a limited amount of money left for the basic necessities such as food and medicine and other utility costs. The senior citizens, many disabled, who are on a fixed income are the ones hit the hardest with these inflationary costs, and this Bill will help provide some relief for the people hit the hardest. And, unlike Representative Winchester, I feel that this will not cost the people of the State of Illinois when there's 80 million dollars a year that has been provided by the public utility tax revenues, and why shouldn't we provide 20 million back to the senior citizens and the ones that need it the most? I think that we owe this to the senior citizens..."

Speaker Daniels: "Further discussion? Gentleman from Marion,

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Representative Friedrich, to explain his vote. The timer's on, Sir."

Friedrich: "You know, after you've been around here for a while, you'll see a pattern of things. It's a lot of fun when the parties out of power put in Bills to spend money and put in Bills to reduce taxes and then laugh when the Treasury's dry and you have your Comptroller blaming the Governor for bad management. Now, this is a game that's been going on around here for a hundred years. The pattern is easy. Why don't the people, who put in the Bills to spend, put in the Bills to tax along with it and take some of the brunt along with the rest of us, instead of complaining about the Treasury being dry. They wanted tax reduction. We gave it to them. Now, they want the Treasury to go dry and let Burris complain about the Treasury being dry and complaining the Governor is running the state into debt. I know the pattern, and I know the game. It must be fun over there for the guys on the other side of the aisle, to pull this game, but I've seen it pulled before."

Speaker Daniels: "Lady from Champaign, Representative Satterthwaite, to explain her vote. Timer's on."

Satterthwaite: "Mr. Speaker and Members of the House, the previous speaker has indicated that those who are supporting this Bill may be irresponsible, but I would like to point out that there are many Bills that were presented to the Rules Committee in the last couple of weeks that would have provided additional revenue for the state. But, unfortunately, they happen to be sponsored, some of them, by Democratic Members of the House, and so they are still in Rules Committee. Unfortunately, those people on this side of the aisle have not had a fair shake, in terms of even getting their legislation considered during this second year of our Session. And so, I think we had better

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be careful about casting aspersions on people from one side of the House or the other, if, at the same time, we are going to control which measures get discussed on the House floor."

Speaker Daniels: "Gentleman from Hardin, Representative Winchester, to explain his vote. The timer's on."

Winchester: "No, Mr. Speaker, I rise on a point of personal privilege because my name was used in debate a few minutes ago. I think I made it clear, in my speech on the floor, that I support senior citizens, and I would like to see the senior citizens have money, if we have surplus monies to give to them. But I think the Gentleman that used my name in debate also stood in front of about 400 people with the Hospital Association the other night, and committed to them that he was going to try and get additional money for them and probably is committed to the school teachers that he's going to get additional money for them; and, no telling who else he's committed to that he's going to get additional money for. Where is he going to get that money, Mr. Speaker? He's certainly not going to get it with the general revenue funds that we have now with the money that we're collecting through sales tax. People just simply are not buying cars. They're not buying washing machines. So, I wish the Gentleman would get his facts straight. You know, I do support the senior citizens and later on, when there is money available, I will vote to see that they get additional funds. 18 million dollars is just not there."

Speaker Daniels: "Gentleman from Cook, Representative Conti, for what purpose do you rise, Sir?"

Conti: "If this should reach the 89 votes, I want a verification."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this

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question there are 92 'aye', 57 'no' and 16 voting 'present'. The Gentleman from Cook, Representative Conti, requests a verification, and the Gentleman from Cook, Representative DiPrima requests a verification... or a Poll of the Absentees. Right?"

Clerk Leone: "Poll of the Absentees. Abramson. Grossi. Hoffman. Johnson. Macdonald. McAuliffe. McCormick. Ted Meyer. Peters. Stearney. Vitek and Winchester."

Speaker Daniels: "Record Representative Madigan as 'aye'. Record Winchester as 'no'. McCormick 'no'. Peters 'no'. Proceed with a verification of the affirmative roll. What's the count, Mr. Clerk? There are 93 'aye' and 60 'no'. 93 - 60. Proceed with a verification. Will all Members please be in their seat so that we can proceed with this verification in an orderly fashion? Proceed, Mr. Clerk."

Clerk Leone: "Poll of the affirmative. Alexander. Balanoff. Beatty. Bowman. Bradley. Braun. Breslin. Brummer. Bullock. Capparelli. Carey. Catania. Chapman. Christensen. Cullerton. Currie. Darrow. DiPrima. Domico. Donovan. Doyle. John Dunn. Ewell. Farley. Flinn. Garmisa. Getty. Giglio. Giorgi. Greiman. Hallstrom. Hanahan. Hannig. Henry. Huff. Jackson. Jaffe. Jones. Kane. Katz. Keane. Dick Kelly. Kociolko. Kornowicz. Kosinski. Krska. Kucharski. Kulas. Laurino. Lechowicz. Leon. Leverenz. Levin. Loftus. Madigan. Martire. Matijevich. Mautino. McClain. McGrew. McPike. R. J. Meyer. Mulcahey. Murphy. O'Brien. O'Connell. Ozella. Pechous. Pierce. Pouncey. Preston. Rea. Rhem. Richmond. Ronan. Saltsman. Satterthwaite. Schneider. Schraeder. Slape. Margaret Smith. Steczko. Stewart. Stuffle. Terzich. Topinka. Turner. Van Duynes. White. Sam Wolf. Younge. Yourell and Zito."

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Speaker Daniels: "Questions of the affirmative roll.
Representative Conti."

Conti: "Representative Beatty."

Speaker Daniels: "Representative Beatty is in his chair."

Conti: "Representative Brummer."

Speaker Daniels: "Representative Brummer. He's in his chair."

Conti: "Representative Christensen."

Speaker Daniels: "Christensen is in his chair."

Conti: "Where'd they come from?"

Speaker Daniels: "Well, they all look alike. That's your
trouble."

Conti: "Darrow."

Speaker Daniels: "Representative Darrow is over here on our
side."

Conti: "Representative Donovan."

Speaker Daniels: "Donovan. Representative Donovan. He's in his
chair."

Conti: "Representative Garmisa."

Speaker Daniels: "Garmisa. Representative Garmisa. Is the
Gentleman in the chambers? Representative Garmisa. How is
the Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Daniels: "Remove him."

Conti: "Representative Farley."

Speaker Daniels: "Farley. Representative Farley. Gentleman in
the chambers? How is the Gentleman recorded?"

Clerk Leone: "Gentleman is recorded as voting 'aye'."

Speaker Daniels: "Remove him."

Conti: "Representative Hanahan."

Speaker Daniels: "Representative Hanahan. Tom Hanahan.
Representative Hanahan. Is the Gentleman in the chambers?
How is the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as voting 'aye'."

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Speaker Daniels: "Remove him."

Conti: "Representative Katz. Representative Katz."

Speaker Daniels: "Representative Katz. Is the Gentleman in the chambers? Harold Katz."

Conti: "You're Greiman."

Speaker Daniels: "How is the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as voting 'aye'."

Speaker Daniels: "Remove him."

Conti: "Representative Jackson. I see him. He's here."

Speaker Daniels: "He's here."

Conti: "Representative Laurino. I see him. He just walked in."

Speaker Daniels: "Alright. Representative Conti, Representative Garmisa has returned. He's over here. So, return Representative Garmisa to the Roll Call. Representative Hanahan has returned. Return Representative Hanahan to the Roll Call."

Conti: "Representative Martire."

Speaker Daniels: "Martire. Representative Martire. The Gentleman in the chambers? How is the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as voting 'aye'."

Speaker Daniels: "Remove him."

Conti: "Representative McGrew."

Speaker Daniels: "Excuse me. Representative Kucharski, for what purpose do you rise, Sir?"

Kucharski: "Change me from 'yes' to 'no'."

Speaker Daniels: "Change Representative Kucharski from 'aye' to 'no'. Alright, Representative Kuchar... Representative Conti, what was the..."

Conti: "Did you take Martire off?"

Speaker Daniels: "Martire has been removed. Yes, Sir."

Conti: "Did you take McGrew off?"

Speaker Daniels: "Representative McGrew. Is the Gentleman in the chambers? McGrew. How is the Gentleman recorded?"

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Clerk Leone: "Gentleman's recorded as voting 'aye'."

Speaker Daniels: "Remove him."

Conti: "Representative McPike."

Speaker Daniels: "McPike is in his chair."

Conti: "Representative Topinka."

Speaker Daniels: "Representative Topinka. Is the Lady in the chambers? Representative Topinka. How is she recorded?"

Clerk Leone: "The Lady's recorded as voting 'aye'."

Speaker Daniels: "Remove her."

Conti: "Representative Giorgi."

Speaker Daniels: "Representative Giorgi. Gentleman in the chambers? Giorgi. How is the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as voting 'aye'."

Speaker Daniels: "Remove him. For what purpose does the Gentleman from Cook, Representative Roland Meyer, rise? Change the Gentleman from 'aye' to 'no'. Further questions of the affirmative roll?"

Conti: "Yes. What's the call?"

Speaker Daniels: "85 - 62."

Conti: "Take the roll."

Speaker Daniels: "On this issue there are 85 'aye', 62 'nay'. This matter, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 921, Representative Miller. Out of the record. House Bill 943, Representative Tuerk. Out of the record. 944, Representative Tuerk. Out of the record. 964, Hoffman. Out of the record. 1003, Representative Birkinbine. Out of the record. 1023, Representative Tuerk. Out of the record. 1035, Representative Kociolko. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1035, a Bill for an Act to amend the Worker's Compensation Act. Third Reading of the Bill."

Speaker Daniels: "House Bill 1035, Representative Kociolko."

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Kociolko: "Mr. Speaker, Ladies and Gentlemen of the House, I am the principle Sponsor of House Bill 1035. I ask leave of the House to table this Bill at this time."

Speaker Daniels: "Gentleman asks leave to table the Bill. Any objections? Hearing no objections, House Bill 1035 is tabled. House Bill 1078, Representative Bower. Out of the record. 1120, Representative Preston. Out of the record. 1154, Representative Stanley. Out of the record. 1158, Representative McPike. Out of the record. 1162, Representative Pullen. Out of the record. 1178, Representative Hoffman - Steczo. Out of the record. 1180, Representative Ropp. Out of the record. 1208, 'Senator' Macdonald. Out of the record. 1219, Representative Stearney. Out of the record. 1222, Representative Bowman. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1222, a Bill for an Act to amend the Senior Citizens and Disabled Persons Property Tax Relief Act. Third Reading of the Bill."

Speaker Daniels: "House Bill 1222, Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Well, I'm sure there are many people here in the chamber who are beginning to feel guilty for having voted incorrectly on House Bill 918. So, here's a good chance to redeem yourself. House Bill 1222 addresses a problem faced by many senior citizens. Many of our seniors have higher than normal prescription drug bills because of illnesses that require constant medication. Because of this and the decrease in funding for health care programs by the Federal Government, House Bill 1222 was introduced last year. It passed out of Committee with no opposition, moved to Third Reading in the House with 119 Cosponsors. This Bill was opposed by the Governor; but, because the number of Cosponsors are so extensive, he chose to delay its passage

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until this year, and I trust that he has had second thoughts as well. This program would give senior citizens, who qualify for Circuit Breaker relief, the option to receive a special card entitling them to state assistance on their prescription drug purchases. Under this proposal, Circuit Breaker recipients would be given the option of taking the existing additional grant of about 80 dollars or opting for the pharmaceutical assistance card, in lieu of the additional grant. Card holders would then present this card to druggists to receive their prescription drugs without additional payment. This program is not welfare. Recipients are expected to pay for their card, by giving up their additional grant. It is not a pie-in-the-sky program. New Jersey has a similar program. Our aged family members wishing to participate in the program may receive cards by purchasing them for 80 dollars. Most of the additional state cost of the program will be borne by the lower expenses, under the additional grant program. In other words, we're using one program to fund another program. About 400,000 Illinois senior citizens would be qualified for this program. I urge the passage of this legislation."

Speaker Daniels: "Any discussion? Gentleman from Cook, Representative Conti."

Conti: "Well, Mr. Speaker, Ladies and Gentlemen of the House, it's about that time of the year again. This provides assistance to a portion of the population who may be on fixed income, that's true. We want to help everybody, but let me just cite a few of the disadvantages. Potentially expensive to the new program to the state and an administrative nightmare for the Department of Revenue and for the pharmacies. It puts the Department of Revenue into the welfare business. Assistance is already available

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through federal and state funds in Illinois medical assistance programs. FY '81 expenditures in this program were estimated to be 106 million dollars. 106 million dollars. I certainly would like to go out and campaign this next fall, all this summer, saying that I was for every program and try to help everybody that's on fixed income, but how are we going to go back home and tell the people that we're trying to balance the budget, a 14 billion dollar budget. And, when we get through with Bills like this and the Amendments that are placed on Bills like this, we've got close to 18 billion dollars we're budgeting on. If you want to come back for a long Veto Session, just keep passing Bills like this. The Governor has no other alternative but to veto a Bill like this. I urge the defeat of this Bill just like the other one."

Speaker Daniels: "Further discussion? Lady from Cook, Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, this is an example of yet another Bill whose time has well passed. The voters, in 1980, told all public officials, not just the President of the United States and the Congress, that the spending had to end. This is a whopper, Ladies and Gentlemen. It is a redistribution of wealth that is a take from one to give to another, and it is a program that just cannot be afforded at this time. Illinois is not in such great shape that we can afford to pass every Bill that sounds like a good idea. This is a very expensive proposition, and I urge its defeat. Thank you."

Speaker Daniels: "Further discussion? Gentleman from Cook, Representative Bullock."

Bullock: "Thank you. Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of House Bill 1222, both as a hyphenated Cosponsor, but also as an individual who does

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not, necessarily, espouse the same conservatism as one of our previous speakers. I think that the Governor of the state, when he said a few days ago that we ought to scrap the Medicaid system, I think that he failed to understand the real trauma that went through the minds of the disadvantaged minorities and the elderly and the poor in our state when he said that. Many of whom take the word of the Governor on face value. I think that many of the seniors of this city and of this state and of the nation took the President at face value when he said he wasn't going to tamper with Social Security. At the same time, he cut taxes and continued with his dastardly budget cuts. I think that the people of this state can realize on this Roll Call what the elected officials in the General Assembly really stand for; and, as in the previous Roll Calls, I think, when they look at the record and the record will surely be written on this Bill, that it was the Democratic side of the aisle that called for reform in the way in which we deliver services to the aged and to the disadvantaged. And it was, in fact, those who espoused conservatism but really don't understand the true meaning of the word that blocked the passage of this Bill. Representative Bowman has indicated that the Bill is needed. He's indicated that this Bill will cut at the very heart of the Medicaid system, in terms of fraud, because it will streamline. It will streamline the method in which pharmaceutical items are purchased by the elderly, and I think that the Bill has worked well in several other states, approximately 13 states, to be exact. And I think in those states we've seen the kinds of effective service delivery that this Bill attempts to bring to the State of Illinois, and I think, when we realize that our population is growing older and we realize that we're talking about

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persons 65 years of age, that we will realize that this Bill is, indeed, reform; reform in the medical assistance program in the State of Illinois - the same kind of reform that true conservatives have always espoused. What are you afraid of? Are you afraid of the fact that your economics won't work? I challenge those of you who call yourselves true conservatives, who want to reduce fraud, to support House Bill 1222 and give us an opportunity to see if we can bring reform to the medical assistance program in the State of Illinois, and I urge an 'aye' vote."

Speaker Daniels: "Further discussion? Gentleman from Kankakee, Representative McBroom."

McBroom: "Well, Mr. Speaker and Members of the General Assembly, I'm referring to the last Bill that was called here recently. Anyone that looked at that Bill knew that there was going to be a verification of the Roll Call. They knew that the State of Illinois couldn't afford it. The same applies to this Bill. If Representative Conti doesn't verify, I'm sure that somebody else will, and I just don't see any sense, Mr. Speaker, in pushing other people's switches, jumping on the Roll Call at the last minute and all the other things that were done in the last... as far as House Bill 918 is concerned. And I would certainly urge the Members to exercise good judgement. There will be a Roll Call verification and I predict the Bill will go the same way as the last one. I think we could expedite the work of this General Assembly if we wouldn't do some of those things. Thank you."

Speaker Daniels: "Further discussion? Lady from Cook, Representative Hallstrom."

Hallstrom: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor please yield?"

Speaker Daniels: "Indicates he will."

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Hallstrom: "Representative Bowman, is it true that there is already assistance through medical and state funds for... for people who need medication?"

Speaker Daniels: "Representative Bowman."

Bowman: "Representative Hallstrom, there are significant gaps in both Medicare and Medicaid, especially for those people who are not institutionalized. If a person is institutionalized, then their medication is covered. If they are not institutionalized, then Medicare does not cover it, and unless they are deemed to be medically indigent, Medicaid does not cover it. Also, Representative Hallstrom, we did have hearings on this and we did have testimony from a number of individuals who indicated that their drug bills were on the order of 200 dollars a month. That's 2400 dollars a year, because they're on maintenance drugs. They have multiple conditions affecting them, each one of which requires different drugs. Some of it's quite expensive, and they were not getting any relief from the government, at this time. And I might add, in closing, that the relief that has been given is being cut back, and I think we need this now more than ever."

Hallstrom: "Thank you. I'd like to say, Representative Bowman, I did vote for that last Bill, and I share with you the concern for senior citizens. I also know that there is a program available, within the private sector, for senior citizens, through private associations where they can get a card that allows them to get their medicine at a much lower rate. I guess what I'm suggesting is that I was very concerned about that last Bill. I know it costs the state money, but I also understand from one of the speakers who said we don't want to pit one generation against the other; to me we're not doing that, because that younger generation is still in the working force and still in... at a point

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where the median salary is about 16,000 dollars now, in this country. But I am concerned that we go overboard in areas where we are not really giving the assistance that's needed. Thank you."

Speaker Daniels: "Further discussion? Gentleman from St. Clair, Representative Flinn."

Flinn: "Mr. Speaker, I move the previous question."

Speaker Daniels: "Gentleman moves the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Representative Bowman, to close."

Bowman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, several questions have been raised about the cost of this program. I must say, I don't know where Representative Conti was getting his figures. I think he was reading a fiscal note for a different Bill. In fact, the figure he quoted was several times larger than the fiscal note for this Bill which, in turn, is inflated because it is done on a Calendar year, not a fiscal year basis. In fact, you will be delighted to know, Representatives, that this Bill actually saves the state money in the first year because the payments; people have to pay to get in this program, and the payments come in up front. And, as all of us know, senior citizens, disabled people, all of these file Circuit Breaker applications very early in the year. So, these payments will be made up front, and the benefits will be paid out over the course of the enter Calendar year. And, of course, half of the Calendar year is in the next fiscal year. So, in the current fiscal year, it would save us four million dollars. So, this is not a budget-busting proposal, and I would like to just respond to the Lady from Park Ridge who suggests that this is an idea whose time has passed. Ladies and

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Gentlemen, I really think that, if you've been reading the papers lately, I think you're seeing a growing reput... repudiation of the policies in Washington, D. C.. I do not want to see those policies re-enacted here, in Illinois. I was greatly distressed to see the headline in the paper which said, 'Scrap Medicaid Thompson'. I don't think we want to see Reaganism and Reagan economics brought here home to Illinois. Let me tell you, Ladies and Gentlemen, especially those of you of the Republican Party, those who live by the coat tails perish by the coat tails, and there is another election coming up."

Speaker Daniels: "Gentleman moves for the passage of House Bill 1222. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Representative Hudson."

Hudson: ""Would you record me as 'no'?"

Speaker Daniels: "Have all voted who wish? Have all vote d who wish? Clerk will take the record. On this question there are 89 'aye', 65 'no', 13 voting 'present'. Gentleman from Cook, Representative Conti, requests a verification of the affirmative roll. Representative... What did you say, Representative Greiman? Representative Greiman requests a Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Deuster. Hoffman. Johnson. Macdonald. Ted Meyer. Polk. Stearney. Telcser. Vinson. Vitek."

Speaker Daniels: "Proceed with a poll of the Affirmative Roll."

Clerk Leone: "Abramson. Alexander. Balanoff. Beatty. Bianco. Bowman. Bradley. Braun. Breslin. Brummer. Bullock. Capparelli. Carey. Chapman. Christensen. Cullerton. Currie. Darrow. DiPrima. Domico. Donovan. Doyle. John Dunn. Farley. Flinn. Garmisa. Getty. Giglio. Giorgi.

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Greiman. Hanahan. Hannig. Henry. Huff. Jackson.
Jaffe. Jones. Kane. Katz. Keane. Dick Kelly.
Kornowicz. Kosinski. Krska. Kulas. Laurino. Lechowicz.
Leon. Leverenz. Levin. Loftus. Madigan. Martire.
Matijeich. Mautino. McClain. McGrew. McPike.
Mulcahey. Murphy. O'Brien. O'Connell. Ozella. Pechous.
Pierce. Pouncey. Preston. Rea. Rhem. Richmond. Ronan.
Saltsman. Satterthwaite. Schneider. Schraeder. Slape.
Margaret Smith. Steczo. Stewart. Stuffle. Terzich.
Topinka. Turner. Van Dwyne. White. Sam Wolf. Younge.
Yourell and Zito."

Speaker Daniels: "Questions of the affirmative roll,
Representative Conti."

Conti: "Evidently, nobody was listening to McBroom. I except
leave to have the same Roll Call in the last verification.
Well, we'll start out with Representative Balanoff."

Speaker Daniels: "She's here."

Conti: "Representative Carey."

Speaker Daniels: "Representative Carey is back in the rear of the
chambers."

Conti: "Representative Chapman."

Speaker Daniels: "Chapman is over here next to Representative
Greiman."

Conti: "Representative Farley."

Speaker Daniels: "Representative Farley. Gentleman in the
chambers? Representative Farley? In the rear of the
chambers."

Conti: "Representative Flinn."

Speaker Daniels: "Representative Flinn. Monroe Flinn is in his
chair."

Conti: "Representative Bianco."

Speaker Daniels: "Representative Bianco. Gentleman in the
chambers? How is the Gentleman recorded?"

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Clerk Leone: "Gentleman's recorded as voting 'aye'."

Speaker Daniels: "Remove him."

Conti: "Representative Giglio."

Speaker Daniels: "Representative Giglio is in his chair."

Conti: "Representative Martire."

Speaker Daniels: "Representative Martire. Gentleman in the chambers? Representative Martire. How is the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as voting 'aye'."

Speaker Daniels: "Remove him."

Conti: "Topinka."

Speaker Daniels: "Representative Topinka. Is the Lady in the chambers? Representative Topinka. How is the Lady recorded?"

Clerk Leone: "The Lady is recorded as voting 'aye'."

Speaker Daniels: "Remove her."

Conti: "Representative Giorgi."

Speaker Daniels: "Representative Giorgi. Gentleman's at his chair."

Conti: "Representative McPike."

Speaker Daniels: "Representative McPike is in the aisle."

Conti: "Representative Preston."

Speaker Daniels: "Representative..."

Conti: "Giorgi's here. He didn't move ... You can take..."

Speaker Daniels: "... Representative Giorgi. We're on a verification of the roll right now. Okay. For what purpose do you rise?"

Giorgi: "Mr. Speaker, I was present for this vote, and I was present for the last vote; and, because the Speaker thinks he's annointed, he took me off the Roll Call when he knew I was in the chamber, and I want the record to show that, that's all."

Conti: "You weren't taken off this roll."

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Giorgi: "I was taken off of the last Roll Call, and I was in this chamber; and, the Speaker knew I was in the chamber, but he thinks he's annointed. So, he took me off the Roll Call and I want the record to show that."

Speaker Daniels: "Do you care to show that I'm annointed or what? Okay. Representative Conti."

Conti: "Representative Huff."

Speaker Daniels: "Representative Huff. The Gentleman's in the chambers. Excuse me. Representative Martire has returned to... Return Representative Martire to the roll."

Conti: "Representative Preston."

Speaker Daniels: "Representative Preston is in the center aisle."

Conti: "Representative Hanahan."

Speaker Daniels: "Gentleman is right here."

Conti: "I imagine Garmisa's here, too. Laurino. Representative Laurino."

Speaker Daniels: "Representative Laurino. Representative Laurino. Is the Gentleman in the chambers? How is the Gentleman recorded?"

Clerk Leone: "Gentleman is recorded as voting 'aye'."

Speaker Daniels: "Remove the Gentleman."

Conti: "Representative McGrew."

Speaker Daniels: "Representative McGrew. McGrew. Is the Gentleman in the chambers? How is the Gentleman recorded?"

Clerk Leone: "Gentleman is recorded as voting 'aye'."

Speaker Daniels: "Remove him. Excuse me. Representative Laurino has returned to the chambers. Return him to the affirmative roll."

Conti: "Representative Keane."

Speaker Daniels: "Representative Keane is in his chair."

Conti: "Representative DiPrima."

Speaker Daniels: "Representative DiPrima."

Conti: "He's... He just walked in."

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Speaker Daniels: "Gentleman's over here."

Conti: "What's the count?"

Speaker Daniels: "86 'aye', 65 'nay'."

Conti: "Take the roll."

Speaker Daniels: "This issue, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 1244, Representative Currie. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1244, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Daniels: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. House Bill 1244 follows upon legislation adopted two years ago by the General Assembly that provided blanket property tax freezes for residences in historic districts. One of the features of that Bill was the opportunity for municipalities to opt out. Because that Bill was so broadly drawn, very many have, including Geneva, DeKalb, Galesburg, Peoria, Chicago, Evanston, Highland Park and a good many others. House Bill 1244 would narrow the provisions of that original piece of legislation, would target them and would, in fact, create incentives for historic preservation. It would provide for the same class of properties, residences, residential property in historic districts or residential property that is individually designated on the national landmark of historic buildings; a similar property tax assessment freeze, but it would only apply for those residences whose owners have invested a substantial amount of effort in historic preservation and restoration. The Bill retains the municipal opt-out provisions of the original. I think this is the kind of proposal that would encourage historic preservation and restoration, and I think that the cost to municipalities

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would not be so exorbitant as to encourage them, instead of opting out, to use this kind of proposal to see to it that we have better rehabilitation, better preservation and greater incentives to historic restoration in the state. I urge its adoption, and I'm happy to answer any questions."

Speaker Daniels: "Any discussion? Gentleman from Cook, Representative Griffin."

Griffin: "Mr. Chairman (sic, Speaker), Ladies and Gentlemen of the House, I would like to rise, as I did last year, in support of this piece of legislation. Coming from a community that has 300 landmark structures and has suffered the dangerous incursions of economic decline in its retail trade, it's helped our community a great deal to have the investment in historic properties in their restoration. In Austin, to the east of us, there's a tremendous renaissance going on in development of homes. I think this legislation would encourage further development, and it would be in the best interest, not only of historic preservation, but the economic vitality of communities, to support this. I would encourage everybody, on my side of the aisle, to support this very fine piece of legislation."

Speaker Daniels: "Further discussion? Gentleman from Cook, Representative Lechowicz."

Lechowicz: "Mr. Speaker, will the Lady respond to a question or two?"

Speaker Daniels: "She indicates she'll yield."

Lechowicz: "Could you tell me the number of historic districts on the northwest side in the City of Chicago?"

Speaker Daniels: "Representative Currie."

Currie: "I'm sorry, Representative Lechowicz. I don't have them by geography in the City of Chicago. I know there are several within the Chicago city limits, however, including the Beverly Ridge area, the Kenwood area. There is a north

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side near the lake front area in Lincoln Park, and I'm not able to tell you if there are... is an entire district designated as historic on the northwest side. There are, in addition to the historic districts, of course, any number of buildings which are individually designated on the national and the state landmark rosters."

Lechowicz: "How many buildings are affected, in the City of Chicago, that would be listed as a historic landmark?"

Currie: "I don't have the specific answer to the question. There is a fairly large tract of land in the Beverly Ridge area and one in the Kenwood area and one along the lake front; but, remember this Bill would apply only to owners of residential property who invest 25% of the value of the property in historic preservation and renovation. The local municipality has the opportunity to opt out of this legislation, as it did to the legislation that's presently on the book. The City of Chicago opted out. I assume that's because the City of Chicago decided that the number of properties that would have qualified for the freeze would have been excessive. My guess is that municipalities will find this piece of legislation a value to them, because the number of buildings covered will turn out to be relatively limited in number."

Lechowicz: "Well, Mr. Speaker, since both of my questions were left unanswered, I would just like to bring to the attention of this Membership that this may be fine, in concept, but, unfortunately, your other taxpayers are going to, actually, be subsidizing the improvements in these buildings. And I, for one, know the people in my area are quite familiar, who are just going through a reassessment procedure in the northwest quadrant in the City of Chicago, and, as you know, the County of Cook is reassessed once every four years; and, here we're providing legislation

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that, if a building is a historic landmark at 25% or more is put into it, that you cannot make the adjustment in the worth of the property. And I, personally, believe that is wrong. When I improve my home or my neighbor improves their home, if they put a siding on the back porch; they go down to the building department and get a permit and do everything legally. I know the case being that the assessment, just on providing siding on a back porch, their assessment went up 70 dollars next year. I know because they came to my office seeking assistance, and I told them about the fine Bill we passed of homestead exemption of 3500 dollars. That was years ago and it does not meet the inflationary need. What you're doing with this legislation, you're providing special legislation for special districts being subsidized by the rest of the taxpayers in the area, and I'm going to vote 'no'."

Speaker Daniels: "Further discussion? Gentleman from Winnebago, Representative Hallock."

Hallock: "Thank you, Mr. Speaker and Members of the House. I rise as a Joint Sponsor of this very good proposal. All of us have seen around the state our cities falling apart. If you care about your cities, your urban areas, this Bill is a major effort to restore life to our cities. If you believe, as I do, that the best way to enhance the future is to preserve the best of the past, I urge a 'yes' vote on this proposal. Thank you."

Speaker Daniels: "Further discussion? Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Daniels: "Indicates she will."

Brummer: "Our analysis indicates this repeals the existing statute regarding historic buildings. Is that correct?"

Currie: "Yes. As I said in my opening remarks, Representative

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Brummer, presently, the entire historic district, any residence within a historic district, would be entitled to a property tax freeze, unless the municipality opts out. Representative..."

Brummer: "Okay. How does this... the new Bill change the existing statute?"

Currie: "It would... It would say that that kind of property tax freeze is only available if a building, again, still a residential piece of property is on the historic register or is part of an historic district, and the owner has invested 25% of the cost of the building in historic preservation and renovation. But it would retain the opt out..."

Brummer: "So, it would narrow the existing legislation."

Currie: "It would narrow the existing legislation so that a substantial tax break would not be available to large numbers of owners who, in fact, have done no historic preservation, who have done no historic restoration."

Brummer: "Is the existing statute the legislation under which Governor Thompson qualified his home in Chicago that acquired a good deal of attention of the news media, at one time?"

Currie: "I believe... I believe it is, Representative, but the City of Chicago has opted out of the present legislation, and the opt-out provision..."

Brummer: "Would the repeal of that legislation have the affect of removing this tax advantage to Governor Thompson?"

Currie: "Well, it would if the Governor were presently enjoying that tax advantage, since the City of Chicago opted out of the original legislation; and, of course, every municipality would have the opportunity to opt out of this House Bill 1244 should it pass. But, since Chicago opted out, the Governor is not presently entitled to that tax

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break."

Brummer: "Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Bluthardt."

Bluthardt: "Well, Mr. Speaker, referring to the last speaker and his slap at the Governor, I'd like to say this. I don't know how in the hell the Governor could have qualified under a Bill in which the City of Chicago managed to opt out before it ever went into effect, and I would challenge him to show where the Governor has received any benefit from the Bill that this Bill seeks to repeal. I don't believe what he says, and I think he ought to apologize to the Governor."

Speaker Daniels: "Further discussion? Lady from Cook, Representative Topinka."

Topinka: "Yes, Mr. Chairman (sic, Speaker), Members of the House, I would like to speak to this Bill, because I think it's an outstanding Bill. There's no question we have many older districts in the state. One way to encourage people to come back and live in them and repopulate them is the merits of this Bill. Furthermore, it encourages business to form around it, and it also encourages people to come back and visit Illinois all the way around, from a standpoint of tourism. I think it's an outstanding pro-business, pro-resident, pro-Illinois Bill, and I can't see how you could be against it."

Speaker Daniels: "Lady from Cook, Representative Currie, to close."

Currie: "Thank you, Mr. Speaker, Members of the House. There seems to be some confusion about this Bill. In fact, it narrows and targets tax exemptions, which were offered by this General Assembly two years ago. By retaining the municipal opt-out provision, no local community stands to

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lose money it doesn't want to or doesn't feel it can afford to lose; but, because there is, in this Bill, the requirement that only those residential properties, in which there has been an active and substantial attempt at historic preservation, because that requirement is in House Bill 1244 and wasn't in the previous version, it seem to me that this presents an opportunity to encourage historic restoration, to encourage rehabilitation of older homes, older buildings all over the State of Illinois. Local communities don't have to participate in this program if they don't want to. The original Bill was so broadly drawn that many communities have already decided to opt out. I think that this kind of narrowing and targeting is exactly the kind of business we ought to be about. House Bill 1244 would create incentives for historic preservation but would enable local communities to control whether those incentives will apply within their own territories. I would... I would urge your affirmative votes."

Speaker Daniels: "The Lady has moved for the passage of House Bill 1244. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Gentleman from DeKalb, Representative Ebbesen, to explain his vote. Timer's on, Sir."

Ebbesen: "Well, Mr. Speaker, I just wanted to have it for the record that I'm voting 'present' because of a conflict of interest on this legislation, but it should be enacted."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 141 'aye', 14 'no', 5 voting 'present'. House Bill 1244, having received a Constitutional Majority, is hereby declared passed. House Bill 1254, Representative Keane. Out of the record. House Bill 1260, Representative Wikoff.

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Out of the record. House Bill 1261, Representative Wikoff.
Out of the record. 1268, Representative McAuliffe. Out of
the record. 1296, Representative Ewing. Read the Bill,
Mr. Clerk."

Clerk O'Brien: "House Bill 1296, a Bill for an Act to amend
Sections of the Revenue Act. Third Reading of the Bill."

Speaker Daniels: "Representative Ewing, House Bill 1296."

Ewing: "Mr. Speaker, I would like to ask leave of the House to
take this Bill back to Second Reading for the purposes of
putting on one Amendment and then bring it back..."

Speaker Daniels: "Gentleman asks leave to remove the Bill to
Second Reading. Does he have leave? Hearing no
objections, leave is granted. House Bill 1296, Second
Reading. Are there any Amendments?"

Clerk O'Brien: "Floor Amendment #5, Ewing - Stuffle."

Speaker Daniels: "Representative Ewing, on Floor Amendment #5."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, 1296 is
an attempt to define what is real and what is personal
property. We know that there were many problems around the
state with a state-wide definition, and yet there were
many, many problems which will be created if we don't
address this problem - many inequities. This Amendment
will completely change the tenure... tenor of this Bill.
The Bill, as it currently exists, is an effort to redefine
what is real and what is personal property. Amendment #5
would simply state the intent of this Legislature by saying
that property, which was assessed as real or personal
property, prior to January 1, 1979, shall continue in that
same vein after 1979. The courts have already spoken to
this issue, in the past tense, but not in the future. This
is a very simple Bill, a very simple Amendment. It will
make this Bill very simple, and I think very understandable
by all of us. I think also that it will alleviate the

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objections of most of those people in city government; some of those areas of the state that felt that this was detrimental to the tax base. It will, in effect, not change the tax base in any part of the State of Illinois. I would be glad to answer questions, and, of course, would ask for your favorable vote on the Amendment."

Speaker Daniels: "Gentleman from Lake, Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, as to this Amendment, as the Sponsor of the Bill said, the court has already ruled with regards to this. And, evidently, his Amendment tries to respond to put the law in place with regards to that court decision. What concerns me is that this Bill, with this Amendment, if it goes to the Senate, I'm not sure what's going to happen about it. I've seen many of you be very nervous about what happens when you amend the Revenue Act. I've heard you, on the floor of the House, keep very close to your belts on any Bill that amended the Revenue Act; and, as far as I'm concerned, because of what the Bill did in its original form to Lake County, to Grundy County, in particular, and in Cook County, too - I'm not sure what may happen if the Bill goes on its way. I know the Bill, as it is without this Amendment, has virtually no chance of passing this House, because just about everybody's against it. I know the Municipal League's against it, and, in fact, as I read the Municipal League Bulletin, I'm not sure if they'd even be for it, as amended; because, they, too, are very nervous and said on the floor... said in their bulletin that it might be well that we just leave the issue alone for a while. The court has spoken. We don't have to hurry to implement that court decision. It stands as law. I'm not a lawyer, but Mr. Ewing is. He knows full well that the

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court decision stands as law. We don't have to rush into this. I think we're better off killing this Bill any way that we know how; and, as far as I'm concerned, the best way that I know how is to leave the Bill in the way it is so that nobody will vote for it. I intend to vote against it on Third Reading no matter what you do to it. I've seen too often what a Bill can do in Conference Committee, let alone what it does after it flies out of here in the Senate. I'm very nervous about this Bill for all of my taxpayers in Lake County and for other taxpayers in the State of Illinois, and there's no way I can support it. I don't even support the Amendment that makes it a little bit better. I like it in bad shape so I can vote against it."

Speaker Daniels: "Further discussion? Gentleman from Coles, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, I rise as the hyphenated Sponsor of this Amendment. I would take exception to the remarks of the immediately previous speaker. Representative Matijevich makes a very strong case for his position, and there is a strong case in arguing that the Bill, as unamended, has problems in form and problems in definition and potential problems in application that would cause, in his area, in Zion Township, in Grundy County as well as in Lake, some real, real possibility of revenue loss, some definition changes, some things that fly in the face of assessment practices that are there ongoing now. But this Amendment changes that whole situation. This Amendment indeed speaks to that very problem, because it obviates the need to fight over definitional questions. It merely says, in effect, we're going to go with the status quo. It also eliminates that problem of trying to force those two areas and others that may be doing something different than the court case or the law from attempting to

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have to come back, if we were to pass the Bill as unamended or in some other form, from having to come back in trying to dip into the proceeds of the replacement tax. This is a status quo Amendment, as Representative Ewing has clearly indicated, and I would also submit, if you don't pass this Amendment, if you don't give some relief, if you don't give us time to look at the overall issue, I beg to differ with the belief that this won't pass unamended. I happen to think the votes are here to pass this Bill unamended. I happen to think the Senate would pass it unamended, and I happen to think that the issue won't go away. We're not suggesting that it ought to go away. We're suggesting we ought to deal with it on a long-term basis. We ought to put this status quo Amendment on to be fair to all sides. It's a better Bill with the Amendment on. It satisfies more people on all sides. It's been worked out between Democrat and Republican Sponsors, as you can see. It's been looked to by other organizations of the state, including the Taxpayers' Federation. We've worked hard to put it together. Representative Ewing deserves to be complimented for this compromise effort he's worked on for a couple of years. For that reason, I'm rising to add my voice to the Amendment and ask for your green light, as a hyphenated Sponsor, in the belief that this is the best and the only real way to go."

Speaker Daniels: "Gentleman from Madison, Representative McPike."

McPike: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of this Amendment and would like to commend the Sponsor of this Bill for working towards a compromise. We... many of us have fought the original Bill for two years now, and we believe that it was an attempt, by the Chamber of Commerce and by the Manufacturers' Association, to take advantage of the situation and to try

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to get a Christmas tree passed that would virtually exempt them from local property taxes. This Amendment, in no way, shape or form, does that. This Amendment says that whatever was personal property, before the change of law and if similar property is now put on the books, that it will be treated in a similar fashion. It is a re-enunciation of the status quo, and I commend Representative Ewing for accepting it. I believe it...it is his intent to pass it this way, to pass it out of the Senate and get it signed into law and not to fool with this Bill later on. So, I would ask an 'aye' vote on this."

Speaker Daniels: "Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, I would merely rise in support of this Amendment. It is an excellent compromise. I think it is an important issue for the farm community, for the business community. And after listening to most of the recent speakers, I...there appears to be general consensus, so there is no point in speaking any longer other than to urge additional 'aye' votes."

Speaker Daniels: "The Gentleman from Livingston, Representative Ewing, to close. Representative Ewing. Representative Ewing, do you wish to close, Sir?"

Ewing: "Mr. Speaker, yes, I would like to close. We need to set the policy of the State of Illinois. We need to make it very clear that we don't intend to run business out of this state by double taxing them. We need to make it clear that we don't intend to reimpose the personal property tax on the farmer and the small shop owner around this state. This Bill does that. We can address the problem of redefinition of real and personal property at a later date. We need to set state policy on this issue now. And to one of the previous speakers, I would say that this Bill will

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not be amended; that this Bill will go to the Senate in this condition. And it will probably be passed in this form, and that it will not be used for any dubious efforts on the part of anybody else. It will come out the way it is going to be passed here today, and I would ask and encourage a vote for this Amendment."

Speaker Daniels: "The Gentleman moves for the adoption of Amendment #5. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #5 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 1338, Representative O'Brien. Out of the record. 1345, Representative McPike. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1345, a Bill for an Act to establish the right of educational employees to organize and bargain collectively, Third Reading of the Bill."

Speaker Daniels: "Representative McPike."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. In 1935, the Congress of the United States passed the National Laborers' Relations Act and gave all employees, working men and women of this country, the right to organize and bargain collectively and the right to withhold their services if they could not come to a signed, negotiated collective bargaining agreement. Unfortunately, from my point of view, they left out a certain segment of the population. In particular, they left out school teachers. And this Bill addresses itself to the educational employees, the employees that work for school districts throughout Illinois. I think it is time, 47 years later, that we finally gave these employees the same right that their brothers and sisters have in the private sector. Specifically, House Bill 30...1345 establishes

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collective bargaining for educational employees. It establishes the Illinois Educational Labor Relations Board, which is set up to mediate...which is set up to run the act to mediate and to arbitrate disputes. It permits educational employers to select collective bargaining representatives. It provides for the election of employee representation in secret ballot elections. It provides for the mechanism...the mechanism for decertification. It defines the scope of collective bargaining. It removes matters of inherent managerial nature from the purview of collective bargaining. It provides for fact finding and mediation. It pro...it allows binding arbitration. It provides arbitration of disputes. It provides for binding arbitration of disputes arising out of interpretation of the agreement. It sets up a time period in which a strike is not allowed. But finally, it does say to the employer and to the employee, if the employer refuses to negotiate in good faith, and if you cannot reach an agreement, if you cannot...if you cannot reduce that agreement to writing in the form of a collective bargaining contract, then the employees, in that situation, do have a right, as any other employee in this state has a right, to withhold their services. In the...In the country today there are 32 states that have some form of collective bargaining laws that govern the conduct of public employees in the educational institutions and govern the conducts, the rights, and the responsibilities of the school boards that govern them. In Illinois today, 80% of the teachers are covered by a collective bargaining contract. But that 80% has no legal standing under law. Those collective bargaining agreements can be done away with. The school board does not have to recognize them as a bargaining unit. The school board does not have to negotiate with them in

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good faith. The school board does not have to sign a contract. The educational employees have no right to withhold their services, and a court can, in fact, issue an injunction and force them to go to work against their wishes. In various state across the country last year, there were 139 teachers' strikes. 33 of these were in Illinois. That is nearly 25% of the strikes in the country were in the State of Illinois, a state that does not have a collective bargaining law. I believe, and many others believe, that if we reduce to writing the rights, the responsibilities of all parties involved, that we will have harmony in labor negotiations; that we will give the rights and responsibilities, clearly delineated under law, to those on the school board and to those employees that are working for the school system. I think it is a good, fair law. I think it is about time, 47 years after the NRA went into effect, that we finally gave this right to school teachers, to employees of the educational systems in Illinois. I think it is a good Bill, and I would ask your support."

Speaker Daniels: "Any discussion? The Gentleman from Cook, Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Daniels: "Indicates he will."

Birkinbine: "According to our analysis, recognition of a bargaining unit would be achieved when 30% of the employees indicated that they wish to be, I gather, through cards or a vote, wish that bargaining is to represent them. Is that right?"

McPike: "Yes, if 30%...that is correct. If 30% petition for an election, that shows sufficient interest, and an election is to be held."

Birkinbine: "And secondly, you kept referring to people being

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able to withhold services. You mean..."

McPike: "I mean strike. I mean the right to strike. Yes."

Birkinbine: "Nice of you to say it, yes. Speaking to the Bill, Mr. Speaker and Ladies and Gentlemen of the House, the Sponsor of this Bill, in referring to a previous one, made remarks to the effect that the IMA or the Chamber of Commerce was somehow going to take advantage of a...a Bill put in that would deal with taxation. Well, if ever there was a Bill that was going to make a heavy-handed move towards power, and in this case union power, this baby is it. Not only do you find that only 30% of the people involved in a unit, in other words, 70% could be opposed, 30% would be enough to get an election, to get an organizing drive going. Secondly, we've got the right to strike here. It seems to be, for the Sponsor and the people who back Bills like this, that they think public employees, somehow, are no different than employees of private industry. Well, they are different. They're different because they have a monopoly operation by the very definition. If the public schools close down, there is not a second public school you can send your kids to. In the same way that if...other facts. If the local fire department were to go on strike, there is no other local fire department to go to. It is not like private industry where you have competition, a strike at one plant allowing you to go to another place. Lastly, I think you might want to make note of the fact that Amendment #1 exempts this Bill from the State's Mandates Act. And, as Representative Lechowicz said the other day, that is one of the few very good Bills that we've passed in this state. We all know that collective bargaining for teachers can be an extremely expensive operation, and that to...to have a Bill that would exempt this from the Mandates Act is irresponsible,

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at best, and damaging to the state to a minimum. This...this is a Bill that really almost defies imagination in being so blunt and heavy-handed. If the...if the IMA has impressed you...or if the IEA, rather, has impressed you with how powerful they are in your district and how many teachers they have in your district, we might start thinking about how many parents of school aged kids there are in the district and the fact that what you would be giving them here is the right to strike. The Sponsor of the Bill noted that already about 80% of the state is covered with collective bargaining agreements in various school districts. That's right. And they were entered into voluntarily, and they are working well. You make it mandatory like this, and as every state has shown, you've created an adversary relationship that ends up in nothing but strikes. And that is what you would be getting. Thank you."

Speaker Daniels: "Is there any discussion? The Gentleman from Coles, Representative Stuffle. He waves off. The Gentleman from DuPage, Representative Hudson."

Hudson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Would the Sponsor yield to one question?"

Speaker Daniels: "Indicates he will."

Hudson: "Representative McPike, would you tell me, is there a fair share provision in this Bill? That is to say, provision made in this Bill for those teachers who might, for whatever reason, not want to join a union."

Speaker Daniels: "Representative McPike."

McPike: "Did he finish the question? Did he finish the question? I'm sorry."

Hudson: "You didn't hear the question?"

McPike: "No, I'm sorry. I was...I thought you stopped right in the middle of it. Would you repeat it?"

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Hudson: "No, I was asking you, Representative McPike, if there's a fair share provision outlined or specified in this Bill. That is, as you know, some provision being made in the Bill to accommodate those teachers who, for whatever reason, might not care to join a union as a condition of employment."

McPike: "This, as a...as with the private sector, the private sector has the right to sit down across the table from the employer and to negotiate an agreement. If they wish to negotiate a union security clause, and if the employer agrees that a union security clause would be good for the employer, and the employee, and the entire unit, the employer can indeed agree to that. This is not a right-to-work state. We think if the employees ask for a union security clause, and the employer asks for a union security clause, that the government has no right to say to those two individuals; the employee on one side and the employer on the other side, that, 'We refuse to allow you to bargain across the table and to arrive at a union security clause. We believe in freeloaders.' No, the State of Illinois has never said that to either the labor community or the business community. We don't believe in freeloaders in the private sector, and certainly I wouldn't sponsor a Bill in the public sector that promotes freeloaders."

Hudson: "Thank you, Mr. Sponsor. May I speak to the Bill, Mr. Chairman?"

Speaker Daniels: "Proceed, Sir."

Hudson: "Mr. Speaker and Ladies and Gentlemen of the House, I think what we're seeing here now is the element of compulsion being introduced into an area where, hitherto, there was an element of volunteerism. That is to say, yes, school boards in certain areas of the state have bargained

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collectively, but they have done it on a volunteer basis in select areas where that seemed to be the wish of the school boards and others involved. But here we come now with something that, in effect, compels and forces this procedure, and this will be locked upon the State of Illinois statewide. And I believe it is not only...it is unnecessary, but it is dangerous, and it is going to be tremendously costly, vastly expensive to the taxpayers of this state. If we ever believed or held any idea that we could hold the costs of education in some kind of line or in some sort of containment, if this Bill passes, I think we can kiss those ideas goodbye forever. What this Bill does, my colleagues, in case you aren't aware, but I am sure you are, it purports to give the right to organize, which is already legally and clearly confirmed. In so doing, it fails, however, to confirm the public's rights. It spells out the rights of the unions and those who would organize, but fails to spell out the public's rights. And you check Section 3 and see if I'm not right. It establishes a costly board with unlimited power to enact regulations, structuring labor relations in public schools. It permits board action without presence of minority board members, which we find in Section 4. I am talking about the establishment of the Illinois Educational Labor Relations Board, which this Bill calls for. Section 9 Part A authorizes strikes. We talked about this before. Illinois is already among the state's with most school strikes, even without such authority. The argument is always made that if we do this, and if we go down this path, we will have fewer strikes. But the facts bear out that we have more...more and more strikes. And these strikes are costly, Ladies and Gentlemen, and they are disruptive to the very services that the State of Illinois

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should be providing...providing its children for their benefit and their welfare in the years to come. It requires fact finding, which the Representative has already mentioned. Yes, indeed it does. But this is highly expensive, as we all know, and virtually useless for settling labor disputes. And by burying costs and fact finding at the state level, it encourages local unions and districts to participate in this unnecessary stage. Failure to comply with this...all of this business becomes, then, an unfair labor practice. Well, I am going to close, Ladies and Gentlemen, by suggesting to you that this is wrong. It is compulsion. It is force. And there is one further flaw in this. It is so broad in its concept. It covers all educational fields that even those who might favor, and I am talking about the higher education people, some of whom might favor the concept, basically, are urging us to reject this because it covers everything...the provisions of this Bill, everything from kindergarten through the post graduate degrees. They feel this is wrong. It does not...it does not address the particular needs of higher education. The Bill is out of line. It will result in costly mediation, expense to the taxpayers of Illinois. It is...it is dangerous. It is bad. It is undesirable, and a blatant attempt to settle union demands, union excesses and union costs on the State of Illinois, the educational system of Illinois and the students of Illinois. I would urge you to think very, very carefully before you vote 'yes' on this particular piece of legislation, and I would go further and urge you most certainly to vote 'no'."

Speaker Daniels: "Further discussion? The Gentleman from Lake, Representative Pierce. The Gentleman from Peoria, Representative Schraeder."

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Schraeder: "Thank you, Mr. Speaker, Members of the House. I wonder if the Sponsor would yield to a couple questions. It is my understanding that there are two fields in this piece of legislation; one covers mediation, and the second one covers arbitration. Am I correct that the arbitration provision pertains only to non-monied items such as salaries? Is that arbitrable?"

Speaker Daniels: "Further discussion? The Gentleman from Adams, Representative Mays. Oop, excuse me. Representative McPike."

McPike: "Yeah, thank you, Mr. Speaker. We provide for fact finding, mediation and arbitration. We provide for binding arbitration after a contract has been signed. Before a contract has been signed, we would hope, contrary to what the previous speaker to you had to say, we believe that fact finding and mediation does help settle labor disputes. And that is our intent in here is to arbitrate and provide fact finding in order to solve any...anything that is not agreed to at that point."

Speaker Daniels: "Representative Schraeder."

Schraeder: "Mr. Speaker, just one other question. In Peoria now, District 150, there is a run-off election being held between the two teachers' groups. And I just wondered if both of those are holding cards from a large majority of the teachers in our district. And I am wondering if, in that situation, you're still talking about paying dues to the ultimate winner even though you represent, say, 35 to 40% of those teaching in the district."

McPike: "Well, you couldn't win an election with 35% of the vote. This is a secret ballot election where the majority rules. It is like electing a President of the United States. Whoever wins is President for four years, not for 2 1/2 years if he gets 60% of the vote. Whoever wins the

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election is the representative unit."

Schraeder: "And pays dues accordingly? In other words, you have to pay dues to both organizations."

McPike: "No, I...no, I think in reality that if someone received 51% of the vote in a given unit, that it would be ridiculous for them to try to arbitrate a union security clause...or to try to negotiate a union security clause. The employer would not agree with it, and they would have a continuing fight on their hands. In reality, that would not happen."

Speaker Daniels: "The Gentleman from Adams, Representative Mays."

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

Speaker Daniels: "Indicates he will."

Mays: "Jim, there is a couple of questions I have on this Bill, and it has to deal with the appropriateness of the unit. Under Section 2 you have an educational employee being any individual employed by the educational employer. And in Section 4, you go into how they are not to be professional and non-professional mixed, things like that. Is it conceivable that within a given school district you could have, oh, a janitors' union, a cooks' union...or unit, a bus drivers' unit, teachers' unit, and so on and so forth?"

McPike: "Yes, that is conceivable."

Mays: "Okay, is it con...is it conceivable that the contracts negotiated may not expire at the same time? They would be set up for expiration at different times as we go on."

McPike: "Well, I would presume that they would run for a school years or multiples of school years. I doubt if they would run from January to January. But, certainly, anything is possible."

Mays: "Okay, then to the Bill, Mr. Speaker. What we have here is far more than a teachers' union Bill here. It goes into

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all educational employees. Under the appropriateness of the unit, you could have four different unions...or units in the same school districts, contracts expiring at different times, if you will. In the event as this Bill provides for a strike, that even one of the units decides to strike, then you may have all units not crossing the picket line, disrupting the delivery of the essential educational service that government is supposed to be providing. For this reason, I would urge everybody to look very, very carefully at this Bill. It is broad and very vague in description of management rights as opposed to what could be discussed over the table. And it will probably end up going to court on many different items just to try to clear that up. For this reason and a number of others, I would urge a 'no' vote on this measure. Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Wayne, Representative Robbins."

Robbins: "Mr. Speaker, has a fiscal note been filed on this Bill?"

Speaker Daniels: "Mr. Clerk, has a fiscal note been filed on this Bill? Yes, it has, Sir."

Robbins: "Does...on the State's Mandates Act, is it...is it a part of this Bill?"

Speaker Daniels: "All of that is on file, Representative Robbins."

Robbins: "All of it has been filed."

Speaker Daniels: "Yes, Sir."

Robbins: "Approximately how much money is this going to cost the state?"

Speaker Daniels: "Will the Sponsor yield to a question from Representative Robbins? Address your question to Representative McPike, Sir."

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Robbins: "Yes, Sir. Approximately how much money do you anticipate this costing the state?"

McPike: "Well, hopefully that every...ideally, I would hope that every school district in the state would have good faith collective bargaining, would come to an agreement and sign a contract, and would be lived up to by both sides. And under those circumstances, it wouldn't cost the state a penny."

Robbins: "Then I have another question. How many collective bargaining agreements do you know of that has not required an increase in wages to the people?"

McPike: "Well, as you might know if you've read the papers the last few months, the UAW has signed collective bargaining agreements to decrease their wages. So it goes both ways."

Robbins: "I'm sorry. I guess I mis...misread that. I thought that they held their wages the same, but they cut some of the fringe benefits. Is that correct?"

McPike: "Yeah, well, you should ask a UAW worker and see how they feel about it. About 3 1/2 billion dollars in cuts, that is not exactly what I would call holding your own."

Robbins: "You...do you believe, then, if we pass this Bill, that it will cost the local school districts less money?"

McPike: "Well...well, I really wouldn't have the faintest idea. Some local school districts right now are so tight that they pay teachers salaries that are disgraceful. And they should come up."

Robbins: "That...that isn't what I...that isn't the question that I asked you. I asked you if you felt like it would cost less money."

McPike: "Well, it would cost who less money?"

Robbins: "That is the point that I have been trying to find out. Is the state going to be required to supply more money?"

McPike: "No."

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Robbins: "Then why does the Bill apply...why does the Mandates Act apply to the Bill?"

McPike: "It doesn't."

Robbins: "That's...I thought that that was a part of what was filed with the Bill."

Unknown: "Tell them Lobo."

McPike: "I have no more questions, Mr. Speaker."

Speaker Daniels: "Representative Robbins."

Robbins: "Yes, I would like to speak to the Bill please."

Speaker Daniels: "Proceed, Sir."

Robbins: "According to the answers I have received from my learned professor across the aisle, they intend to increase teaching salaries with this Bill. That is...that is well and good, and having as many children as I do that are in the teaching profession, I really appreciate it. But what I want to know is who is going to provide the money? Is it going to be the state or is it going to be the local taxpayer who is already paying more than they can afford on their home? That was the reason I asked the question if the Mandates Act was a part of the Bill. Whenever...whenever you go to negotiating contracts, you usually negotiate for an increase. In our area this year, Fairfield school system voluntarily increased theirs 8%, Wayne City increased theirs 9%. And when you go to talking about...about these type of voluntary increases, then where are we going with this Bill? Who is going to pay the money?"

Speaker Daniels: "The Gentleman from Champaign, Representative Wikoff."

Wikoff: "Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Wikoff: "Representative MCPike, you mentioned earlier that this probably wouldn't...or might not cost the state any money."

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I believe, under the Bill, does...is not the state required to establish an educational board regardless of whether or not they have any work to do?"

McPike: "Absolutely. That is correct. And I didn't mean to imply there would not be any cost. I was trying to address myself to Representative Robbin's questions as to whether or not it would cost local school districts any money and the state money in that respect. But you're right. It does require that the state establish a board to...to handle the act. And in case there are disputes, to arbitrate, and to fact find, to mediate disputes. You're correct."

Wikoff: "What is your estimate of what that might cost?"

McPike: "I...I don't know offhand, but I would think \$150,000...\$150,000 to \$250,000 would be my guess."

Wikoff: "And what all would those expenses include, and do you have any information as to what similar boards say in Ohio, what their budget might be?"

McPike: "No, I am not familiar with the laws of Ohio, but basically this...the cost I just mentioned would cover salaries."

Wikoff: "How many people are you going to hire and staff an office for \$150,000? Not very many."

McPike: "Well, I would presume of you paid them \$25,000 apiece, that would be six employees there. But, I said \$150 to \$250 thousand, and I would expect to have a board and maybe five to ten employees. And I don't think that is an unreasonable estimation."

Wikoff: "Well, would they also come under this Bill, and could they bargain collectively?"

McPike: "Well, it would exclude them as professionals, I believe."

Wikoff: "Alright, does the Bill, then, define what is a

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professional and non-professional educational employee?"

McPike: "Excuse me, I didn't...I used the wrong word. I don't think it would exclude them as professionals. It would exclude them as management people. They would be members of the board, and I can't see who they would bargain with. I don't know how they could very well form a collective bargaining unit. I think you're stretching the question here."

Wikoff: "Okay then...alright, but you still haven't answered my other question. Does the Bill define professional and non-professional educational employee?"

Speaker Daniels: "Further discussion?"

McPike: "No, it does not."

Wikoff: "It does not. Alright, what, then, would prevent the professional, and the non-academic, and the janitors, and everything from all being in the same collective bargaining unit? And as such, the non-academic could very well completely dominate the academic."

McPike: "We have left some discretion up to the Labor Relations Board to determine the correct bargaining unit. And I think the discretion, given to the board, is the best policy to choose. I don't think that we could define, in my opinion, every conceivable bargaining unit. And I think it would be up to the board to determine the appropriate bargaining unit. They may...might decide, for example, that the University of Illinois professors, both in Champaign and in Chicago, should belong to the same unit. Or they may decide that they should not belong to the same unit. And I think it would be very difficult for us to write into law every conceivable example of who or who should not be in the same unit."

Wikoff: "Let me pose a not too hypothetical question, but in the Urbana-Champaign campus, which we do not have collective

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bargaining as you are trying to impose, but the non-academic, in many instances, do have collective bargaining. They are represented by the AF of L - CIO, the Teamsters, and a few other things like this. Now, are you saying that if this goes into...should go into effect, that these other unions which are presently recognized and bargain, so on and so forth, that those would all, then, become part of this educational unit?"

McPike: "No, I didn't say that at all. But I did not exclude the Teamsters from representing the teachers. I have firefighters in my district that happened to chose, by secret ballot, to be represented by the Teamsters. And it is possible that in a particular district, the janitors may chose or may request to be represented by the Illinois Federation of Teachers, the Illinois Education Association. It is also possible that they may chose to be represented by a..a brand new union that they would create that does not have statewide affiliation. That is left up to the local people, and the...size of the unit and the definition of who should belong to the unit, I think, rightfully should be left up to the determination of the board. I think we should allow them that discretion."

Wikoff: "Last year we passed, I believe, House Bill 701, which provided recognition for, I believe, professionals and educational people. What is the matter with that Bill? Why is this needed? Isn't that enough?"

McPike: "Well, I thought it was a good Bill. I voted for it, but I don't recall how you voted, so I couldn't comment on...on that Bill."

Wikoff: "Well, my question is isn't...isn't that enough? Doesn't that do what you're seeking to do?"

McPike: "No."

Wikoff: "Why doesn't it?"

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McPike: "Well, rather than trying to speak to the merits of a Bill that was debated last year that I was not the Sponsor of and do not have in front of me, I would be glad to speak to the merits or the shortcomings of this Bill. I think this Bill deserves a 'yes' votes for reasons that I have explained. And to be honest with you, I don't recall all the provisions of the Bill you referred to."

Wikoff: "I believe there are a couple of cases in court right now that...trying to decide that once recognition is given to a union, that collective bargaining is required and mandated. Is that...are you familiar with that?"

McPike: "No."

Wikoff: "Okay, also there are a couple of things in there. You say that 30% of the people can...30% of..."

McPike: "Yes, 30% of a...of a given unit can petition to have an election."

Wikoff: "And then...whatever to happened to what I thought was majority rule? I thought it took 51% of anything that..."

McPike: "Well, it does. After you choose to have an election, then you have a secret ballot election. It is the Democratic process, a secret ballot election and the majority rules. It is called democracy, and you're right. The majority rules in that case. But we arbitrarily said that if a given number of people are interested in having an election, they should have that right. Now, perhaps you think it should be 28%, or 25, or 35. I would agree that 30% is an arbitrary figure. But we believe that 30%, at least, shows an interest in being represented. If they get...if they hold an election, and 70% vote for no union, then you're right. The majority, in that case, would rule, and there would be no union."

Wikoff: "How about the 70% who might not want the election?"

McPike: "Yes, that...well, they might not want an election?"

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Well, how do you know if they don't want an election? That is a pretty tough one to determine."

Wikoff: "Well, when only 30% call for it, I think that kind of smacks in the face of...of what we normally consider Democratic process. May I speak to the Bill, Mr. Speaker?"

Speaker Daniels: "Proceed."

Wikoff: "...Have a couple of things in there that, I think, are rather disastrous. One thing that was mentioned that I think everybody should pay particular attention to. We're talking about education. And the comment was made a little earlier that, 'Well, maybe we might want the...the Teamsters representing the teachers. Now I think that is about as far afield as you can get. Teamsters has an excellent organization which should be representing Teamsters. I doubt very much if they would consider having an educational unit representing the truck drivers. You also are asking, not only asking, but demanding, binding arbitration. You, by doing that, have immediately taken the right of management. In this case, it happens to be the elected board, those who are elected by, I would assume, a majority of the people; because I still think it takes at least 50%...51% to elect a member of the school board. It can't be done with 30%. You're taking the decision making out of their hands and placing it in the disinterested third party who is not going to be paying the taxes in that area, and that is where the money is going to be coming from is from the tax dollar. It was mentioned earlier that many of the organizations of higher education do not support this Bill. American Association of University Professors, which I believe is quite concerned with education, and if you ask most of them, they are very much desirous of some sort of union permitting legislation...are opposed to this. But what happens if, in

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the case of higher education, because that is something that does affect this Legislature. Let's assume that this law should become...or this Bill should become law, we have a case of university salaries, for instance, which many people, including myself, do not think that the present budget includes enough for. They decide, and through binding arbitration, they are going to get a 20% increase, the State of Illinois does not provide that money. Where does it come from? Because they are not bargaining with the State of Illinois, because we do not bargain with the teachers. We do not bargain with higher education. Who makes the decision, and where is the money coming from? I think this is an atrocious Bill, and I think you should stop, and look, and see what the affect of it is going to be. And when organizations such as the American Association of University Professors is opposed to it, that should tell you something right there. It deserves a resounding defeat."

Speaker Daniels: "The Gentleman from Cook, Representative Zito."

Zito: "Thank you, Mr. Speaker, I move the previous question."

Speaker Daniels: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Representative Stuffle to close."

Stuffle: "Yes, Mr. Speaker and Members, I think Representative McPike has well stated the case for this Bill. It seems whenever we have a Bill that helps working people, particularly in the public sector, that on the other side of the aisle, the great majority rises to say this is an atrocious Bill. They talk in vague questions and even vaguer answers about their position. We know that there are people here who are for right-to-work. We know, too, that there are people here who don't think public employees

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should be second class citizens. That is why the Bill is in. I think if you look at the Bill and the answers Jim McPike has given, you'll find the Bill's not vague. The statements of opposition are vague. And I point out to you, clearly, there is no right-to-work provision in this Bill, obviously. Clearly the argument's been made here that on one hand you may have a whole bunch of different units. On the other hand, you may have one. Well, that is up to the employees to decide that first. It is up to the board to decide whether they want to challenge the appropriateness of those units. It is up to the employer to question. That is like any other collective bargaining situation, and no different than most any comprehensive, uniform, model law in this country. Most states have a model law for public employees for education, and they work. The suggestion was made at least three times on the other side of the aisle that 30% of the people can decide whether or not there is going to be bargaining, or a unit or a representative. That is hogwash. Anybody who has read the Bill knows it takes a majority vote. That's the petitioning process that requires 30%. That is common. In fact, we've got many laws in this country that require only 15% to petition. But there is never a situation where less than a majority is required to put into effect a bargaining representative representing employees in a unit. Of course, there is a provision in here that says that if the employer and the employee agree, you can have dues check-off. You can have agency shop maintenance and membership, whatever you want to call it. That is majority rule. We don't believe somebody should get a free ride or something for nothing. That has to be agreed to by employee and employer. Management rights are spelled out in the Bill. I defy you if you ever looked at any remarks

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on this floor in the opposition to collective bargaining, if we don't put management rights in, somebody complains they ought to be there; and if we do, they say they ought not to be. You can't win. There are impass provisions. There is arbitration, if mutually agreed to, on contract disputes. The only place it has to be there is if there is a grievance. And there ought to be and there has to be a grievance procedure. It seems to me, lastly, the argument is always made on this floor that the public is not involved. The argument is always made that there are more strikes in public situations with a comprehensive Bill. I think the people there are looking at different figures than we are. The fact is that's not the case. This would bring order out of chaos. It has got impass provisions. It limits the right to strike. Nobody over there said that. Nobody over there said the Bill prohibits a strike during the contract. Nobody over there said the Bill prohibits a strike without notice. This Bill is clear in its uniform application to public educational employees. If you're for public educational employees, if you're for collective bargaining, if you think they ought to be first class citizens; and they are taxpayers like the rest of us, then they ought to get a vote on this Bill. It is that clear and that simple. Either you're for them or against them. This is a comprehensive Bill, and I urge an 'aye' vote on House Bill 1345."

Speaker Daniels: "The question is, 'Shall House Bill 1345 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. The Gentleman from Lake, Representative Deuster, to explain his vote. The timer's on, Sir."

Deuster: "In explaining my 'no' vote, this is a compulsory unionism Bill. This would require school teachers, of all

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people we regard as professionals, to pay dues to a union. For example, some of the younger teachers don't like this sort of business. They pay their dues. The union leaders come to Springfield, adopt a seniority dismissal law. They pay their money to have a law passed to fire them first. That is what they don't want. A 'no' vote, in this case, is a vote for the freedom of teachers to either join or not join a union as we join or not join the Democratic - Republican Parties or our churches. We believe in freedom in America, not compulsion, and a 'no' vote is a vote for freedom. Freedom of...of all people, our school teachers who we talk about academic freedom for. Let's have voluntary association freedom for these teachers. Vote 'no' and protect the teachers. If they want to join a union, if it is a good union, they'll join. That's...unions are going to be better off if they are voluntary rather than compulsory. Thank you."

Speaker Daniels: "The Lady from Champaign, Representative Satterthwaite, to explain her vote. Timer's on."

Satterthwaite: "Mr. Speaker and Members of the House, I am sorry I did not have time in debate to clarify a few points. In fact, there are many members of the Association of University Professors who favor collective bargaining Bills. Some of those members met with the Sponsor of this Bill and came out of that meeting with the only substantial area of question relating to the role described as supervisor in this Bill and some questions relating to whether or not any agreements in the statutes providing for participation of university professors would, in fact, conflict with this. The Sponsor agreed that if this Bill goes to the Senate, he will amend the Bill to clarify that supervisory role. And without that clarification even, the Bill, in its present form, is substantially in agreement

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with what they want. And I vote 'yes' on the Bill knowing that the Sponsor will live up to his promise to modify the Bill, if it becomes necessary, in the Senate."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. ...There are 95 'aye', 66 'no', and 3 voting 'present'. Record Yourell as 'aye'. Any other people wish to be recorded? Okay. There are 96 'aye', 66 'no', 3...2 voting...3 voting 'present'. The Gentleman from Lake, Representative Deuster, requests a verification of the Affirmative Roll, and the Gentleman, Representative McPike, requests a Poll of the Absentees. Proceed to a Poll of the Absentees."

Clerk Leone: "Dwight Friedrich, Johnson, Macdonald, Ted Meyer, Ozella, Peters, Polk, Stearney, Telcser, Vitek, J. J. Wolf, and Mr. Speaker. That concludes the Poll of the Absentees."

Speaker Daniels: "The Gentleman, Representative Deuster, requests a verification of the Affirmative Roll. Proceed with the verification. Will all the Members please be in their seats. All those not entitled to the floor please retire to the gallery. Proceed, Mr. Clerk."

Clerk Leone: "Poll of the Affirmative. Abramson, Alexander, Balanoff, Barnes, Beatty, Bowman..."

Speaker Daniels: "Excuse me, for what purpose does the Gentleman from Marion, Representative Dwight Friedrich, arise?"

Friedrich: "I would like to be recorded as voting 'aye'."

Speaker Daniels: "Record the Gentleman as 'aye'? 'Aye'. Proceed, Sir."

Clerk Leone: "Bowman, Bradley, Braun, Breslin..."

Speaker Daniels: "Record Representative Telcser 'aye'. Representative Bartulis, 'aye'. Proceed."

Clerk Leone: "Continuing with a Poll of the Affirmative. Breslin, Brummer, Bullock, Capparelli, Carey, Chapman,

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Christensen..."

Speaker Daniels: "Representative Deuster, Representative Henry requests leave to be verified. Representative Deuster, does he have leave?"

Deuster: "Leave."

Speaker Daniels: "He has leave. Proceed."

Clerk Leone: "Cullerton, Currie, Darrow, DiPrima, Domico..."

Speaker Daniels: "Representative Greiman requests leave to be verified. Does he have leave, Representative Deuster? Leave is granted."

Clerk Leone: "Donovan, Doyle, John Dunn, Ralph Dunn, Epton, Ewell, Farley, Flinn, Dwight Friedrich, Garmisa, Getty, Giglio, Giorgi, Greiman, Hanahan, Hannig, Henry, Jackson, Jaffe, Jones, Kane, Katz, Keane, Dick Kelly, Klemm, Kornowicz, Kosinski, Krska, Kucharski, Kulas, Laurino, Lechowicz, Leon, Leverenz, Levin, Loftus, Madigan, Matijevich, Mautino, McAuliffe, McBroom, McClain, McGrew, McPike, Mulcahey, Murphy, Oblinger, O'Brien, O'Connell, Pechous, Pierce, Pouncey, Preston, Rea, Rhem, Richmond, Ronan, Saltsman, Sandquist, Satterthwaite, Schneider, Slape, Irv Smith, Margaret Smith, Stanley, Steczo, Stewart, C. M. Stiehl, Stuffle, Telcser, Terzich, Turner, Van Duyme, White, Sam Wolf, Younge, Yourell, and Zito."

Speaker Daniels: "The Gentleman from Cook, Representative Huff, for what purpose do you arise, Sir?"

Huff: "Yes, yes, Mr. Speaker. Change my 'present' vote to 'aye' please."

Speaker Daniels: "Record Representative Huff as 'aye'. The Gentleman from Tazewell, Representative Ozella."

Ozella: "Vote me 'aye'."

Speaker Daniels: "Record Representative Ozella as 'aye'. The Gentleman from Lake, Representative Deuster. Questions of the Affirmative Roll."

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Deuster: "Representative Breslin."

Speaker Daniels: "Representative Breslin is next to Representative Bowman discussion merit selection. Representative J. J. Wolf wishes to be recorded as 'aye'. Representative Peters, 'aye'. The Lady from Cook, Representative Topinka, for what purpose do you arise?"

Topinka: "I would like...I would like to change my vote, please, to 'aye'."

Speaker Daniels: "Change the Lady from 'no' to 'aye'. Proceed, Representative Deuster."

Deuster: "Mr. Speaker, what is the count at this point?"

Speaker Daniels: "104 'aye', 65 'no'."

Deuster: "Mr. Speaker, I think most of the bodies are here. I would withdraw my request for a verification."

Speaker Daniels: "Representative Alstat wishes to be recorded as 'aye'. Any other changes or additions, deletions or Amendments? There are...Representative Bell wishes to be recorded as 'aye'. Who else? There are 106 'aye', 64 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative McPike."

McPike: "Having voted on the prevailing side of House Bill 1345, I move that the...I move to reconsider the Motion by which House Bill 1345 passed."

Speaker Daniels: "Representative Stuffle."

Stuffle: "Yes, I move that that Motion lie on the table."

Speaker Daniels: "The Gentleman has moved the Motion lie on the table. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Gentleman's Motion lies on the table. Page 13, Constitutional Amendments Third Reading, HJRCA #2, Representative Bullock. Read the Amendment."

Clerk Leone: "House Joint Resolution Constitutional Amendment #2

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proposes to amend Section 4 of Article IX of the State Constitution relating to revenue, property taxation; adds that the General Assembly may, by law, authorize counties to suspend or abate taxes upon real property..."

Speaker Daniels: "Representative Bullock, HJRCA #2."

Bullock: "Well, Mr. Speaker, I wish that you had called this Bill last week on my birthday."

Speaker Daniels: "Do you want to put it over..."

Bullock: "No..."

Speaker Daniels: "...Until your birthday?"

Bullock: "This will be my second birthday present."

Speaker Daniels: "Okay."

Bullock: "Mr. Speaker and Ladies and Gentlemen of the House, House Joint Resolution Constitutional Amendment #2 addresses an issue that I think the Legislature has wanted to address for some time in Article IX Section 4 of the Constitution. We have given an awful lot of debate in the chambers about workers' compensation and employment insurance reform as areas that are needed to be improved for the business climate. But, I submit on this legislation, which has nothing to do with workers' comp or unemployment insurance reform, that we ought to give ourselves equal footing with 32 other states across the nation which are now using taxing policies and using abatement as an inducement for businesses to locate within their states. I propose to make the business climate in Illinois much more attractive through the use of HJRCA #2. Under present law, we cannot abate taxes. The Illinois Constitution in Article IX Section 4 clearly prohibits, clearly prohibits, except in Cook County, the reduction or abating of tax. And it says that taxes must be extended and collected on a uniform basis. If we are to be able to utilize tax abatement as a means of attracting new industry

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in our state and providing existing businesses with both incentive and capital formation to propose to expand our economy, I submit we must do it through HJRCA #2. This provision is permissive legislation. It is not mandatory. And no county would be forced to engage in such programs, that is to say, to lessen or reduce its taxes in specific instances in real property taxation. I propose to place on the ballot in November HJRCA #2. And if it's passed, and if the Legislature responds to my request today, we would still maintain a role in the implementation of this particular Act. And thirdly, we allow, and I would suggest that we allow through enabling legislation, an opportunity to have local referendum prior to a unit of local government deciding that it wants to participate in the program. I think the language of this Amendment is flexible enough to allow counties to reduce or suspend all apportion of real property tax for certain periods of time as an inducement for job producing projects, such as industrial development, dealing with blighted urban neighborhood redevelopment. Rural revital...revitalization is being done throughout our state, and I think rural revitalization, under this legislation, could also be done. It is presently being done in some 12 other states. This Constitutional Amendment has a second provision which I think you will find equally as attractive. So I believe that this Constitutional Amendment is, to use a term of our colleague, Representative Cal Skinner, it is a bifurcated Amendment. It has two parts to it. And the second part of the Constitutional Amendment deals with what is called the rehabilitation, growth and incentive option. And I am sure some of the Cosponsors of this Bill will speak to this concept. It is a concept that I think we sorely need in our state. This concept would allow a city or municipality

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to reverse to an incentive structure in specific designated areas. It would allow a city to shift the real estate tax burden from land and buildings to site value on land alone. And by taxing only the site value, any improvements made to buildings and land would no longer result in higher property taxes. This is intended to get at the heart at our urban blight where many slumlords find it advantageous not to improve a parcel of land to avoid paying taxes. A classic example of the effect of this is in the City of Kansas City, Missouri and in portions of Michigan where we have had a renaissance in urban redevelopment. I think that, in fact, we found that by taxing only site value, that any improvements to the buildings, on the land, no longer would result in a higher property tax. In fact, the apartment owner would be encouraged to improve his building. That extra income could be invested in further improvements without fear that it would be eaten up by higher property taxes. Only when the entire neighborhood's land value increases would his building assessments rise. Under the rehabilitation growth incentive option, tax revenues would not be lost. To assure this result, the tax base is shifted by city council action from a combination of land and buildings to lands alone in the rehabilitation growth incentive option area. The tax rate would be allowed to increase to compensate for the elimination of assessed value on the building in the area. During the first year after designation, the tax receipts would be equal to those which would have resulted under the present property tax law. And once the new tax rate is computed in successive years, it would increase or decrease in direct proportion to the increase or decrease in the overall property tax rate for the rest of the city. New investments would be encouraged in these areas where

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buildings don't now exist. For example, if we take an empty lot where a building has been burned, as is so often the case in our urban areas, the tax on the vacant land is so low now that a speculator can afford to do nothing with that lot for years. The tax burden on land speculators who are allowing their empty lots to remain unproductive will obviously increase to the point where they probably can longer afford to do anything with it. The result would be that speculators would build something on the property or sell it to someone who will again make the land productive. I can see enormous benefits in this area of growth incentive option. I can see enormous benefits in utilizing, and allow municipalities and local units to utilize tax abatement for industrial and commercial expansion. We saw evidence of that in Cook County where the County Board did, in fact, vote to reduce portions from one classification residential to commercial to entice the Hilton Flagship in the north Loop development area. Mr. Speaker and Ladies and Gentlemen of the House, I submit to you that HJRC #2 is indeed one additional arsenal that we need for our business community to prove to the business community that Illinois is, indeed, a good place in which to do business. It is a good place for them to locate, and certainly it is a good state in which to redevise and redevelop our needed urban areas. Mr. Speaker, I would be glad to answer any questions in this area, and I would urge an 'aye' vote."

Speaker Daniels: "The Gentleman from Cook, Representative Griffin."

Griffin: "Mr. Chairman, I rise in...Mr. Speaker, Ladies and Gentlemen of the House, I rise in enthusiastic support of Representative Bullock's Amendment. A number of us from both sides of the aisle have cosponsored this. If you'll

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look at the Sponsors, I think you can see there is a wide variety of viewpoints represented which says the most important thing of all about this Bill...this Amendment. And that is that it should command the support of the people in this state, regardless of political ideology, who want to see the problems that Mr. Bullock has outlined, solved. We sat here arguing for months about how to solve problems before the state that involved taxes, involved labor, management. I think we have here a bold, innovative approach, so far, that has not been tried. We have heard about enterprise zones. We have heard a lot of controversy on both sides. I supported that. Some of my colleagues on the other side of the aisle may not have. But I think what Representative Bullock has set before us is a Bill that gets to the heart of some of the problems in our society. When people like William Buckley, on the one hand; and George Bernard Shaw, on the other hand; a conservative and socialist of worldwide impact and reputation, can support the philosophy behind this, I think it speaks to the universality of its appeal. Behind Representative Bullock's proposal is the far-reaching idea that the people of this country and the people of this state do not, cannot monopolize land at the penalty of the public that the land is there to serve. The shifting of taxes from improvements to land is a remarkable step in liberation, I think, of the energies of people of our society. It lifts some of the senseless kind of tax structure off of their backs, and it does what Representative Bullock says. For all of us, it gets the incentive going to develop land to improve it. Let's take the concrete example of a person who owns property in the inner city, where that property in the inner city is taxed for all the improvements put up on it. Why should a landlord continue to improve the property? By

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removing that tax from improvements, the landlord is encouraged to improve the property to make it more habitable, more attractive, more economically valuable, to those who use it. It is an eminently sensible proposal. And I think it goes even beyond what Representative Bullock says, in a sense, is it can establish a model for a new approach to solving the social problems of our state, to bring about meaningful tax reform, to give us a new look at our society and how we can improve it. At a time when we are arguing about income taxes, property taxes and all kinds of other approaches to raising state revenues, let's take a look at an all new approach for this state. I hope the people of Illinois, in a campaign that would be statewide, would have a chance to examine the foundations of our problems and see Representative Bullock's Amendment as one of the first steps toward answering them. Everybody here, I think, should support this, because I think it is in the interest of us regardless of our party, regardless of our economic condition. It deserves the attention of the whole state during the coming year. Thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Conti."

Conti: "I wonder if the Sponsor would yield to a question."

Speaker Daniels: "He indicates he will."

Conti: "Representative Bullock, in my municipality, I am strictly a residential community with no industry, no business. And years ago when the municipality was incorporated, funds weren't available, and one-fifth of the community was zoned for multiple dwellings. But the fact that the mortgage market wasn't there, people just built single family homes on this...on this property that is now, and still is, considered multiple dwellings. You mean to tell me now on site valuation that they will be taxed accordingly because of...the lot itself is now worth more than probably the

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house that the...is sitting on the lot. Is that what you're trying to tell me in this Bill?"

Bullock: "Well, Representative Conti, I am trying to tell you to the contrary. What I am trying to say to you is that if we took, for example, Kansas City, Missouri - and you recall that in the 60's the Republicans had their national convention there in the Crown Center. On that parcel of land, before the Crown Center was created, and that was in fact an industrial area, they were levying approximately \$4,500 a year on the parcel of land. They weren't collecting a dime. It is projected in 1984, on that same parcel of land which has been improved, that the City of Kansas City, Missouri expects to collect \$280,000 of tax revenue from that improved parcel of land. And what I'm saying to you, if you're from an industrial community, and you have very little residential property; that this , in fact, is a vehicle that you may use. It is not mandatory. It is strictly permissive. And if you, as a local municipal official, chose to utilize the provisions of this Act, you would have one additional arsenal at your disposal to make your community attractive to business and as an inducement to business to relocate in there. And I also want you to know that in this legislation there are provisions for the Legislature to come back, hopefully after the Constitutional Amendment is approved by the citizens in November, and we will, in fact, come forth with enabling legislation that will spell out the time, length and duration of abatement in other provisions in this law. We will need enabling legislation to implement this Act. And it is not spelled out in the Constitutional Amendment."

Conti: "Well, Mr. Speaker...Mr. Speaker, I guess my answer wasn't...my question wasn't answered. The only thing I can see that the site value taxation may be more regressive

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than the current structure that we now have, I think it is going to promote a nonuniformity assuming similar lots on...a taxpayer with a \$100,000 home could be paying the same amount of taxes as someone with a \$25,000 home when you're coming in with tax...tax site valuation. I...I can't understand the Bill. Either I can't understand the Bill, or I don't understand his intent, but I feel that this would definitely hurt a community like mine that is strictly residential. The only thing good about it is he said it is not mandatory. It is permissive."

Speaker Daniels: "The Gentleman from St. Clair, Representative Flinn."

Flinn: "Well, Mr. Speaker, I move the previous question."

Speaker Daniels: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed by saying 'no'. The 'ayes' have it, and to close, Representative Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Tax abatement has not claimed to be the total and final answer to strengthening the state's economy here in Illinois. I think that it is a very basic element, however, even a cornerstone, to making our state a better place to live for workers as well as business. In the Chicago Sun-Times June issue in the personal view section, the chief executive officer of one of the larger banks in our state, President of the Continental Bank, wrote an article. And he talked about bringing about a cities' industrial renaissance. And in this article he talked about Chicago's central business district. And he said that we could allow that business district to remain a stronghold of employment where some 500,000 jobs are involved. But, he said that the neighborhoods of Chicago

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hold the key to future industrial development through the creation of attractive industrial parks, etcetera. Mr. Speaker and Ladies and Gentlemen of the House, I think if we are going to take the first step to creating the kind of economic and industrial renaissance in Illinois that we have long espoused, that House Joint Resolution Constitutional Amendment does, indeed, send us in that direction. And I would urge an 'aye' vote in the passage of HJRCA #2."

Speaker Daniels: "The Gentleman has moved for the passage of HJRCA #2. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. The Gentleman from Will, Representative Davis, to explain his vote. It will take 107 votes."

Davis: "Well, thank you, Mr. Speaker and Members of the House. I enthusiastically endorse Representative Bullock's Amendment. I am a hyphenated Cosponsor of the Amendment. There is an old Chinese proverb that, 'The journey of a thousand miles begins with but a single step'. There is no question that this Amendment is the bedrock, the cornerstone, and the foundation of enterprised zones. The...there are many of us who will vote for this Amendment that maybe did not support Senator Totten's enterprised zone Bill last year. I can tell you that that Bill may have had some flaws that prevented that passage, but this certainly is the first step towards the foundation of building the kind of renaissance that Representative Bullock...of which he speaks, and can do nothing but help us ease the problems that face us in the inner cities today."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 143 'ayes', 14 'nay', 2 voting

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'present'. This matter having received an extraordinary Majority, 107 votes, is hereby declared passed. HJRCA #5, Representative Wolf. Out of the record. HJRCA #8, Representative Pullen. Read the Bill, Mr. Clerk."

Clerk Leone: "House Joint Resolution Constitutional Amendment #8, proposes to amend Section 1 of Article XIV of the State Constitution relating to constitutional revisions. It has been read a third time previously."

Speaker Daniels: "Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, this Resolution is a very simple Constitutional Amendment. It would delete from the Constitution the provision that provides for an automatic referendum every 20 years on the question of whether to call a Constitutional Convention. For some reason, at the time the current Constitution was adopted, it was thought by the people who drafted that one that it was a good idea to get together every 20 years and review the Constitution, or at least to ask the voters whether they thought that that was something they wanted to do. There are other means of calling a Constitutional Convention. And to hold a statewide referendum, on any question, is a very expensive proposition. There is no necessity to have, in the Constitution, an automatic referendum that is submitted merely because the clock has run 20 years. I urge your adoption of this very simple Constitutional Convention so that we will not have the taxpayers' money wasted in needless referenda. Thank you."

Speaker Daniels: "Any discussion? Being none, the Lady from Cook, Representative Pullen, to close."

Pullen: "I simply ask for favorable consideration, Mr. Speaker."

Speaker Daniels: "The Lady has moved for the passage of HJRCA #8. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. It takes 107 votes.

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Have all voted who wish? Have all voted who wish?
Representative Friedrich, the Gentleman from Marion."

Friedrich: "Mr. Speaker and Members of the House, there are certainly ample provisions in the Constitution for amending it now and also ample provisions for the Legislature to call a Constitutional Convention in case one is needed. But I think Representative Pullen is exactly right. There is no need for an automatic call every 20 years to be submitted to the people. I think this is a good...Amendment to the Constitution."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 107 'aye', 18 'no', 30 voting 'present'. HJRCA #8, having received an extraordinary Majority of 107, is hereby declared passed. Speaker Ryan in the Chair."

Speaker Ryan: "Representative Cullerton, would you come to the podium please? Is he in the chamber? Alright, here we go. Page 13, HJRCA #13, Representative Daniels. The Gentleman from Cook, Representative Ewell, for what purpose...no...now. No? Later? Okay. John Dunn, do you seek recognition now? Representative Daniels, proceed on HJRCA #13."

Clerk Leone: "House Joint Resolution Constitutional Amendment #13, proposes to amend Section 8 and 12 of Article VI of the Constitution relating to Judiciary, Associate Judges, and the election and retention. It has been read a third time previously."

Daniels: "Mr. Speaker, Representative Dunn will open on this Bill."

Speaker Ryan: "Representative Dunn."

Dunn: "Thank you very...thank you very much, Mr. Speaker, Ladies

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and Gentlemen of the House. HJRCA #13 is what is commonly known as merit selection. And as you will recall, about a week or so ago we went through a long series of Amendments to get this Amendment in shape for consideration by this Body at this time. Once again, very briefly, what this Constitutional Amendment would do, if adopted, is to provide for merit selection appointment of Illinois Supreme Court Judges and Illinois Appellate Court Judges. At the Trial level, the Circuit Court level, the level back home, the every day level where the jury trials are conducted, nothing would change. Nothing would change from the present situation. Change could only be made in the event the voters, the voters in the circuit in which a change is proposed, adopt a local referendum, only in that circuit, to move to merit selection. You may ask, 'Why is the proposal submitted in this form and fashion?' The answer is, for most of us when we go into the voting booth, we don't know who the sitting Illinois Supreme Court Justices are, let alone who the candidates are for an election; likewise at the Appellate Court level. Most of us don't even know where the Appellate Court is for the district in which we live, let alone who the Judges are, let alone who the candidates are. It would be a far better system to provide for the selection of the people who serve us at this level by Nominating Commissions chosen with many safeguards. Safeguards so that non-lawyers predominate on the Nominating Commissions, and safeguards so that lawyers on the Commissions are chosen by secret ballot, and both Parties are represented on the Commissions. At the Trial Court level, the level with which we are most familiar, voters would have an option to decide whether they are interested in proceeding to this form of judicial selection at the Trial Court level. If this measure passes today and

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is adopted, what will happen is not, is not immediate selection...or not immediate implementation of merit selection for Judges at any level. What will happen is the voters, in November of 1982, will have a chance, will have the chance to express themselves at the ballot box to decide whether they really want merit selection of Judges or whether they don't. I emphasize this aspect of merit selection, because it is controversial in some areas of our state. And some of our Representatives feel that they must oppose this Amendment in order to protect the people back home. Well, let me remind this chamber that it is going to be reduced in size by one-third, and it is going to be reduced because the people back home felt very strongly that they did not have an opportunity adequately enough to express themselves about things we do here. Let me remind you that there are pending out there now legislative initiative proposals which would...which would provide another seat right in this room for someone to come in and, upon petition, put legislation on the ballot each time there is a general election. The message is clear. The voters want a chance to express themselves. This is an idea which the voters need to express themselves upon because we need a clear decision in the State of Illinois about the merits of merit selection. This is something that is not just a pipe dream. It is something that you might be surprised to know. There are lots of groups who support merit selection. Did you know that the Illinois Farm Bureau, those of you who are downstaters on both sides of the aisle and go to the Farm Bureau for support at election time, did you know that the Illinois Farm Bureau supports merit selection? Did you know that the League of Women Voters supports merit selection? Did you know, across the aisle and some of you on this side of the aisle,

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that the Illinois Chamber of Commerce, the Illinois Chamber of Commerce even supports merit selection? Chicago Bar Association, Illinois State Bar Association,...yeah, you go right ahead; both Chicago newspapers, WMAQ, St. Louis Post Dispatch, Quincy Herald Whig, Decatur Herald and Review, State Journal-Register. You go right ahead and boo. And when it comes time for election time, I'll be standing up there. I'll be telling them I am for merit selection, and I know they'll like me. You think about whether they will like you or not. I'm here to tell you, the voters want to know. They want a chance to express themselves on merit selection, and they want to know whether they can do that at the ballot box this fall. And they want to know if there aren't adequate safeguards to elect those strangers who serve them on the Illinois Supreme Court, and the Illinois Appellate Courts, and they will be glad to know that back home at the Trial level nothing is going to change unless there is a referendum. I urge a favorable vote on merit selection for the voters of Illinois to have a chance to see, when they go to the ballot box in November, whether we have the courage to let them decide for once, before the legislative initiatives and the Pat Quinns of the world come down here and run us on a day to day basis instead of just coming down once every 100 years to cut the size of our room by one-third. I urge a favorable vote for merit selection."

Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Ewell."

Ewell: "Mr. Speaker, Ladies and Gentlemen, I would like to rise in opposition to this Bill. I took the time to read the Bill, and I wish that the rest of you would do the same. It's ten pages long. I suggest if you read the analysis of both the Democrat and the Republican sides of the aisle, it

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talks about merit selection. I suggest to you that nowhere in the Bill, in page one through page ten, is there any mention of merit selection. The analysis, in this case, both Democrat and Republican, are garbage. If you want to take it in French, call it garbage. But, in both cases, the result is the same. I suggest to you, this amounts to the greatest case of brainwashing of the public that I have ever seen. We have been told that this is merit selection. It is no such thing. They have compared it, perhaps, to everything from country, from love of country, to apple pie, and even to wife beating. You have to be opposed to wife beating. You've got to be opposed to this Bill. Under the present system, we elect our Judges. The people, themselves, nominate the Judges, and the people elect them in a free and open ballot. In this system, there will be an appointment by the Governor who, in either case, is the number one political figure in the state. This is a step backwards. I think that when you look at the garbage that they have put before us, the voters won't understand it. They will be struck by only one thing. It has been called merit. But, there is no merit to it. The nomination is going to be by five...five members are going to be selected by attorneys. And how will they be selected? Secret ballot. What interest has the public in a secret ballot for a public office? Then you're going to have three political, if you will, choices, one by the Attorney General. Why it should be by the Attorney General, God only knows. Next we have another dubious selection of three who are going to be by some other group not of the same Party, some other moving and shifting group. One year it might be the Comptroller. The next year it might be, perhaps, the leader of this particular House or the Minority Leader of this particular House. I suggest to you

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that the system in which they are attempting to elect these Judges takes the power from the people. When we look at the present system, what we are doing is abridging the electoral process. You are depriving the people of their right to vote. Currently, we have seven members of the Supreme Court. There have been no indictments. There have been no charges that any of these seven members have been inadequate, bad members, poor members, or ought to be replaced. I would defy those of you who mouth support to point out one of the seven Judges that are sitting that are inadequate, ought to be replaced, or could be better posed by some, quote, unquote, merit selected Judge. There are 34 Appellate Judges. I challenge you, again, show me an Appellate Judge, who has come under scrutiny, who would be better replaced by what we call a merit selection. Merit selection by who? There are 377 Circuit Court Judges, 293 Associate Judges. Considering the fact that they are all lawyers, and there are perhaps more thieves and scoundrels in the legal profession than any other, I would defy you to show me even five of them that you think are bad Judges and that should be replaced by some secret Committee or Commission. I suggest that this is an idea that is born of hysteria. And it has been born across the state by press releases. It is a bad concept that defies both logic and reason. It is going to create four additional bureaucracies to nominate and select these particular Judges. Now, only if you have read the Bill do you have the right to vote for it. And, I suggest that you cannot listen to the hysteria that has been created by the press that would tell us that we have a bad judicial system. I suggest to you that this idea is conceived in inequity, and it is fraught with simple, political considerations. Any time you have any group that is going to be elected in

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secret, I cannot see how you are serving the public interest. Now, I suggest to you, it might sound good to the Republicans to say, 'Let's have the selection by the Governor'. But will your question be the same if the Governor happens to be Stevenson? And I say to you that the same would apply to the Democrats. What magic does the Governor's office possess that would enable him to have a better judgment than the people as a whole? Where have we found such noble and intelligent Governors who can lead us from the morasses of our every day problems? I suggest to you we are indeed simply putting another burden. We are seeking a system that will be done in the back room. If you think political selections are bad, wait till you start dibbling to try to get judicial candidates under this, quote, unquote, merit system. It is a simple system that shuts the people out of the process. It emasculates the rights of the voter. It assassinates the character of the Judges, and it creates three illogical classes of nominators who are going to vote in secrecy. I suggest that the uncertainty and the changing political face of the Governor will simply not make this system workable. I believe that the power belongs in the hands of, not the number one political figure of the state, the Governor. But the power belongs in the hands of the people. And for that reason, I only ask that you read this Bill, give it the consideration, and throw this sham out. And I would ask only that you not beg the issue by calling it merit selection, but simply talk about it, what it is, an emasculation of the rights of the people to elect their Judges. I am opposed to it, and I shall be opposed to it as it stands. Thank you."

Speaker Ryan: "The Gentleman from Lake, Representative Deuster. Ten minutes."

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Deuster: "Mr. Speaker, in shorter than ten minutes, during my 20 years of public service, I have learned about a lot of slogans. We are always getting slogans. We have a slogan before us now called merit selection. We have had other slogans called gun control, safe streets, equal rights, you name it. The best thing to do to something is to give it a good slogan. And the Chicago news media will always pick it up. I think we have to look beyond a slogan, and we have to look to a substance of a problem. What is the problem here? Is there something wrong with the Judges out in Lake County where I serve? Ask yourself. If you don't practice before Judges, you must be in a county and have some contact with them. Is there something wrong with the Judges in DuPage County? Where are we talking about that there is something wrong with the Judges? There is a problem to be corrected and cured. I think if you ask the people who are promoting this they will say, 'Well, it is in Cook County.' What is wrong with Cook County? What is wrong with Cook County, they say, is it is so big. Can we pass something to change the bigness of Cook County? They also say what is wrong with Cook County is the Democratic Party controls it. In every election there are all kinds of Judges running, and they are all Democrats. And they are picked by the Ward Committeemen, and they are pretty...a lot of bad ones. And the people have...have no control, no way to reject these bad Judges, because Cook County is so big and because it is controlled by this one Party, the Democratic problem. Because Cook County is big and controlled by the Democratic Party, and some people in Cook County are frustrated or concerned about the quality of Cook County Judges or Chicago Judges, why should you come out to me in Lake County, or out to DuPage County, or Sangamon County, and somewhere else and say, 'We're going

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to suggest that we take away from your people the right to elect their Judges.' If we forget our history, we fought a Revolution because we had people appointed by the King of England. We had the Governor of our colonies appointed by the King of England. Now we want to have our Judges appointed by somebody in the Executive Mansion, the Governor. Do we want to take away from the people something we fought wars for? The tradition of our country is freedom. Some people say there is politics in electing Judges. We fought a Revolution for politics, for freedom, for elections. Now, we elect Members of the General Assembly. I think the people of Illinois are competent to elect good Judges. And I would say this, if there is a problem in Cook County, let's have a Cook County solution. My suggestion, and I have introduced legislation, and I hope somebody in the future will pick it up. What we need to do is to take Cook County and divide it up onto smaller districts, into Legislative Districts, and then the people of Cook County. If we're talking about a predominantly Polish district, or a Black district, or a liberal lakeshore district or whatever it is, Mr. Minority Leader, I don't think we can have any objection to dividing Cook County. We might elect some Republican Judges in some places. Maybe we will elect more Black Judges. Maybe we'll elect more Polish Judges. Who knows what we'll do. But, I do say this, you will solve the problem without coming out to Lake County and to all parts of Illinois if you simply divide Cook County into Legislative Districts. And I think today that we can reject this statewide proposal to cure a problem that does not exist in my area, and I don't think it exists in 90% of the state. You can divide Cook County into Legislative Districts, in each district you will nominate one or two Judges. If they are

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bad apples, if they don't have proper judicial temperament, if there is something wrong with them, you can focus a campaign in a small area and reject that bad judicial nominee. Right now, I suppose the people of Cook County are somewhat limited in correcting that problem if it exists. I simply say this, let us not suggest that we take away from the people of the State of Illinois the right to elect their Judges. I have campaigned with Judges, and in Mundelein, we had a mother who had her daughter murdered. And she was concerned about the criminal justice system. She wanted to meet the people that were going to sit on the bench. She wanted to meet the prosecuting attorneys. She wanted to meet the people that were dispensing justice. And the only way you're going to meet these Judges, the only way you're going to find out who they are and have a chance to talk to them is if they have to run for election like we do, and they have to come around and meet the people and talk about how they are going to perform on the Judge...on the bench as Judges. I would urge a 'no' vote and come back at another date to cure this problem in the proper manner. Thank you."

Speaker Ryan: "The Gentleman from Cook, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I know many people are already committed on this issue for political reasons. My objection is not based on politics, because it is probably not good politics for me to be against this, but it is based on my experience of working in the court system. I don't think we should read editorials and then come down here and vote. I think, if we can, we should read the Bill and come down here and vote. Now, what this Bill does is to allow the Governor to select the Judges that are nominated by a Judicial

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Nominating Commission. Now, if you look at the make up of that Commission, you see that five of those members are lawyers. Now how do the lawyers get to be on the Commission? The lawyers are elected in such manner as provided by Supreme Court rule, not the Legislature. We can't tell them how they conduct their election, but the Supreme Court does it. And it is interesting that the people who propose this Constitutional Amendment are not in favor of the people voting for Judges, but they let the lawyers go out and conduct their own election. And how will that election be conducted? The election for the lawyers will be conducted the same way the Bar Associations have their elections, through the mail. They are going to have half, almost half of the Nominating Commission be elected through the mail. Can you imagine the fraud that can go on in that type of an election? 18,000 lawyers in Chicago, and even when the election is held through the mail for the Bar Association, only about 3,000 of them respond. The real reason why I am opposed to this Bill is because of the domination of the large law firms. The senior partners will call all in the junior partners and tell them who they want to have elected on that Nominating Commission. If they don't do it, they'll get fired. If the election is conducted through the mail, so will the campaign be conducted through the mail. So the large law firms, that can afford to do a mailing, will send out letters in support of their nominee for the Nominating Commission. The Public Defender's office, the State's Attorney's office, the Corporations Council office, they can't afford to do such a mailing. And I suggest to you that having a campaign conducted through the mail is like us having our posters up inside the voting booth. Now, the other members, the other members of this Committee are

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non-lawyers. Now, up until two weeks ago, they provided that the Governor appointed a majority of the Committee. Well, they have changed it. Now two people, the Attorney General, who incidently doesn't have to be elected himself, he can be appointed by the Governor; the Attorney General, and in this case, the Comptroller, make six appointments. Two people from two different political Parties. That is in the Bill. They require that. Well, if this is supposed to take politics out of the selection process, why do the people have to be from two different Parties? Now, who do they select? By law, by law, you have to have a lawyer be a judge, so that non-lawyers have to pick a lawyer. Who are they going to go to to find out who should be picked? They're either going to defer to the lawyers who have already been elected by the big law firms, or they're going to go to their own law firm, which, in most cases, will be another big law firm, so...the law firms will have the whole Commission locked up, and then, they will make a recommendation, and the Governor can then make the appointment. Now, you have to understand how the big law firms work. Some people might say 'Well, what's wrong with having the big law firms pick the Judges?' After about seven years, you're up for a partnership, and then the guys who are partners have to decide whether they're going to cut up their pie, or whether they're going to fire you. Well, instead of firing the partners, now they've got a perfect dumping ground. We'll put them on the Bench. We'll have...the new Judiciary will be the people that couldn't make it with the large law firms. Look at some of the other aspects of the Bill. Right in the Constitution, it will say, 'All of the Commission's meetings shall be kept secret. The Cook County Regular Democratic Organization doesn't even do that. They have

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slating. They have Judges come and present their credentials. We in the General Assembly, by the way, have to pay for this new Commission that's set up, and this...and this is very interesting; the Bill provides for retention elections, so Judges still have to go back and try to get elected again by getting retained, and the Bill expands it so that all of the Associate Judges have to also go up for retention. There's 135 Associate Judges in Cook County. There...they would all be on the ballot for retention. This is in addition to the Judges that are on the ballot right now, that...and they call that election reform. People downstate, they say 'Well, this won't apply to us, because we have to opt in'. I would not be surprised, because the way they have this thing drafted, a Majority of those voting on the issue, if you have a low turnout, with all the media in favor of it, don't be surprised if you've got merit selection for your local Circuits. Many people say 'Well, anything's better than the system we have right now'. They claim that the big, bad machine in Chicago is electing all the Judges. If it was ever true, it's not true now. The last three elections for Supreme Court, the last three elections for Supreme Court in Chicago have been won by an independent who was not endorsed by the regular organization. Three weeks ago, half of the slate in Cook County lost their elections in the primary. The proponents say it's demeaning for Judges to go out and campaign. They still have to campaign for retention; in fact, they're expanding that, but they say it's demeaning for Judges to go out and campaign. When I campaigned, Justice Simon was out going to all different coffees and getting out and meeting the people. I think it's a good idea for people to see who is on their Supreme Court, rather than have some elite group pick who the

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Judges are. And finally, they say 'Just put it on the ballot, don't worry about it...don't...let the people decide', and what are the names that they use? Doesn't this sound nice—'The Committee on Courts and Justice'? That sounds like 'The Coalition for Political Honesty'. Let the people decide. Cut the size of the House, save money. Have merit selection. Take politics out of the Judiciary. It's the same nonsense. If it gets on the ballot, sure, it's going to pass, just like the cutback Amendment passed. Ladies and Gentlemen, I think that this elite, self-anointed group wants to impose an elite selection process for Judges on us. I don't think this elite group should pick the Judges. I think the people should elect them. Let's not have merit selection, let's have merit election. Thank you."

Speaker Ryan: "Is there any further discussion? The Lady from Cook, Representative Nelson."

Nelson: "Thank you, Mr. Speaker, Members of the House. I'm perfectly aware that we are here to approve an Amendment that will put the proposition of merit selection on the ballot for voters to vote up or down. Furthermore, I'm perfectly aware that this Constitutional Amendment has been worked on for many years so as to accommodate those areas of the state that may wish to retain a system of electing Judges where the Judges are well known to the electorate. Therefore, we're not here to actually debate the pros and cons of merit selection. Nevertheless, I believe very strongly in the concept of merit selection of Judges. First of all; in actuality, Judges are appointed as it is, usually by the respective political parties who reward the faithful with judgeships. Secondly; as all of us know who have been through the process, running for election can be a demeaning process. Elections are not always clean and

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free of misleading statements. Here are a couple of campaign brochures from the March 16th primary, both of which, to my mind, contain misleading and inaccurate statements. One of them shows a picture of a burglar sneaking into somebody's house and says, 'So and so Judge believes it's time to put an end to crime and non-punishment'. It goes on, in a very emotional vein, to say that, 'If you are sickened when you hear of convicted criminals on probation committing more rape, robbery, and murder...' and so on and so on. How in the world would a responsible judicial candidate combat such propaganda? What if you are not independently wealthy to mount a campaign against that kind of demagogic appeal? I am not saying that merit selection is a panacea, but I believe that merit selection is a better process than our current elective process that produces this kind of demagogic rhetoric, and I urge you to support HJR Constitutional Amendment #13."

Speaker Ryan: "Further discussion? The Lady from Cook, Representative Stewart."

Stewart: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of HJRCA #13. Perhaps to call it merit selection is a misnomer. It's true...while it's true we certainly don't live in a meritocracy, and there are precious few situations where each of us are judged on his or her merits. I think that it's high time that we replaced the hack selection of Judges with the system that, at least, speaks to the merit selection of people who are going to be judging the Judges in our society. I think that for too long...I think that the people of this state certainly have a right to speak on the subject, and that all this...this Resolution would do is to allow the people of the state to have a right to make that determination.

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And so I would say to the opponents, 'Why the fear? If, indeed, the people should speak on the subject, we should allow them the chance'. Thank you."

Speaker Ryan: "Representative Robbins."

Robbins: "Mr. Speaker, I move the previous question."

Speaker Ryan: "The Gentleman has move the previous question. All in favor will signify by saying 'aye', all opposed 'no'. The 'nos' have it, and the Gentleman's Motion fails. Oh, I mean, the 'ayes' have it, and the Gentleman's Motion prevails. Representative Daniels, to close."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, for years we have worked on the subject of merit selection of Judges. Call it as you may, it's a method that has been devised for what we consider to be an improvement of the selection of the judiciary in the State of Illinois. Call it what you may, but merit selection is a label that has been placed on it for Supreme and Appellate Court Judges in Illinois. And if the voters of a particular circuit desire, then it would be for the Circuit Judges in that local circuit as well as the Associate Judges. Judges would be appointed by the Governor from a list of three nominees for each vacancy submitted by Judicial Nominating Committees, which have, themselves, been removed from the political arena. This Committee is made up of lawyers and lay people, with the majority of those members being lay people in about even numbers. And the nominations would have to be agreed upon by three-fifths of the members of that Commission. Call it as you may or say what you want, this is a subject that has had intense debate throughout the State of Illinois, and one that people throughout the spectrum, throughout the land in Illinois, have been debating for years. And now many of them desire and ask for the very opportunity to state, in a fair, free, open

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election as to whether or not merit selection will join the list of 31 other states in the United States today in adopting a form of merit selection of Judges. And you may say that you, personally, don't want merit selection of Judges. But I say to you, 'You go ahead and deny your constituents the very right to make the determination that they want to make as to whether or not they wish to adopt merit selection in their individual Circuit and for the Supreme and Appellate Court Judges. And that is the safeguard that we have in this legislation. And that's the subject that we're dealing with right now. Don't substitute your own independent, total judgment for this subject, whether or not you be for in against it. But we are saying to you, 'For the first time in the Illinois House, we have an opportunity now to judge whether or not our state wishes to go to the merit selection of Judges for its judiciary throughout this effort. And, yes, some of the circuits may turn it down, and some may adopt it. But that will be determined after it passes, after a majority of those voting on the issue adopt merit selection of Judges, and you will have input into that. But, right now, the key to the door is in your hands. Right now, the selection of your constituency and the representation of your constituency is in your hands. And right now you will make the determination as to whether or not you support your constituency and their intelligence and the voters right to determine whether or not they wish to adopt this very important subject of merit selection of Judges'. I'm saying to you and the people that support this effort, 'We wish that you would join us in giving your constituency the right to determine whether or not they wish to adopt this matter'. I'm saying to you, remove the politics from the selection of Judges throughout the State of Illinois. I'm

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saying to you, as was pointed out last time, two years ago, when we debated this matter, that the Illinois Bar Association didn't approve it. So what did we do? We went to the Bar. We discussed it with them. We met with the Chicago Bar, the Illinois Bar, and we went over this subject. And now, today, they adopt and support the merit selection of Judges system that you have in front of you. So, join us. Join the Chamber of Commerce. Join the Bar. Join the League of Women Voters. Join the Committee of Courts and Justices. Join over 2,000 groups that support, throughout the length and breadth of this state, the right for the constituency of this state to adopt merit selection of Judges, the right of the people, truly, to speak. And yes, we've come this far, and we've worked this hard. And both Parties, both Democrat and Republican Parties, have worked for this effort. The Democrat candidate for Governor and the Republican Governor, Governor Thompson, have worked extremely hard. Governor Thompson, for weeks, has been lobbying for this legislation, and your Governor on your side has worked on this legislation, has endorsed it. So, yes, you on the other side of the aisle, join your candidate for Governor. Join him when he says, 'Support merit selection of Judges', as most of us on this side of the aisle will join our Governor in giving the people the right to choose the question of merit selection of Judges. Join us. Give the people their right. Representative Madigan, be the first up in the green vote for this Bill."

Speaker Ryan: "The question is, 'Shall Representative Madigan...'
No, the question is, Shall House Bill...shall HJRC #13 pass?' All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Braun to explain her vote."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. A green vote is a vote of confidence in our judiciary; a vote that our Courts can reform themselves, can rid themselves of cronyism, and patronage and partisan politics; a vote for an end of the confusing elections in which people are voting in a situation they have no idea what...who the candidates are, whether they're qualified, or whether or not they will serve as good Judges. Merit selection should replace partisan selection of Judges. A citizen's right to justice should not depend on his political...his or her political orientation. A Judge's right to serve should not depend on whether or not he or she knows his Ward Committeeman. This Bill will better ensure that we reward competence and not...of the party's politics. This Bill will better ensure a fair, non-partisan, sensible process for the selection of people for the...to the bench without regard to race, sex, color, creed, or party affil..affiliation. And to one of the Representatives who referred to the Constitution, I would remind you that it is a cornerstone of our system of government that the judiciary be impartial and non-political. And for that reason, I encourage an 'aye' vote on HJBCA #13."

Speaker Ryan: "The Gentleman from Cook, Representative Epton. One minute to explain your vote."

Epton: "Thank you, Mr. Speaker. I don't want to explain my vote. I do want to correct, however, a statement made by one of my colleagues across the aisle. If one of the attorneys in my office would vote against my wishes, I certainly would not fire him. However, his desk would be moved into the closet."

Speaker Ryan: "The Gentleman from Coles, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, I rise only because there's an alternative to this that wasn't let out of the

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Executive Committee. I would recommend a 'no' vote. People on that side, and every paper in this state from Podunk to Peoria, says we should vote for it and give the voters a choice. Well, let's put the Bill out...the Amendment out to let people decide to elect Judges as they have suggested in every poll by four to one in my district. You know, Mayor Daley said it best when we used to have special elections for Judges. 'Who says we don't have merit selection? If the candidates have merit, we select them', and the people ought to have that opportunity. Vote 'no'."

Speaker Ryan: "The Gentleman from Cook, Representative Barr. One minute to explain your vote."

Barr: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In explaining my vote in favor of this fine proposed Constitutional Amendment, I will speak very briefly as to the situation in Cook County about which we've heard so much from our colleagues on the other side of the aisle. The question in Cook County is not, as some would have you believe, whether we should have elected or appointed Judges. The question is, realistically, who should do the appointing? Should the Judges in Cook County, as now, be appointed by the members of the Democratic Central Committee of Cook County acting in secret, or should they be selected by all citizens participating in an appointive process as proposed under this Amendment? That's the question that's before us, and the one time that this question was presented to the people in Cook County, 12 years ago, in 1970, they voted in favor of a proposal such as this: they've expressed their opinion, and what we're asking today is give the people a chance. We've heard so much about the rights of the people. Give them a chance by voting 'yes' on this Amendment."

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Speaker Ryan: "The Gentleman from Cook, Representative O'Brien, one minute to explain your vote."

O'Brien: "Thank you, Mr. Speaker and Members. The only reason that I rise to explain my vote is because there is a change in my vote from the last time. I was probably being lobbied by Representative Ronan, and unfortunately, voted for a bad Bill. Representative Ray Ewell has convinced me that there certainly would be very, very few, if any, minorities elected or appointed under this new system. In addition to that, there is no question that the big law firms would control the selection process. I think the worst thing that we can do is take the vote away from the people. Their vote does count on one of the most important branches of government, and they have shown that on the last three elections for the Illinois Supreme Court. I have not always gone along with the Democratic Party's programs. And in the last two elections for the Supreme Court Justice of the...State of Illinois, I supported the maverick candidate, Bill Clark, and the maverick candidate, Simon. The most important thing that I think the editorial boards of the newspapers have missed and the proponents of this Bill is that we should not worry about who selects them. We should be about a process, a new process, of creating a new system of qualifying candidates that want to run for the Judicial Branch, and it should be done by the law schools and the seat...seated Judges in the judiciary. I can tell you right now, the Democratic Party in Cook County and the State of Illinois has new leadership, and under Edward 'Bedroliack' and under Phil Rock, we will have a new platform. And we will see to it that there are quality Judges on the judiciary. I vote 'no' on this Bill."

Speaker Ryan: "Representative Collins, one minute to explain your

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vote."

Collins: "Well, Mr. Speaker, just to illustrate how familiar people are with judicial candidates, I'd point out to the previous speaker that it was not Justice Simon, it was Justice 'Dooley' that ran with Justice Clark."

Speaker Ryan: "The Gentleman from Cook, Representative Bullock, one minute to explain your vote."

Bullock: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. You know, it really would be a serious matter if this Bill addressed the quality of the judiciary. I don't think there's any evidence that if you had this system in place, that it would reduce crime, that it would stop rape, that it would convict drug pushers. But I think one thing that is convincing about this Bill to me, and that is, in the states where they have it, I'm not convinced that they have an adequate track record on minorities and women, and if the choice that I'm confronted with here with today is whether or not I want to have confidence in a big law firm, of whether or not I want to have confidence in the Democratic Party of Cook County. I think the answer is obvious. I have more confidence, as Representative O'Brien said, in Ed 'Badoliack' and Phil Rock than I do in the big law firms that send us candidates to the federal judiciary and in the last 30 years, I've not seen one Black emerge from those law firms to go to the federal bench. And so I'm going to cast my lot with the Democratic Party in Cook County; and, I confess, I may have a vested interest, because maybe one day I'll be a Ward Committeeman. I'll want to appoint my friends to the bench, too. Thank you."

Speaker Ryan: "The Gentleman from Marion, Representative Friedrich, one minute to explain your vote."

Friedrich: "Mr. Speaker and Members of the House, this is a strange role for me, because I think Ray Ewell said

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everything that I would like to have said as eloquently. I think that the merit selection of Judges is probably one of the worst things that could happen in Illinois, but I happen to have faith in the people. I'm not afraid to submit it to the people, because I'll tell you right now, it'll get beat two to one. It'll be the most resounding thing that's ever happened. But for once and for all, we'll be rid of all these do-gooders who want government by appointment. Then we can get around to electing Judges like they ought to be, and I'm going to vote for it just to get it on the ballot to show you how bad it really is in the eyes of the people."

Speaker Ryan: "The Gentleman from Cook, Representative Conti, one minute to explain your vote."

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, I am rather pleased this afternoon because back in 1962, I was the only suburban Legislator that voted against judicial reform, because I stated at that time that we were going to make civil service Judges in the County of Cook. And I'm voting for this Bill today hoping that the people want reform, like they have in the past. Then they vote for some of these silly Bills that are coming up for, and maybe, if I'm successful in November, I'm going to come in with a Bill for merit selection of Legislators."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 82 voting 'aye', 81 voting 'no', 2 voting 'present', and this Bill, having failed to receive a three-fifths Constitutional Majority, is hereby declared lost. It is the intent of the Chair...intention of the Chair to continue considering Constitutional Amendments for the rest of the a...the evening and then to continue to hear House Bills Third Reading until that order of business has been

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completed, one time today, and then to go back at the beginning of House Bills Third Reading and see if anybody wants to pick up their Bills or take them back to Second Reading, and then to adjourn. That's for your information, Representative Kulas. HJRCA #15, Representative Friedrich. Read the Amendment, Mr. Clerk."

Clerk Leone: "House Joint Resolution Constitutional Amendment #15 proposes to amend Section 1 of Article VIII of the State Constitution relating to general provisions, has been read a third time previously."

Speaker Ryan: "Representative Friedrich, on HJRCA #15."

Friedrich: "May I have a little order, Mr. Speaker?"

Speaker Ryan: "The Gentleman asks for a little order, a little order please."

Friedrich: "Mr. Speaker, Members of the House, this is a very simple Amendment, and it puts into the Constitution something which has been lacking, and that is the definition of public funds, and it merely says that public funds are those funds belonging to any governmental agency, and so on. It also says that any non-public funds held by a governmental officer or agency shall be handled in a manner prescribed by law. That is a very simple Amendment, it comes from the Legislative Audit Commission, and comes as a result of some problems we've had in auditing, and the Auditor General has had. I think it's very clear, and it's very simple, and it's very much needed. I'm not going to give a lengthy explanation, other than that. I'd be glad to answer questions. I think the...the explanation I've given is in full. I can tell you that...very much that we need it."

Speaker Ryan: "Any discussion? Is there any discussion? The question is, 'Shall HJRCA #15 pass?' All in favor will signify by voting 'aye', all opposed, by voting 'no'. Have

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all voted who wish? Take the record, Mr. Clerk. On this issue...on this question, 139 vote...have voted 'aye', 1 voted 'no', and 3 voted 'present', and this Bill, having received a three-fifths Constitutional Majority, is hereby declared passed. HJBCA #16. Read it, Mr. Clerk."

Clerk Leone: "House Joint Resolution Constitutional Amendment #16 proposes to amend Section 13 of Article VIII of the State Constitution relating to Judiciary prohibited activities has been read a third time previously."

Speaker Ryan: "The Gentleman from Marion, Representative Friedrich."

Friedrich: "Mr. Speaker, out of deference to my good friend, Harry Leinenweber from Joliet, I'm going to take this one out of the record."

Speaker Ryan: "The Gentleman from Will, Representative Leinenweber."

Leinenweber: "The Gentleman just took it out of the record out of deference to me, and I have to thank him for that and I will...see to his wishes to take this out of the record."

Speaker Ryan: "Out of the record on HJBCA #16. HJBCA #19, Representative Friedrich. Read it, Mr. Clerk."

Clerk Leone: "House Joint Resolution Constitutional Amendment #19 proposes to amend Section 12 of Article VI of the State Constitution relating to Judiciary election and retention has been read a third time previously."

Speaker Ryan: "The Gentleman from Marion, Representative Friedrich, on HJBCA #19."

Friedrich: "Mr. Speaker, this is the opposite of Representative Daniels' Bill. It does provide for direct election of Judges. Everybody understands it. It goes back to the old principle that we ought to elect the people who sit in judgment over us. I think the explanation is simple, and I don't think it requires any more, and I'd take a roll call,

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up or down."

Speaker Ryan: "Is there any discussion? The question is, 'Shall HJRCA #19 pass? All in favor signify by voting 'aye', all opposed by voting 'no'. Representative Leinenweber."

Leinenweber: "Yeah, I...I don't know if everybody paid...how close attention they paid to the Sponsor. This is a diametrically...an opposition to the measure that Representative Daniels just put before the Body, which was properly soundly rejected. I, however, question whether or not we ought to go to the opposite extreme and throw sitting Judges back into politics. Now, you can take many polls and ask whether Judges ought to run...ought to run for re-election and the people will say 'yes', but then you say 'Should a Judge also be a Precinct Committeeman? Should he be a party officer? Should he be a County Chairman? Should he be a Ward Committeeman?' and you'll find that the same people will tell you that you ought to elect the Judges on a partisan basis...re-elect Judges on a partisan basis, that, no, they shouldn't get involved in party politics like that when they are actually sitting. Well, I suggest to you that if you're going to put Judges in entirely...sitting Judges in...politics is an entirely different matter of putting people who..who seek the office of judgeship into politics. I seriously question whether or not, if you really think this through, that our present system, which, admittedly is faulty, would be any better under this system. I suggest it would not. The people did select, in 1970, or in 1964, to go to the other...the present system. I don't think that they particularly want a change if there...if it's explained properly to them. I agree with most of my colleagues, that merit selection is not the way, but neither is this."

Speaker Ryan: "Have all voted who wish? Oh, the Gentleman from

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Cook, Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, on this excellent Bill, House Joint Constitutional Amendment #19, basically, what it is saying is that merit election...the Judges are elected, there is no retention ballot, and if you recall, as far as causing the confusion within the existing electorate of this state, is saying that the...in order for a Judge to be retained in office, he has to appear on the ballot, then you have a yes or no procedure, whether he should be retained in office. It's very, very difficult for a person to be informed of the Gentleman's sitting...capabilities on the Bench and the type of cases he's heard, his attendance record, unless he goes out and he tells the people exactly what he's heard and the type of justification he has to be retained in office, and that's what this Bill does. This Bill deserves 107 votes. It's the election of good Judges. I strongly recommend an 'aye' vote."

Speaker Ryan: "The Lady from Cook, Representative Hallstrom."

Hallstrom: "I'm sorry, Mr. Speaker. Something's wrong with my button."

Speaker Ryan: "The Gentleman from Marion, Representative Friedrich."

Friedrich: "Well, just to explain my vote, this does not automatically make Judges elective. It gives the people a chance to decide whether they want it, that's all we're doing. I think that we ought to submit Constitutional Amendments to the people frequently and let them decide, instead of having Constitutional Conventions. So, all I'm asking you to do is give the...people a chance to vote."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 109 voting 'yes', 54 voting 'no', and 3 voting 'present'. This Bill, having

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received a three-fifths Constitutional Majority, is hereby declared passed. HJRCA #20, Representative Friedrich. Representative Madigan, for what purpose do you seek recognition?"

Madigan: "Having voted on the prevailing side on that last Resolution, I now move to reconsider the vote by which that Resolution passed."

Speaker Ryan: "Representative Madigan...Representative Giorgi."

Giorgi: "I move that Motion lie on the table."

Speaker Ryan: "Representative Madigan moves to...having voted on the prevailing side, that House Bill...that HJRCA #19 be considered...the vote by which it passed be reconsidered. Representative Giorgi has moved that that lie on the table. All in favor will signify by saying 'aye', all opposed 'no', the 'ayes' have it, and the Motion prevails. HJRCA #20, Representative Friedrich."

Clerk Leone: "House Joint Resolution Constitutional Amendment #20 proposes to amend Section 2 of Article X of the State Constitution relating to Educational Superintendent of Public Instruction has been read a third time previously."

Speaker Ryan: "The Gentleman from Marion, Representative Friedrich."

Friedrich: "Mr. Speaker, I'd like to take a little more time, but I'll be very brief. Number one, there are more people engaged in the business of public education in the State of Illinois than any other thing. Two...this year, this fiscal year, over two and...almost two and one-half billions dollars of the state's money was spent in public education. Two-thirds of your local real estate taxes are spend in public education. Three million of our children in Illinois are involved in education, along with the teachers, school board members, and parents, so nothing, nothing is more important or more the people's business

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than public education. Through a fluke, this was not...the people have not had a choice, despite what you think, that in 1970 they had a choice. It was jammed into the Constitution along with home rule, which Chicago wanted, and the elimination of personal property taxes, which the farmers wanted, and so you either had to vote against the whole thing or you had to vote for appointing the Superintendent of Public Instruction. Ironically enough, J. Lester 'Buford', who was, at one time, head of the IEA and said 'Let's take education out of politics', has come back to me since and said 'We made a terrible mistake'. This is not a vendetta against the present State Superintendent or the previous one, for that matter, in fact, Mr. 'Cronin' came to me and said 'I saw your remarks at the Constitutional Convention, so I know that you're not taking this out on me.' But it was ironic, I thought, that the first State Board of Education, which is appointed by the Governor, chose a guy from Massachusetts. He's...the very first week he was appointed, he came to a little rural district in my area and rode a local school bus so he could find out what it was like to ride a school bus in a rural district. That's how much he knew about education in Illinois. Now, what has happened, of course, is that the present system with the State Board of Edu...Education has insulated and isolated the State Superintendent until the local county superintendents and regional superintendents and district superintendents tell me they can't get an answer out of this man, and he doesn't have to answer, and I don't know if you've tried to get an answer or not, but I can tell you, he's so insulated, he really doesn't care what you think, one way or another. So I say to you that this is the people's business, and the people have a right to elect who governs them, and it's really important, I

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don't think it's hard to understand, and I think that the people should have a right to elect this very, very important public officer. They have not had the chance in the past to decide whether they want him elected or appointed. All I want to do is give him a chance, and if you're...if you're afraid of the people, then you'd better vote 'no'. If you think the people have a right, and the knowledge, to govern themselves, then vote 'yes', and give them a chance to vote on this issue...for the first time. Thank you."

Matijevich: "Mr. Speaker and Ladies and Gentlemen of the House, I...I was not in favor of eliminating the elected Superintendent of Public Instruction; however, I think when we do change the system, it does not do any good for government to go back and forth, up and down, like a yo-yo. I think that we ought to have a system in place, and I think we, as the Legislature, probably have more to do than anybody to determine whether we are...are going to have a good educational system in the State of Illinois. I think we ought to preserve the present system. I think it serves the education of our children better if we do that. If anybody were to blame, frankly, about the...the so...sorry state of the educational needs of the State of Illinois, I don't think we can blame the appointed State Superintendent of Instruction. I...I think we can blame more what's happening with the new federalism. We can blame more that for the first time in the history of the State of Illinois, we've gone backwards, as far as the state participation of funding for education. I don't think we can place that blame on...on the present Superintendent. I think that we've got to call a spade a spade, that it's not because we have an appointed Superintendent of Schools that we are going backwards with re...with our resources in education,

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and I think that we, as a Legislative Body, ought to respond to that this Session, but by voting for this issue and going back to an elected Superintendent of Public Instruction, I think, then, we are placing a higher priority on the politics of it, and I don't think that does our kids any good. I think, if anybody's to blame on...on the matter of education and its priority in our system, that we all have to share some of that blame, and I would urge the Members that we not go backwards now...now, because, what would happen if we did go to that system, then somebody's not going to like the elected Superintendent of Public Instruction, and they're going to go...say, 'Let's go back to the appointed system'. Let's have some consistency, and go along with what we have, and altogether make the best system that we can."

Speaker Ryan: "Any further discussion? Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, this Resolution was heard by a Subcommittee of the Executive Committee, which worked from last August on until this spring, when we passed it out of the Subcommittee and out of the full Committee. The Subcommittee held numerous hearings around the State of Illinois to determine what should be done with this Resolution, and the conclusion was; that the existing situation has not served the people well, and that they should have the opportunity to get closer to the elec...the education system in this state by restoring it to them in an elected position. The conclusion was reached, that under the current system with the State Board of Education that is appointed and that appoints the Superintendent, the educational structure for policy, for spending, has got much too far away from the people. One of the witnesses at one of the Subcommittee hearings making the point that the State Board is a better

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way to go about it, because you have so many people on the State Board. You have people from the various areas of the state, so that they're closer to the people, but when she was asked whether she could name even one member of the State Board, she could not name even one member of the State Board, even though she, herself, was a member of the League of Women Voters, and therefore, would have been expected to be more informed than the average member of the populace. When the State Superintendent of Public Instruction was elected, on the other hand, most people in Illinois knew who it was, knew who should be accountable to them, and that's the real question. Is the state school chief going to be accountable to the people, or accountable to a Board that's accountable to somebody else, or will you really find no accountability whatsoever in the final analysis? The Executive Committee, after considerable work on this Resolution, did conclude that it is the proper position to take, and I urge the Adoption of this Resolution to submit the question to the people of whether they want to go back to the elected State School Superintendent. Let them decide. Thank you."

Speaker Ryan: "Is there any further discussion? The Lady from DuPage, Representative Fawell."

Fawell: "I move for the Previous Question."

Speaker Ryan: "The Gentleman moves for the Previous Question...or the Lady moves for the Previous Question. Excuse me. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Motion prevails. Representative Friedrich, to close."

Friedrich: "Very briefly, Mr. Speaker. This is the people's business. I happen to have...believe that the power of government ought to be vested in the people, and even though they make mistakes, in the long pull, that's the

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right way to run this thing. That's the way the government was set up in the beginning. I happen to have faith in the people. I happen to have faith, and I'll abide by whatever they decide on this matter. They've never had a chance to decide before, and I think whatever they decide will be the right thing, and I urge you to let them have the chance to decide."

Speaker Ryan: "The Question is, 'Shall HJRC A #20 pass?' All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Hastert, one minute to explain your vote."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, You know, we've talked a great deal this afternoon about people's right to have their say in elections, the people's right to vote 'yes' or 'no'. You know, when you elect a Superintendent of Education, it's not just a partisan issue. It's just not a personality contest. Education is not just a...a system or a way of elec...of...educating people or bringing knowledge to people, but it's a value system. I think the people of this State of Illinois should have a right to say, to discuss issues of education, to have a right to decide what's right and what's wrong in education, and to have educational issues brought before them. I urge an 'aye' vote on this Amendment."

Speaker Ryan: "Is there any further discussion? Representative Robbins, one minute to explain your vote."

Robbins: "In...in my term in the Legislature, campaigning over the area and listening to what the people say, regardless of whether they were a teacher, a parent, a school board member, a superintendent of schools, or whatever; this is one thing that they ask. They ask us to return the Department of Education to the people. Why, I am very happy to be able to vote for what they ask, and I ask you

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to think very much about your vote. I don't care about going backwards once in a while. I believe that we should do what the people want, and I thank all of you who are voting green."

Speaker Ryan: "Representative Friedrich, one minute to explain your vote."

Friedrich: "No, Mr. Speaker, I want to explain something else. The biggest lobbyist against this Bill has been the State Board of Education, and their representative is standing right down there in the well now, lobbying against this, and I want to tell you this; we don't allow any other lobbyists on the floor when a Bill is being voted on, and I don't appreciate his being here working the aisles while I'm trying to pass a Resolution."

Speaker Ryan: "Have all voted who wish? Representative Madigan, for what purpose...did you want to explain your vote?"

Madigan: "No, I just wish to stand in opposition to Mr. Friedrich's comments regarding the lobbyist from the Board of Education. The Governor's office and all of his agencies have lobbyists on this floor whenever Bills are considered that the Governor's interested in, and no one ever complains about it, because the rules specifically permit it."

Speaker Ryan: "Representative Lechowicz."

Lechowicz: "Dave 'Curry', job well done."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 71 voting 'aye', 86 voting 'no', and this Amendment, having failed to receive a three-fifths Constitutional Majority, is hereby declared lost. HJRCA #24, Representative Bianco. You want it...you want it heard, Representative?"

Bianco: "Yes, Mr. Speaker."

Speaker Ryan: "Read the Bill."

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Clerk Leone: "House Joint Resolution Constitutional Amendment #24 proposes to amend Section 2 of Article I of the State Constitution requiring to due process and equal protection; has been read a third time previously."

Speaker Ryan: "The Gentleman from Cook, Representative Bianco."

Bianco: "Mr...Mr. Speaker, Ladies and Gentlemen of the House, House Joint Resolution Constitutional Amendment #24 is a proposal that provides for a referendum to be placed on the November general election's ballot on whether to amend the due process and equal protection clause of the Illinois Constitution, to forbid any requirement with respect to the use of pupil school assignment or pupil school transportation which exceeds the obligations or responsibilities imposed by the equal protection clause of the Fourteenth Amendment to the United States Constitution. This measure, if passed by the people of Illinois, could lend itself to some definite legal restrictive measures regarding forced busing of school children. I have been compelled to submit this proposal to you, because I firmly believe that the outcry of the parents of those affected by federal mandated forced busing proposals, both black and white, have been falling on deaf ears. This measure, which is patterned after the recent similar California Proposition 1, would give some definite, constructive legal grounds to those who object to forced busing."

Speaker Ryan: "Is there any discussion? Representative Braun."

Braun: "Thank you...thank you, Mr. Speaker. I...I have a question of the Sponsor. Mr....Representative, the way I read this, and I haven't, unfortunately, had a chance to read the entire Bill, it..it may...it seems to me that this Constitutional Amendment may, itself, be unconstitutional. I mean, there are decisions of the Court...the Supreme Court of the United States, which is, of course, the

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supreme law of the land...where are you? I don't even see Representative Bianco. Where...oh, okay, there you are. I'm looking over there. Last year, right? Sorry, sorry. As I understand it, looking at what I have here, it appears that it directly conflicts with decisions of the...of the Supreme Court of the United States, and I..I'd like your reaction to that."

Bianco: "Well, it's patterned after the Proposition 1 in California, and that measure is still holding up. It's in the courts now in California, and it has held up forced busing in the Los Angeles area."

Braun: "But, would this...I mean...how...wouldn't this strip the Illinois courts from acting pursuant to the...the decisions of the Supreme Court of the United States that have been made already?"

Bianco: "No, it wouldn't."

Braun: "Pardon?"

Bianco: "No, it wouldn't."

Braun: "Representative, I...I'm trying to understand...by...do you define forced busing in this? I mean, do we...I mean, I don't understand that there would be a definition of forced busing anywhere. I mean, if a kid gets...has transportation made available to him, would that apply, for example, to downstate schools where a kid was...had to take a bus to get to school and decided..."

Bianco: "No, it's called pupil assignment for the purposes of racial mixture."

Braun: "And that's specified in the Constitutional Amendment?"

Bianco: "Yes."

Braun: "Well...but, wouldn't it...wouldn't it also conflict with situations where children had to go...or where the school districts had decided to assign pupils to achieve such a mix in rural areas, and the children needed the

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transportation to get there?"

Bianco: "Not at all."

Braun: "How...how would it not?"

Bianco: "Because it doesn't refer to that."

Braun: "Well, but if it's an Amendment to the Constitution, then it has to apply...statewide."

Bianco: "It's an Amendment to the Constitution to refer to the equal protection clause of the United States Constitution...Constitution relative to busing for the purposes of racial mixture."

Braun: "But, Representative, we have a...a supremacy clause in the Federal Constitution that says that State Constitutions can't override that which is already in the Federal Constitution, and..."

Bianco: "That may well be, but this measure would definitely give some constructive...argument as far as busing...forced busing is concerned. That's what it has accomplished in California, in the Los Angeles area for the past year."

Braun: "Thank you. Mr. Speaker, I am going to rise in opposition to this proposed Constitutional Amendment. I think it would be a terrible thing for the Illinois Legislature today, to go down on record as trying to overturn a history of tolerance and a history of consideration and concern for the needs of young people and for education in this state. It's, you know, to say forced busing is, you know...Representative Deuster referred to slogans, or somebody did, earlier, and if there's a slogan around, it's got to be 'forced busing'. I...I frankly don't know what that means, and I know that most of you don't either. Really, I mean, it has, if you mean forced busing in terms of providing a bus for a kid to go to school, if you mean putting a Black kid on a bus to go to a school in a White neighborhood, then...then you're talking about something

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else. Forced busing in itself has absolutely no meaning as...as...as a term that makes any sense in...in terms of legislation. If, indeed, we're talking about keeping Black children from attending White schools, then that's something else. But I would think that in 1982, that this Legislature would not go on record with supporting a Constitutional Amendment. I mean, we see all kinds of Bills come out of here, but a Constitutional Amendment that says that that should be the public policy of this state. And I would really encourage a resounding 'no' vote on this Amendment."

Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Bianco, to close."

Bianco: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to quote from a Sun-Times article from February 10, 1982, referring to a National Opinion Research Center poll that was recently taken for the Board of Education, which stated that 86 percent of White parents are opposed to forced busing, 51 percent of Black parents are opposed to forced busing, and 56 percent of Latino or Hispanic parents were shown to opposed to forced busing of students. And I think that says something, because I have found that this is not a Black or White issue. There are many parents, both Black, White, that are opposed to busing their children miles away from their schools for the purposes of attaining racial mixture. And I think that it's about time that we did something, once and for all, to allow the people of this state not only to have some legal grounds to fight this type of thing, but also to have some type of mandate to, once and for all show that they are, in fact, opposed to it. And I ask for a favorable Roll Call."

Speaker Ryan: "The question is, 'Shall HJBCA #24 pass?' All in favor signify by voting 'aye', all opposed by voting 'no'."

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The Gentleman from DuPage, Representative Schneider, one minute to explain your vote."

Schneider: "Just a comment on an issue that's always very sensitive, but I can't believe that we would deal with an issue with racial mix in the United...in the State of Illinois Constitution. Well, it's almost a silly notion. I think you have to address different kinds of problems. They aren't related to race. They're related to appropriate kinds of education. They are related to even the question of gerrymandering. I think if you would have dealt with that a number of years ago, you probably wouldn't have had the question of busing raised in the first place. So, I think it's the kind of Constitutional...Amendment that really embarrasses all of us. I don't think we even have to draw the line on the question of race. I think we have to really talk a lot about the nature of what's proper education. When we decide that the proper education has something to do with race, then I think we've made a serious mistake, and I think when we allow ourselves to express it in the Illinois Constitution, I think we ought to be embarrassed. I would encourage you all to vote 'no'."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Tuerk, 'aye'. On this question there are 92 voting 'aye', 51 voting 'no', 4 voting 'present'; and this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. HJRCA #26, Representative Kelley. Read it, Mr. Clerk."

Clerk Leone: "House Joint Resolution Constitutional Amendment #26 proposes to amend Section 9 of Article V of the State Constitution relating to the Governor; has been read a third time previously."

Speaker Ryan: "The Gentleman from Winnebago, Representative

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Kelley."

Kelley: "Mr. Speaker and Members of the House, this is a simple Amendment. Currently, if the Senate does not act within 60 days of a Governor's nomination for an executive office, it is deemed that the nomination has received the consent of the Senate. This would simply reverse the present method. It would make the Senate act. You see, if it doesn't act within 60 days, it is deemed to have been rejected by the Senate. We think that the Senate should pick up their responsibilities and act on these appointments. And it gives the public and Legislators input into various offices. I believe now, the way it exists, an appointment can come from the Governor, go to the Senate, and there's no public hearings, so there's no input. I'd appreciate a 'yes' vote."

Speaker Ryan: "Is there any discussion? The Gentleman from Cook, Representative Lechowicz."

Lechowicz: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I believe that we should really...should take a serious look at this. What this Resolution is calling for, that the Senate must act within 60 days, or the situation or the Gentleman who is in question, his nomination would be rejected. And I personally believe...certain times maybe a 60 day notice or a...an extention in time is necessary. Alright, I know of one time in one of the administrations, there were a lot of the people that were being considered and recommended from out of state. And in our efforts to get the background of the...of the individuals and making sure the verification procedures were followed, it was almost impossible to get the necessary background information back for the consideration of the Senate within 60 days. And may I point out to you, that was under a Democratic Governor and a Republican controlled Senate.

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And now, the situation is reversed. I don't know of any personal reason why they haven't acted within 60 days now, but to make it a constitutional change and making it mandatory and...and within the Constitution, I don't believe that that was the purpose of when the...of...when Con-Con was reactivated in this state in 1970; and we were asked to study the respective articles within the Constitution; and they stated quite vividly and quite loudly that the...that the Constitution should not be an item that every piece of legislation should be amended into the Constitution. I think it's a perfect case in that category, and for...and for this reason, I stand in opposition to House Joint Resolution #26."

Speaker Ryan: "Any further discussion? The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Will the Gentleman yield for a question? Jim, in a nomination process, you make no reflection towards acting directors or appointments to existing boards and commissions. Are you addressing those, as well, in the appointment process?"

Kelley: "What this addresses is the Senate must act so that members of the public and Members of the Legislature can get input on people who the Governor submits to them. As I understand, the way..."

Mautino: "My question is, does your Constitutional Amendment address the appointment process of acting directors, and would it address the appointment process of commissions and boards that the Governor has to appoint? If it does, you have a small problem. And that problem would be...I...I'll wait for your response."

Kelley: "As we understand it, no, it would not."

Mautino: "Would...all I see is the nomination process. Are you saying that any nomina...let...let us take Public Health

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Acting Director, Bill Kempiners. If, in fact, that was submitted earlier, and then we had to change legislation during the prior six months, that could not have taken place if your Constitutional Amendment was law at that time. Is that not true?"

Kelley: "Well, my expert says that temporary appointments do not have to be approved."

Mautino: "Well, that's my original question. Now, I said acting directors. Is that the same response for acting directors?"

Kelley: "Yes, it is."

Mautino: "Alright, how about appointments to boards, such as the Agricultural Bond Board? The Authority Boards? If those appointments are presented and they are not acted upon, you're saying that those appointments would not be deemed advise and consent of the Senate. They could, therefore, not operate business, is what I'm saying. Is that true?"

Kelley: "What...What we're saying is, we think the Senate should act upon the Governor's appointments, no matter whether he's a Democrat or Republican Governor. He should act upon it. So, there's input for the public from the Legislators. We...think...the way the system works now, if they don't act within 60 days, he's approved. You have no input, neither does the public."

Mautino: "One final question. If, in fact, the appointment is made on July 15 and the Legislative Body is in session on a sine die basis, or, let us say, before the Regular Session has been announced, what then do you do in the case when the appointments are made during the summer and the Senate is not in within 60 days?"

Kelley: "They'd be temporary appointments until the Legislature came into session."

Mautino: "But, by your rationale, you say that those cannot be,

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if they are not acted on in 60 days. Isn't that what your Constitutional Amendment says?"

Kelly: "Temporary, as I understand it, isn't covered under this, so they would be temporary until such time as the Legislature convenes."

Mautino: "Well, if it wouldn't change anything, why are we submitting a Constitutional Amendment?"

Kelley: "Well, the Governor would eventually bring in a...the appointment to be temporary until the Legislature convened. Then he would bring in the appointment."

Mautino: "Thank you, Jim."

Speaker Ryan: "Is there any further discussion? The Gentleman from Winnebago, Representative Kelley, to close. No, wait a minute. Representative Kane, the Gentleman from Sangamon. Representative Kane, do you seek recognition on the issue? Turn on Representative Kane."

Kane: "Would the Sponsor yield to a question?"

Speaker Ryan: "He indicates that he will."

Kane: "Could you tell us how many times in the last ten years under the new Constitution that the Senate has failed to act?"

Kelley: "We wouldn't have that (sic) statistics, no. But I know it has happened."

Kane: "But, how many times?"

Kelley: "I know it happened once last year. I know that, Representative."

Kane: "So, you're trying to change the Constitution to take care of, perhaps, one or two instances in ten years?"

Kelley: "I don't know how many instances in ten years, but I think this makes the Senate more responsive to the people."

Kane: "Well, you don't know how much of a problem this is. You don't know how much of a problem this is."

Kelley: "If it only happens once, it's a problem."

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Speaker Ryan: "Is there any further discussion? The Gentleman from Winnebago, Representative Kelley, to close."

Kelley: "Mr. Speaker, Members of the Legislature, I only...I think this is simple enough. I think it just is a...well, it makes the Senate more responsible to appointments brought forth by a Governor, and I'd appreciate a 'yes' vote."

Speaker Ryan: "The question is, 'Shall HJRCA #26 pass?' All in favor signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this issue...on this...on this question, there are 46 voting 'aye', 108 voting 'no', and none voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. HJRCA #27, Representative Vinson. Read the Bill, Mr. Clerk."

Clerk Leone: "House Joint Resolution Constitutional Amendment #27 proposes to amend Section 11 of Article IX of the State Constitution relating to revenue limitations on total of state taxes; has been read a third time previously."

Speaker Ryan: "The Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. HJRCA #27 is a taxpayer rights Amendment. What it basically says, in unambiguous language, is that you cannot protect human rights, you cannot protect intellectual rights, unless you first protect property rights. No society in the history of the world has ever managed to do that. What we need to do in this state, in this country, is to begin to demonstrate, unequivocally, that we have a commitment to property rights, that we recognize that principle. That's what HJRCA #27 does. Those who want a major tax increase in this state, currently are waiting until after the election to act upon one; just as they waited a few years back to wait to act on a...on a salary

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increase until after the election. You saw what the reaction of your constituents were (sic) when they enacted that salary increase after the election. I believe that the reaction of the constituents will be far worse if a property tax, if an income tax, if a sales tax increase is enacted after this next election with the same kind of public reaction. By this vote, you can demonstrate that you will not be part of that cabal; that you're willing, up front, now, to demonstrate to your constituents that you are for tax limitation, that you are for the protection of property rights, that you recognize there is some end, some terminating point, to the power of government to confiscate an individual's income, an individual's wealth. The nature of the limitations enacted by this Amendment are: 1) An 8.5 percent limit on the amount of personal income that can be confiscated by state government in the form of taxation. The limitation on local government is that 75 percent of the Consumer Price Index is the maximum increase that will be allowed in revenues yielded by the property tax. Emergency...emergency powers are granted to both units of government, both levels of government, by this Amendment. In the case of the state, a three-fifths vote by Members of this General Assembly can declare an emergency and can appropriate money, can...in an emergency situation. In the case of local government, a two-thirds vote can...can exceed the revenue yield mandated by this Amendment. Further, a local unit of government can go to its people, its electors, and submit to them a proposition that more revenue ought be yielded by taxation on them than would be yielded under the limit provided in this Act. And if the elec...if the electors...if the voters approve that, then the revenue yield would be...would be increased by that percentage. The Thompson Proposition, numerous campaigns

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in both Parties, have demonstrated the importance of tax limitation. The need for tax limitation is spelled out every time we look at the manufacturing jobs being exported by Illinois. By enacting a tax limit in this state now, and at this time, we can demonstrate that we believe that we need to turn the economy of Illinois around, that we believe that it's important to begin creating jobs and creating wealth, not just taxing them away. Winston Churchill once said that various people look at private property, look at the free enterprise system in different ways. Some people look at it as a target to shoot at. Some people look at it as a cow to be milked. But Winston Churchill said, 'I prefer to look at it as the horse pulling the cart.' What this...what a positive vote for this Amendment will do tonight is to demonstrate that you're on the side of the horse, that you want to keep that cart moving, and that you know that only the horse can provide the motive power for that...for that cart. I would urge a favorable vote on House Joint Constitutional Amendment #27, and I move for its passage."

Speaker Ryan: "Is there any discussion? The Gentleman from Madison, Representative McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the House Joint Constitutional Amendment #27. The Sponsor of the Bill has said that this is a commitment to property rights. He emphasized again that it was a commitment to property rights. It's a commitment to wealth. I wonder what has happened to our commitment to the children of Illinois to give them the best education possible. I wonder what has happened to our commitment to the mentally ill to give them the best health care available. I wonder what has happened to our commitment to the elderly to protect them in their

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old age. I wonder what has happened to our commitment to the children of the middle class worker when they want to go to college and can no longer afford it. The commitment in this seems to be the same commitment that the Reagan administration has come up with. It is a commitment to the rich, to the wealthy. It is a commitment that says, 'We will not tax, to the limit that is necessary, to live up to those principles that we have always thought to be so important.' In fact, this Constitutional Amendment guarantees not only that we will not maintain the status quo, but that we will indeed begin, systematically, to reduce the services that we give to our constituents. It guarantees, in fact, it mandates, that local units of government cannot even keep up with the Consumer Price Index. If the Consumer Price Index increases by ten, then property taxes can increase by 7.5. We guarantee that every year, we will pro...we will reduce services to individuals by 25 percent of the Consumer Price Index. So over a period of time, the first year will reduce by 2 percent, and the second year by 2 percent, and on and on ad infinitum; so that those who believe in less...in less government, and that's what they say, 'less government'. But what it really means is that those who believe in less money for education, in less money for the mentally sick, and the elderly, and those seeking a future in our colleges in Illinois; those are the people that will be denied the rights and the privileges, and the money necessary to fund...the...those services. This is what this will deny. We are tying the hands, not only of local individuals, but of state government. And we are doing so in conjunction with the Reagan program that says in order to please a few of the greedy, we must, necessarily, punish all of the needy. I ask for a 'no' vote on this."

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Speaker Ryan: "Is there any further discussion? The Gentleman from Sangamon, Representative Kane...Representative Kane."

Kane: "Would the Sponsor yield to a question?"

Speaker Ryan: "Yes, he indicates he will."

Kane: "Could you tell us where the 8.5 percent in your Amendment came from? Is this something that came down from heaven somewhere, that we should put it in our Constitution? What's the origin of the eight and a half percent?"

Vinson: "Well, Representative Kane, the origin of the eight and a half percent is during...is that during the...the early and mid 1970's, that's about what government was spending at the state level in Illinois. Now, what has happened in the late '70's and early '80's is that Governor Thompson has done a superb job of controlling spending in this state. Because of that, we are below the eight and a half percent level at this point. But basically, what we are saying with the eight and a half percent level, is that we would freeze government where it is now; that we would require new programs in government to be put on a priority basis where you would eliminate unnecessary programs with lower priority. That's where the eight and a half percent comes from."

Kane: "This eight and a half percent, then, reflects the current situation. Is that correct, approximately?"

Vinson: "It reflects the situation that was existing in the early and mid '70's when this Amendment was born. It would allow some expansion in the current situation."

Kane: "Okay, that situation is based on approximately 45 percent state funding of education and 55 percent local funding of education. No, let me take that back; about 45 state, about 50 local, and about five federal."

Vinson: "Well, you have..."

Kane: "Is...is that not the case?"

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Vinson: "You have a matter of semantics in how you..."

Kane: "Well, approximately..."

Vinson: "...Into which group you put the personal property replacement tax. But for purposes of the discussion, I'm perfectly willing to say that your percentages are approximately accurate..."

Kane: "Approximately. Right."

Vinson: "...With that one caveat."

Kane: "Okay, so if...if we wanted to change that situation and shift funding of education from the local level to the state level, this Constitutional Amendment would forbid that. Is that not correct?"

Vinson: "No, Sir, that's...you are incorrect in that. The...the revenue yield that was applying to whichever unit of government the function was being transferred from would then apply to whichever unit of government the function was being transferred to."

Kane: "And...and where is...where is that included here? What language are you referring to?"

Speaker Ryan: "Any further discussion?"

Vinson: "I...I am responding to a question from Mr. Kane. He wants to know exactly where language is in the Bill, and I'll get it to him in a second."

Speaker Ryan: "The Gentleman...the Gentleman from Vermilion, Representative Miller. Sam, haven't you answered that question yet? Would you let Representative Vinson answer that question, Steve?"

Vinson: "I...you'll have to give me a second, Mr. Speaker, so I can find out the lan...where the language is that he is asking me for."

Kane: "Under our present system, we fund public aid basically 50 percent by federal money and 50 percent by state money. Is that not correct?"

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Vinson: "Representative Kane, if I can call your attention, on page 5 of the Amendment to lines 16 through 24, I think that will satisfy your concern about the transfer of functions. When the transfer...when a function is transferred, the revenue yield follows the transfer."

Kane: "But this doesn't transfer the function. We...we leave education at the local level, and we are transferring the funding of it...or the percentage funding. We're not...we're not shifting education from the local school district to the state. All we're doing is perhaps saying, 'Well, we want to leave education at the local level, but we want it to be funded primarily by the state.' ...Covers that."

Vinson: "Yes, Sir, and this language...this language explicitly applies to what you're saying. What the language says is, 'Whenever by law or by court order, the responsibility for defraying the cost of a program is transferred from one unit of government to another unit of government, the total yield established by the Section for the unit of government to which such responsibility was transferred shall be commensurately increased. And the total yield for the other unit of government shall be commensurately decreased.' I think your pro...your question on that point is thoroughly answered by Subsection E on page 5."

Kane: "And what happens if all of the present federal programs are eliminated at the federal level and shifted to the state?"

Vinson: "Well, that is one of the key reasons why we ought pass this Amendment at this time. Because what would happen if those programs were transferred to the state right now? I think, quite clearly, there would be a rush to pick up those functions and to tax people in Illinois more for those functions. Now we're trying to preclude that up

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front, right now, by saying that we ought not spend the money on all of those programs which the federal government should not have been doing to begin with and which we should not do if that transfer occurs."

Kane: "So this would...this would not allow for any shift of function between the state and the federal governments."

Vinson: "No, I'm not saying that. I'm just saying that we need to limit how much of that money we would spend."

Kane: "Okay, going...one further question. When you're talking about a unit of local government and the increase permissible in the property tax, which I believe you said was 75 percent of the Consumer Price Index?"

Vinson: "Yes, Sir."

Kane: "Does that apply only to the property tax revenues to local government, or does it apply to all of the revenues to local government?"

Vinson: "The property tax...the property tax revenue to local government."

Kane: "Which means, then, that local units of government could raise any other taxes that they're entitled to, and there would be no limit on the local...on the total local funding. Is that not correct?"

Vinson: "Now, the limitation on local government relates to ad valorem property taxes."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, I address myself to this...this Amendment. I think that this Constitutional Amendment makes absolutely no sense at all. It reminds us of the debt limitation or the limitation on state debt and on local debt that was in the 1870 Constitution. The people who wrote that Constitution thought that all...that they would be able to limit the issuance of debt. And what they found, and what we found in the State of Illinois, is that as there was a desire and

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a requirement for particular services, that units of local government increased their debt. And the way they increased their debt was by creating new units of local government. And so, the result of the 1870 Constitution on the limitation of debt was not a limitation on debt. All it did was create the kind of haphazard patchwork of local governments that we have now. We have something like 6,000 units of local government in Illinois that can levy property taxes and can levy debt. And the reason why we have those...that number of local governments reaching their hands into our pockets is because somebody had a bright idea sometime, that they were going to limit debt. Well, they weren't able to limit debt, because there was the pressure for particular kinds of services that people need. I would say that what this does is lock in the present system of funding, and the division of services between the local governments, the state government, and the federal government. If we want to lock in the crazy patchwork delivery of services and the funding of services that we have in our country now, this is the kind of Constitutional Amendment we should pass. Because what it's going to do, is lock in the programs that are now being paid for by property taxes. It's going to lock that in forever to be paid by...property taxes. It's going to lock us into funding education at the state level at only 45 percent or 40 percent. It's going to lock us into the present federalism program in which we're funding public aid and all of public aid, 50 percent by the state and 50 percent by the federal government. We're not going to be able to make sense out of the delivery of services and to say to local government, 'These are the kinds of services that should be delivered at the local level, and these are the kinds of services that should be funded at the local

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level. These other services should be done at the state level and funded at the state level.' Because, what this does is lock in the present system. And if you think the present system is good and the present system makes sense, and if you think that the people, that your constituents think that the present system makes sense; vote for this Amendment, because it locks it in. If you think that we can do a better job, if we can deliver services better and...and arrange our delivery of services better between the local, and state and federal levels of government, then vote 'no', because it will give us the opportunity to make some sense out of the crazy patchwork that we have. If you like our present patchwork, vote 'yes'."

Speaker Ryan: "The Gentleman from Vermilion, Representative Miller."

Miller: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'm truly astounded by the arguments of the opposition. One argument is to make things change for the better, we have to keep them as they now are. And by keeping them now as they now are, we will be making changes for the future. The other one would suggest that the people who are in support or who will be benefited by this are either few in number and/or greedy. I don't regard senior citizens, farmers, business owners, home owners, as being either one of those categories. We've been arguing this afternoon about giving the people the right to vote up or down on several Amendments. They've already voted, in a way, on this one, in 1978. And they said they wanted to have limits on taxation. That's what this will do. You're really doing the work that they mandated some four years ago. It enjoyed close to 90 percent approval at that time. Don't take that level of approval lightly, Ladies and Gentlemen. They want taxation limited, and this will do

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it. The terms of this agreement are reasonable, and we should pass this matter to the Senate, and then to the taxpayers for their consideration. To do nothing is to spit in the face of all of the taxpayers who spoke very loudly and clearly. Let's not continue to throw dollars at problems. Let's make the change. I urge an 'aye' vote."

Speaker Ryan: "Is there any further discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Mr. Speaker, Members of the House. The Thompson Proposition just referred to struck me as a silly question that got a silly answer. It has the advantage over House Joint Constitutional Amendment #27, but it wasn't binding on anyone. It didn't constrain the Governor who asked the question, nor did it constrain the elected Representatives, we, the General Assembly. Eight point five percent is this...the magic number that Representative Vinson and his colleagues have chosen in this Amendment. It is imaginary. In no way has he been able to explain to us that what happened in the early '70's turned out to serve needs adequately. In fact, I would suggest that the present problems of the highway system, the road fund deficits, and the failure of the state to deal with the public construction infrastructure reflects the fact that we probably were not doing the job adequately during the early and middle 1970's. The 8.5 percent number is further magical. It isn't even 8.5 percent of this year or last year's personal income increases in Illinois. It's based on measures that began five years ago. What I hear in my local district, the complaints that I get about taxes, are not about state taxes. They're about property taxes. And when people use language like confiscatory, it's local taxes they're talking about. One of the reasons they find their local property taxes confiscatory is because we, in

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the General Assembly, have not taken our responsibilities to people at the local level seriously. There's been some discussion about funding for education. The State Constitution, the one that Representative Vinson would amend, says that the state shall assume primary responsibility for financing the system of public education. I don't count 45 percent of the cost, as it was five years ago, assuming primary responsibility. I don't count 42 percent of the cost, as it was at the beginning of this fiscal year, assuming primary responsibility. In fact, Representative Vinson would see to it that our state hands are tied so that property taxes must, willy-nilly, increase and the burdens and the problems that individuals face...face in our local districts will only become more burdensome. He talks about taxation without representation. I would say that the...the problem of the invisible governments, the 6,000 governments that Representative Kane mentioned; those are the invisible governments that do not adequately reflect the needs of the people, but they'll go right on taxing as they always have done - never mind that they are somewhat constrained. We are not, in fact, in Illinois, living in the land of the colonies. We, who serve in the General Assembly, are not King George. A representative democracy is exactly that. There is taxation, but it's taxation with representation. House Joint Constitutional Amendment #27 would destroy the very fabric of our form of government, and I hope we will see a lot of 'no' votes upon it."

Speaker Ryan: "The Gentleman from Cook, Representative Kociolko."

Kociolko: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. An earlier speaker across the aisle asked of our commitment with regards to this proposal. I would suggest that his speech really ought to be enshrined in the State

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Museum as a testimony to how bankrupt and worn out the old-fashioned, big spending liberal philosophy is in 1982. We heard the same litany that we've heard for years: more programs, more spending, more taxes, more money. I would point out to the Gentleman that it was the public's revulsion from that approach which elected the Reagan administration in 1980, because the public are (sic) tired of taxing and spending. And, I would also remind the Gentleman that we do not provide any services, and the public is tired of politicians who boast about all the fine things that they provide. It is the taxpayers who provide those services themselves. Now this proposal shows a commitment to the taxpayers, and that is why I believe that this Amendment should be adopted. Thank you."

Speaker Ryan: "The Gentleman from Cook, Representative Piel."

Piel: "I move the previous question, Mr. Speaker."

Speaker Ryan: "The Gentleman moves the previous question. All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Motion prevails. Representative Vinson to close."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I will try to deal briefly with some of the points that have been raised in discussion of this issue, because I believe it's important for Members to know that these points are adequately well dealt with in the proposition that you're voting on. Number one, somebody made much of the fact that local government would be limited to 75 percent of the Consumer Price Index. Stop and think about that for a second. When and where does local government buy from? Does it buy at retail, or does it buy at wholesale? Should the limitation be a limitation of 100 percent of retail when wholesale costs are less? Stop and think about how govern...local government finances

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permanent improvements. When local government finances permanent improvements, it does...does so through the municipal bond market. The municipal bond market is substantially below the mortgage rates that are what are reflected in the Consumer Price Index. So, that percentage should appropriately be less than 100 percent. I believe 75 percent is a reasonable percentage in that...in that regard. Now secondly, I would say in...in...in that regard; inflation, for a very long period of time, has been going up. And personal income, for a very long period of time, has been going down. Now, are you willing to accept the proposition that government ought to continue to go up when your citizens, when your voters, when your taxpayers have less and less to spend for it? I think that's an...an absurd proposition. Eventually, we get to the point where the entire system is paralyzed because of what we're taking out of their pockets. The 1870 constitutional debt limitation was written in a fashion that applied to specific units of government. It did not apply to all units of government. What happened in the 1870 debt limitation was that this General Assembly, our predecessors, created numerous additional units of government when they wanted to get around that debt limitation. That's why we have chosen, in this particular proposition, to write a...limitation on expenditure that applies to every unit of government. You do not escape anything by creating a new unit of government. You simply transfer the limitation, in part or in whole, depending upon how we do it, to the new unit of government. So, I think that...that argument is a specious argument. There is no lock in on the relationship between state and local government in this proposition. What can happen, the state can transfer a function or the responsibility for paying

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for a function, to local government. If that should occur, the revenue yield responsible for paying for that function transfers to the local government. The same situation occurs in mirror image if local government transfers the function to the state. Now, one of the Gentlemen on the other side of the aisle made the point that there's a problem with the present system. What the problem with the present system is, is there's no limitation on what we can tax. There is no effective limitation on government. Because if you have no limitation on...on taxation, you have no limitation on government. What this Amendment proposes to do is to put a limitation on government...on government's ability to tax. If you can't have...if you don't have it, you can't spend it. And this Amendment begins to cut off what you've got to spend. Finally, I would make the point that Members ought to take a serious look at what's happened in California, what's happened in Massachusetts, and in other states that have enacted limitations on taxation. Without exception, what has happened is, inflation has declined. What has happened, without exception, is that jobs have increased. What has happened, without exception, is that economic growth has occurred. Tax limitation can create economic growth. It can create jobs. It can create a healthy economic climate for the State of Illinois. I would urge you to vote for the locomotive power necessary to pull the cart. Vote for the horse on this Amendment. Vote 'yes'.

Speaker Ryan: "The question is, 'Shall HJRCA #27 pass?' All in favor will signify by voting 'aye', all opposed by voting 'no'. The Gentleman from Lake, Representative Barkhausen, one minute to explain your vote. The Gentleman from St. Clair, Representative Flinn, one minute to explain your vote."

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Flinn: "Well, Mr. Speaker, I've been waiting to speak on the Bill, and I think I can say it in one minute. I rise reluctantly to oppose this. I have a lot of respect for the Sponsor. I supported the so-called 'Totten Amendment', and still would if it was before us. But this one has a lot of restrictions which would certainly be passed by the people, especially after the reactionary press of the Belleville News Democrat, and the Peoria Journal and the Pat Quinns got done telling the people a bunch of lies; and they talk about cutting taxes or limiting taxes. They would not talk about the fact as to how we would hamstring not only state government, but local government as well. Now, I think it's...it's foolhardy for us to campaign on this sort of thing, and I'm not accusing the Sponsor of doing it. But certainly, those who vote for it will have a good argument with the people back home. But I'd rather stand up and be a statesman once in a while than to get re-elected."

Speaker Ryan: "Have all voted who wish? The Gentleman from Cook, Representative Kelly, one minute to explain his vote."

Kelly: "Thank you, Mr. Speaker. I was one of those handful of Democrats that supported Representative Totten on this same proposal a couple of years ago. And I'd be willing to support this proposition today, if I could find out a little more about what President Reagan's program is on federalism and how its impact will go upon local governments. I've been a supporter of the limitations on state government, and I think this federal government should follow those adherence. But when it gets to local governments, I'm going to wait until President Reagan finally discloses what his program is."

Speaker Ryan: "Have all voted who wish? The Gentleman from McLean, Representative Ropp, one minute to explain your

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vote."

Ropp: "Yeah, thank you very much, Mr. Speaker and Members of the House. I'm supporting this primarily with the idea that I want to give people the intent that we are concerned about the growth of government. I really wish that this would apply solely for the state and not go down into the counties and other municipalities, because I think those people down there assess their taxes, and they have to be accountable to the voters, too. So, I'm not as concerned and really not as pleased about trying to mandate what their authority will or will not be, because I think they have been doing a super good job. What I'm more concerned about is that the state and how we are able to manage and operate the dollars that we assess in the form of taxes and how we spend them."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 83 voting 'aye', 78 voting 'no', 1 voting 'present'. This Bill, having failed to receive a three-fifths Constitutional Majority, is hereby declared lost. Representative Tuerk, would you come to the podium a minute, please? The Gentleman from Peoria, Representative Tuerk."

Tuerk: "Well, Mr. Speaker, Members of the House, I'd like leave to go to the Order of Third Reading House Bills...specifically, House Bill 807."

Speaker Ryan: "The Gentleman asks leave to go to the Order of Third Reading, House Bill 807. Are there any objections? Representative Hanahan."

Hanahan: "I object to it going back to Second Reading."

Speaker Ryan: "Well...well, he did not ask for that. He asked leave to go the specific Order of Second...of House Bills Third Reading, House Bill 807. He hasn't got to that..."

Hanahan: "Oh, I have no objection to that. I have an objection

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to going back to Second."

Speaker Ryan: "Okay, you have no objection, then. Leave is granted to go to House Bill 807 on the Order of Third Reading. Read the Bill, Mr. Clerk. Representative Tuerk."

Clerk Leone: "House...House Bill 807..."

Speaker Ryan: "Representative Tuerk..."

Clerk Leone: "...A Bill for an Act..."

Tuerk: "Well, Mr. Speaker, Members of the House, now I'd like leave of the House to return House Bill 807 to the Order of Second Reading."

Speaker Ryan: "Now, the Gentleman has asked leave to return House Bill 807 to the Order of Second Reading. Are there any objections? Representative Hanahan."

Hanahan: "I object, Mr. Speaker."

Speaker Ryan: "The Gentleman...objections have been noted, Representative Tuerk."

Tuerk: "Well, Mr. Speaker, I'd moved to take House Bill 807 back to the Order of Second Reading."

Speaker Ryan: "The Gentleman now moves to take House Bill 807 back to the Order of Second Reading. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On the Motion, there are 79 voting 'aye', 74 voting 'no', and the Motion fails."

Tuerk: "Well, we'll leave it on Third Reading, then, and take it up tomorrow."

Speaker Ryan: "Leave it on Third Reading. Representative...Representative Friedrich, for what purpose do you seek recognition?"

Friedrich: "Mr. Speaker, a number of people have asked me about Rules Committee. There will be no Rules Committee tonight. We'll meet in the morning at 9:00 in Room 118, and I'd also

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like to make a motion, Mr. Speaker. There have been...to take care of...of the posting rule. A number of people have got their Bills in today, and I would like to make a Motion that the posting rule be suspended and that the following Bills be listed as having been appropriately posted: 2616, 2163, 2617, 2549, 2520, 2607, 2608, 2565, 1970, 2618, 2620, 2622, 2536, 2566, 2619, 2623, 2624 and 2384. And I so move, Mr. Speaker."

Speaker Ryan: "The Gentleman asks leave...Representative Madigan, do you seek recognition on Representative Friedrich's Motion?"

Madigan: "Mr. Speaker, I do not seek recognition on the Gentleman's Motion."

Speaker Ryan: "The Gentleman asks for leave to suspend the appropriate posting rules to have Bills heard in Rules tomorrow morning. Are there any objections? Hearing none, leave is granted. Now, Representative Madigan, for what purpose do you seek recognition?"

Madigan: "Question of...A question of Mr. Friedrich. Mr. Friedrich, will the Rules Committee meeting tomorrow simply be for the purpose of taking testimony without Roll Call or will there be..."

Friedrich: "I do not anticipate any Roll Call being taken at that...it will be recessed for a...for a subsequent meeting. Thank you."

Madigan: "Thank you. This is the easy Session. Then there's the other one where you..."

Speaker Ryan: "Well, you...that's right. You'll be able to celebrate your birthday in style tonight, Representative Madigan. So, you don't have to be in quite so early in the morning. Representative Wikoff, for what purpose do you seek recognition?"

Wikoff: "Yes, thank you, Mr. Speaker. The Cities and Villages

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Committee scheduled for 2:00, now that that hour upon us has been cancelled for tonight and will be re-posted at a later date."

Speaker Ryan: "Representative McBroom."

McBroom: "Yes, Mr. Speaker, Members of the House, I'd like unanimous consent of the House to waive the posting rule in regard to House Bill 2278. It was inadvertantly assigned to Judiciary Committee, and we'd like it heard in Financial Institutions on Thursday. Representative Leon is the lead Sponsor, and I understand that he's cleared it with Representative Madigan."

Speaker Ryan: "The Gentleman asks leave to suspend the appropriate posting rules for House Bill 22...what...what's the number of the Bill?"

McBroom: "...78."

Speaker Ryan: "2278. Are there objections? Hearing none, leave is granted. The Lady from Cook, Representative Pullen."

Pullen: "Thank you, Mr. Speaker. I ask leave of the House to suspend the appropriate rule to have two Bills heard this week in the Executive Committee that were not posted. House Bill 1675 and House Bill 1971. I have reviewed these with the Minority Spokesman, and he has no objection."

Speaker Ryan: "The...the Lady has asked to suspend the appropriate posting rules to have House Bill 1575 and House Bill 1971 heard in the Executive Committee. Are there objections? Hearing none, leave is granted. Representative Leverenz, for what purpose to you seek recognition?"

Leverenz: "Thank you, Mr. Speaker. I have a Motion filed to advance Senate Bill 1463 to the Order of Second Reading without reference to Committee. I'd like to act on that. I'd ask leave for the Attendance Roll Call to move that Bill to Second Reading."

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Speaker Ryan: "Representative Bowman, for what purpose do you seek recognition?"

Bowman: "Yes, if I understood the Motion, we're advancing a Bill to Second Reading, thereby bypassing Committee altogether. I...I think it would be appropriate for him to tell us at least a little bit about what the Bill does and why it's necessary to do this."

Speaker Ryan: "Representative Leverenz, would you restate your Motion, please?"

Leverenz: "Yes, thank you, Mr. Speaker. Representative Bowman, we want to advance to Second Reading Senate Bill 1463, which is the reappropriation of \$1,000,100 to the Illinois Industrial Development Authority. It was sent over from the Senate last week. It's a simple reappropriation that straightens out a matter that was raised by the Auditor General, and this will clear it up."

Speaker Ryan: "Representative Wolf?"

Wolf: "We have no objection, Mr. Speaker."

Speaker Ryan: "The Gentleman asks leave to have Senate Bill 1453 moved to the Order of Second Reading. All in favor...or are there objections? Hearing none, the Gentleman's Motion carries, and the Bill will be so advanced. The Gentleman from Cook...the Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker, Members of the House, I move the House stand adjourned until..."

Speaker Ryan: "Representative Madigan."

Madigan: "Mr. Speaker, before the Gentleman moves the adjournment Motion, I would like to invite all House Democrats, and the House Democratic Staff and friendly Republicans to my office for a piece of cake to celebrate...I don't know what we're celebrating, but it's a little celebration. A piece of cake."

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Speaker Ryan: "Repre...Representative Madigan, today is your 40th birthday, and it's all downhill. It's maintenance from here on, pal. I just thought I'd tell you that. Enjoy yourself tonight."

Madigan: "I'll need more of those pills you peddle."

Speaker Ryan: "That's right. We'll be glad to keep you in pills. No question about it. Now, Representative Telcser."

Telcser: "Mr. Speaker, Members of the House, wishing Representative Madigan a very happy birthday, and we hope he has many, many years of good health and good fortune. I now move the House stand adjourned until Wednesday, April 21 at the hour of noon."

Speaker Ryan: "You've heard the Gentleman's Motion. All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the House now stands adjourned until the hour of 12:00 noon tomorrow."

Clerk Leone: "Introduction and First Reading. House Bill 2619, Lechowicz - et al, a Bill for an Act to amend Sections of the Bingo License Tax Act, First Reading of the Bill. House Bill 2620, Birkinbine, a Bill for an Act to add Sections to an Act in relationship to the acquisition, possession and transfer of firearms and firearm ammunition, First Reading of the Bill. House Bill 2621, Mautino, a Bill for an Act to amend Sections of the Environmental Protection Act, First Reading of the Bill. House Bill 2622, Giorgi, a Bill for an Act to repeal Sections of an Act to provide for the licensing and regulation of certain games of chance and amending certain Acts herein named, First Reading of the Bill. House Bill 2623, McAuliffe - et al, a Bill for an Act to add Sections to an Act concerning public utilities, First Reading of the Bill. House Bill 2624, McAuliffe - et al, a Bill for an Act to add Sections to an Act concerning public utilities, First Reading of the

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Bill. House Bill 2625, White - Collins - et al, a Bill for
an Act to amend Sections of the Illinois Vehicle Code,
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