

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

37th Legislative Day

May 8, 1981

Speaker Ryan: "The House will come to order and the Members will be in their seats. Reverend Johnson will lead us in prayer today."

Reverend Johnson: "Shall we stand together for a time of prayer. Our gracious and kind heavenly Father, we come before you again today and truly we're thankful for the privilege that's ours of being Americans and citizens of this great state. We thank You for the blessings that we derive from this situation. We're aware today that they were carved out yesterday out of the wilderness of our forefathers and that the blessings that we enjoy were truly forged on the anvils of sacrifice. So we thank You for a legislative form of government and a representative form of government, and we pray that You would bless the Houses, the Senates in each of our states and those in our Capitol and bless this one today and again we ask for knowledge and wisdom and for the guidance of God in all of the things that we do. And if You'll grant this we'll praise You for we ask it in Your Name and for Your glory. Amen."

Speaker Ryan: "Thank you, Reverend. Representative Ronan will lead the pledge today."

Ronan: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, with Liberty and Justice for all."

Speaker Ryan: "Roll Call. Committee Reports. Take the record, will you please? 158 Members answering the Roll Call, a quorum of the House is present. Committee Reports."

Clerk Leone: "Representative J. J. Wolf, Chairman from the Committee on Appropriation to which the following Bills were referred, action taken May 4, 1981 and reported the same back with the following recommendations: 'do pass' House Bill 302, 'do pass as amended' House Bill 586, 'do

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

37th Legislative Day

May 8, 1981

pass' House Bill 61, 427, 522, 673, and 733, 'do not pass' House Bill 434, 'do pass as amended' House Bill 589, 'do pass' House Bills 439, 537, 788, 'do pass as amended' House Bills 437, 447, 536, 569, 587, 621, 697, 761, 805, 830, 852, 939, and 945."

Speaker Ryan: "Messages from the Senate."

Clerk Leone: "A message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolutions and adoption of which I am instructed to ask concurrence of the House of Representatives to wit: Senate Joint Resolution 45 adopted by the Senate May 8, 1981. Kenneth Wright, Secretary."

Speaker Ryan: "Page 34 of the Calendar appears the Order of Consent Calendar, Third Reading. Read the Bills, Mr. Clerk."

Clerk Leone: "Consent Calendar, Third Reading: House Bill 683, a Bill for an Act to amend the Illinois Pension Code. House Bill 752, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 811, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 843, a Bill for an Act to amend an Act in relationship to reserve mortgage loans. House Bill 884, a Bill for an Act to amend the Illinois Banking Act. House Bill 904, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 1033, a Bill for an Act to amend the Public Aid Code. House Bill 1141, a Bill for an Act in relationship to principle and interest. House Bill 1262, a Bill for an Act to amend the Illinois Pension Code. House Bill 1397, a Bill for an Act to amend the Illinois Municipal Code. House Bill 1399, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 1412, a Bill for an Act to amend the Illinois Revenue Code. House Bill 1413, a Bill for an Act to amend the

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

37th Legislative Day

May 8, 1981

Illinois Vehicle Code. House Bill 1415, a Bill for an Act to amend the Illinois Municipal Code. House Bill 1496, a Bill for an Act to amend the Illinois Municipal Code. House Bill 15.. 1498, a Bill for an Act to amend the Illinois Municipal Code. House Bill 1652, a Bill for an Act to amend the Illinois Municipal Code. House Bill 1672, a Bill for an Act to amend the Municipal Code and Corrupt Practices Act. House Bill 1813, a Bill for an Act to amend the Illinois Pension Code. House Bill 1815, a Bill for an Act in relationship to guide dogs. House Bill 1830, a Bill for an Act to amend the State Employees Group Insurance Act. House Bill 1838, a Bill for an Act to revise statutory references relating to the Department of Rehabilitative Services. Third Reading of these Bills."

Speaker Ryan: "Representative Getty, do you seek recognition?"

Getty: "Yes, Mr. Speaker, I wonder if I understood correctly House Bill 1412 was that read?"

Speaker Ryan: "Was 1412 on your list, Mr. Speaker... or Clerk?"

Clerk Leone: "Yes, it was. House Bill 1412, a Bill for an Act to amend the Revenue Act."

Getty: "I earlier today filed an objection."

Speaker Ryan: "I didn't hear you, Representative."

Getty: "Earlier today I filed an objection."

Speaker Ryan: "Have you got... Has there been an objection filed to House Bill ... 1412, Mr. Clerk?"

Clerk Leone: "I have an objection to 1689 but not 1412."

Getty: "I also filed one just about 10 minutes ago to 1412."

Clerk Leone: "There's been an objection filed to House Bill 1412. We'll remove it from the Consent Calendar."

Getty: "Thank you."

Speaker Ryan: "Mr. Getty, the Clerk has found your objection and that Bill will be removed from the Consent Calendar. Are there any other objections? The question is, 'Shall these

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

37th Legislative Day

May 8, 1981

Bills pass'?. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 143 voting 'aye', none voting 'no' and 8 voting 'present'. These Bills having received the Constitutional Majority are hereby declared passed. Representative Dunn, do you seek recognition?"

Dunn, John: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I'd like to introduce a group of younge people from my district, the 9th District, Oak Forest Academy. Would you all stand up there, please? Their behind the Speaker's stand. Welcome."

Speaker Ryan: "Representative Johnson, do you seek recognition? Representative Dwight Friedrich."

Friedrich: "Mr. Speaker, may I be recorded 'aye' on this Roll Call? I had to go... was called outside the door. May I be recorded 'aye' on..."

Speaker Ryan: "Gentleman asks leave to be recorded 'aye' on the Consent Calendar. Are there any objections? Hearing none, leave is granted. Representative McClain, do you seek recognition?"

McClain: "Yes, thank you, very much, Mr. Speaker. Mr. Speaker, I rise on a point of personal privilege. Mr. Speaker, Ladies and Gentlemen of the House, my personal privilege is and I'm a warrior and I believe in the judicial process but I thought maybe the Membership ought to know because a lot of times we take shots at the... at our system of justice. If you recall back in January of 1981, where a five year old child was beaten to death and starved to death in Quincy, Illinois, they charged the boyfriend and the natural mother with four counts from murder all the way down to aggravated battery. This morning the mother, her trial went to the jury last night and this morning the jury, not the judge,

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

37th Legislative Day

May 8, 1981

not the defense lawyer, the jury announced that she was guilty of involuntary manslaughter. Involuntary manslaughter is a sentence of two to five years for that kind of circumstance of the five year old boy, two to five years and it could mean that that little girl, or that natural mother could be released in ten months after that kind of situation with a five year old child. I just thought the Membership ought to know."

Speaker Ryan: "It's the intention of the Chair to adjourn today somewhere around 4:00, return on Monday evening at 7:00. We have 654 Bills on the Calendar right now, and if we haven't completed at least one shot through the Calendar by next Friday evening, we will be here Saturday and Sunday if need be to meet the deadline on Monday. Representative Rigney."

Rigney: "Well, Mr. Speaker, there's some of us that have some problems for next Saturday like graduations and weddings and a lot of other things that are going to be extremely..."

Speaker Ryan: "Representative,...you've graduated and been married for many years."

Rigney: "Mr. Ryan, in all due deference to you, why are we coming in at 7:00 on Monday. You know, some of us boys are used to getting up in the morning and we're willing to go to work bright and early on Monday morning, but we would like to preserve our Saturdays. I would just call it to your attention, if we've got this terrific workload, which I know we have, I would certainly appreciate starting much earlier on Monday."

Speaker Ryan: "I'll certainly take that under advisement, Representative. There are also several Members that like to work late in the evening, Representative Rigney, and ..."

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

37th Legislative Day

May 8, 1981

Rigney: "I am all for that... I'm all for that. Right here on the floor."

Speaker Ryan: "Another special privilege for the farmers. On page six of the Calendar under the Order of House Bills, Second Reading appears House Bill 1439, Representative Preston. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1439, a Bill for an Act ... a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Ryan: "Are there any Motions filed with respect to Amendment #1 or 2?"

Clerk Leone: "No Motions filed with respect to Amendment 1 or 2."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #3, Satterthwaite, amends House Bill..."

Speaker Ryan: "Representative Satterthwaite on Amendent #3. Is the Lady in the chamber? What's your pleasure, Representative Preston?"

Preston: "I'm ready to hear this Bill, Mr. Speaker."

Speaker Ryan: "Well..."

Preston: "There's the Sponsor there."

Speaker Ryan: "Sponsor of the Amendment. Alright. Here she comes. Representative Satterthwaite, are you ready?"

Satterthwaite: "Yes, Mr. Speaker..."

Speaker Ryan: "Proceed."

Satterthwaite: "... and Members of the House, Amendment #3 would provide that with the beginning of the new benefits under this Bill to the Members of the Legislature concurrent with that we would have a request that a line item appropriation to the Illinois State Scholarship Commission be put into the budget to reimburse tuition costs for those students getting the scholarships to the particular universities they were attending. And, I ask for approval of the

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

37th Legislative Day

May 8, 1981

Amendment."

Speaker Ryan: "Is there any discussion on the Lady's Amendment?  
Representative Hoffman."

Hoffman: "I wonder if the Lady would explain that purpose for the  
line item again. I'm sorry I didn't catch it."

Satterthwaite: "Representative Hoffman, the Bill itself increases  
the number of legislative scholarships that each Member of  
the Legislature has available to award to constituents of  
our district. Currently, there is no reimbursement  
mechanism for universities to have any funding for that  
student. They simply absorb the cost of that student in  
their regular budget. Since the Bill would double the  
number of scholarships available to each Legislator, I felt  
that it was appropriate that we know how much tuition is  
being granted by that and that the universities be  
reimbursed."

Hoffman: "Is... Thank you."

Speaker Ryan: "Representative Preston."

Preston: "Mr. Speaker, I would oppose Representative  
Satterthwaite's Amendment. Neither the University of  
Illinois, nor the State Board of Higher Education has  
requested this. They have approved the Bill as it is  
written. Right now there is no requirement of  
reimbursement for the legislative scholarships. This  
would, in fact, not double the number of legislative  
scholarships since the effective date is after Mr. Quinn's  
cut-back Amendment takes effect, and there will be fewer  
Members of the House of Representatives at that time. So I  
would ask for a 'no' vote on this Amendment."

Speaker Ryan: "Representative Ewing."

Ewing: "Mr. Speaker, I wonder if the Sponsor of the Amendment  
would yield for a question."

Speaker Ryan: "She indicates she will."

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

37th Legislative Day

May 8, 1981

Ewing: "Representative Satterthwaite."

Satterthwaite: "Yes."

Ewing: "You say your Amendment increases the number of scholarships?"

Satterthwaite: "No, indeed, Sir. The Bill increases the number of scholarships."

Ewing: "I see. Thank you."

Speaker Ryan: "Representative Deuster. Representative Deuster, do you seek recognition? Representative Bullock."

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

Speaker Ryan: "The Lady from Champaign, Representative Satterthwaite, to close."

Satterthwaite: "Mr. Speaker and Members of the House, under the current system of tuition waivers for the recipients of the General Assembly's scholarships that each of us, as Members of the Legislature, can award to our constituents. There is no funding changing hands at all. The universities are expected to absorb the cost of those students without any payment to help to defray the cost of their education. The universities have not objected to that. The Sponsor of the Bill is entirely right in saying that the universities have not asked that we give them reimbursement. However, I feel that if we are going to give them an additional burden of absorbing more students without any payment to help to cover the cost of that student's education, all that the Amendment does is to say that we would then transfer to the universities through an appropriation to the Illinois State Scholarship Commission an amount of money that would cover the tuition cost for that student at the particular university he's attending. I think it is only fair that we reimburse the universities for the students they have to absorb, and I ask your support for this Amendment."

Speaker Ryan: "The Lady moves for the adoption of Amendment #3 to



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

37th Legislative Day

May 8, 1981

House Bill 1439. 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 this question there are 26 voting 'aye', 110 voting 'no' and 2 voting 'present', and the Motion loses and the Amendment fails. Further Amendments."

Clerk Leone: "Floor Amendment #4, Preston, amends House Bill 1439 as amended on page one, line one and so forth."

Speaker Ryan: "Representative Preston."

Preston: "Thank you, Mr. Speaker. What this Amendment does is makes a technical correction in the Bill. It changes the effective date to include the new General Assembly that comes into being in 1983."

Speaker Ryan: "Is there any discussion? Gentleman moves for the adoption of Amendment #4 to House Bill 1439. 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."

Speaker Ryan: "House Bill 1440. Representative Friedrich. Third Reading on House Bill 1439. House Bill 1440, Representative Friedrich."

Clerk Leone: "House Bill 1440, a Bill for an Act to amend the Illinois Banking Act. Second Reading of the Bill. No Committee Amendment."

Speaker Ryan: "Are there any Amendments from the floor? Representative Friedrich, I understand you just filed an Amendment to this Bill."

Friedrich: "Yes, the second Amendment. I'm going to table or withdraw the first Amendment and go with the second one."

Speaker Ryan: "Printed and distributed? Your Amendment has not been printed or distributed, Representative. Out of the record. House Bill 1442, Representative Telcser. Read the Bill."

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

37th Legislative Day

May 8, 1981

Clerk Leone: "House Bill 1442, a Bill for an Act in relationship to judges providing for the filing of vacancies in the office of judges in the first judicial district. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Cullerton-Getty, amends House Bill 1442..."

Speaker Ryan: "Representative Cullerton on Amendment #1. Representative Cullerton on Amendment #1."

Cullerton: "I'd like to withdraw Amendment #1, please, or table it."

Speaker Ryan: "Gentleman withdraws Amendment #1. Further Amendments."

Clerk Leone: "Floor Amendment #2, Getty, amends House Bill 1442 ..."

Speaker Ryan: "Representative Getty on Amendment #2."

Getty: "Mr. Speaker, Members of the House, Amendment #2 rewrites the Bill and creates a statewide Judicial Screening Commission. The Judicial Screening Commission would certify the fitness of all appointed judges, the interim appointments to the Circuit, Appellate, and Supreme Courts until filled by election and all associate judges. The Judicial Screening Commission would be composed of 23 Members. It would include seven judges appointed from the... by the Supreme Court, Circuit or Appellate judges either; three from the first district, one from each of the other four districts. It would include seven lawyers elected by the practicing attorneys of the judicial districts; three from the first district, one each from the four downstate districts. It would include seven non-lawyers appointed by the Governor with the advise and consent of the Senate. Again, three from the first district, one from each of the four downstate districts."

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

37th Legislative Day

May 8, 1981

It would include two at large members appointed by the Supreme Court who may be either judges, lawyers, or non-lawyers. It would require the affirmative vote of 12 of the 23 members to certify a lawyer fit for judicial appointment. It requires separate certification for trial court position and for Appellate or Supreme Court appointments. Fitness certification is valid for a period of six years, unless the person is disciplined as a judge or a lawyer, in which event automatic decertification would then result. The list or identity of rejected applicants for certification will not be a public record. It does not alter the existing appointing authorities for judicial vacancies or for associate judgeships. Commission procedures are subject to rules of the Supreme Court. Certification under this Bill is not required for judges in office as of the effective date of this Act. Mr. Speaker, this is a comprehensive rewrite of this. I think that this would bring this approach, this type of legislation into a sensible balance, and I would move for the adoption of this Amendment."

Speaker Ryan: "Representative Vinson."

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

Speaker Ryan: "Yeah, just a minute. The House will be in order. All unauthorized people will please remove themselves or the Doorkeeper can help you. If you want to get completed so we're not in here next week, it would be helpful if you'd pay attention to what's going on and hold down the noise. Representative Getty, Representative Vinson would like to ask you some questions. Indicates he'll yield."

Vinson: "Representative Getty, roughly how many Circuit judges are there in Illinois?"

Getty: "I'm sorry, Sir. I didn't understand..."

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

37th Legislative Day

May 8, 1981

Vinson: "Roughly, how many Circuit judges are there in the state?"

Getty: "I'm told approximately 300."

Vinson: "Approximately 300? Is that what you said?"

Getty: "That's what I've been told."

Vinson: "How many are there in Cook County?"

Getty: "I haven't reviewed that recently. My recollection is about 128."

Vinson: "Mr. Getty, didn't you have a Bill on the number of judges in Cook County in Committee just last week?"

Getty: "That's correct, I did."

Vinson: "I think the number was 178 wasn't it?"

Getty: "No, it was not."

Vinson: "Mr. Speaker, to the Bill, Chicago has a lot of problems and Cook County has a lot of problems, and we'd certainly like to try to help them solve their problems. But when they have this mass of anonymous judges up there that nobody knows who they are, nobody can be expected to know who they are. When somebody goes in and casts a vote on them, they cannot be expected to understand what they're voting on. That's one problem..."

Speaker Ryan: "Representative Giorgi, do you seek recognition?"

Giorgi: "Yes, you keep ignoring the Sponsor of the Amendment, Representative Getty, who is seeking recognition because the Gentleman's out of order talking about anonymogy and mediocrity when it has nothing to do with this Amendment."

Speaker Ryan: "Proceed, Representative Vinson."

Vinson: "Thank you, Mr. Speaker. As I was saying, when Cook County has these anonymous judges who no voter can intelligently vote on, and when downstate in Illinois we do know who the judges are and whether we want to vote 'yes' or 'no' on them. It seems to me to make a mistake for Chicago to come in and to try to extend the system, force

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

37th Legislative Day

May 8, 1981

a system on us that does not deal with the problem we have. I think downstate voters want to make intelligent judgements on their judges, and I think they want to express those judgements at the polling places. What the Sponsor is attempting to do is to foist off on downstate Illinois a solution totally inappropriate to the problem. If they have that problem in Chicago, that's fine, but we don't have that problem downstate, and I would urge defeat of the Amendment."

Speaker Ryan: "Representative Dunn."

Dunn (John): "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Ryan: "Indicates he will."

Dunn: "What application does this Amendment have to the selection of new judges? Does this apply only to the filling of vacancies?"

Getty: "This would apply only to the filling of vacancies."

Dunn: "And, in what way does it change the current law with regard to the filling of vacancies?"

Getty: "There is no statewide Judicial Screening Commission."

Dunn: "At the present time, are vacancies for Circuit, Appellate, and Supreme Court judges filled by the election process?"

Getty: "No, the Supreme Court makes the appointment."

Dunn: "Does this, does this Amendment change in any way the length of time which an appointee shall serve. They serve until sometime when there's an election coming up, don't they, under the present law? Will this change that in any way?"

Getty: "This would not affect that."

Dunn: "Will this change in any way the selection of someone to fill a vacancy in the associate circuit judge position? Will those associate circuit judges still be appointed by the circuit judges, or will that be changed?"

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

37th Legislative Day

May 8, 1981

Getty: "Associates... It's not exactly in the same way. The associates would become subject to the screening process. They would still be appointed as they are now."

Dunn: "To get back to the circuit judges. After a circuit judge is appointed, if this becomes law, then he or she would serve until whatever the current law provides for an election."

Getty: "That's right, until the next election when it would be up... when that term would be up as it is now."

Dunn: "Thank you."

Speaker Ryan: "Is there any further discussion? Representative Peters. Representative Daniels."

Daniels: "Mr. Speaker, I have questions. Would the Gentleman yield?"

Speaker Ryan: "Indicates he will."

Daniels: "Representative Getty, I'm reviewing your Amendment that was filed to this Bill, and I have several questions that I would like you to answer for me, and admittedly, I may not have been able to decipher all the terms of your Amendment. So in an effort to understand them more completely, I'd like you to explain some of the items. I noticed that you create by the Amendment, which by the way, then becomes the Bill. Is that correct?"

Getty: "That was the first statement I made, that it rewrites the Bill."

Daniels: "Alright. So what I have in my hand being Amendment #2 would then become the Bill if adopted. You state in there that there shall be a Judicial Screening Commission."

Getty: "That's correct."

Daniels: "Alright, now, they screen candidates for the vacancy?"

Getty: "That's correct."

Daniels: "Who appoints this Screening Commission?"

Getty: "I indicated that before. Be more than happy to go

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

37th Legislative Day

May 8, 1981

through it again. Judicial Screening Commission is composed of 23 members. Seven judges appointed by the Supreme Court, and that's distributed throughout the state, three from the first district and one each from the other four districts. Seven lawyers elected by practicing attorneys of the judicial district. Again, on the same basis of three and one, one, one. And, seven non-lawyers appointed by the Governor with the advice and consent of the Senate, again on the same geographical break down. And, two at large members appointed by the Supreme Court who may be either judges, lawyers, or non-lawyers."

Daniels: "Now once this Screening Commission has met and they've received applicants, I presume that they will put out some advertisement or some information that they are taking applications for a vacancy. Correct?"

Getty: "That's correct. There will be, as I indicated before, Commission procedures are subject to rules of our Illinois Supreme Court."

Daniels: "Now who do they make the recommendations to?"

Getty: "To the appointing authority."

Daniels: "Who is the appointing authority?"

Getty: "As is presently the law, the Supreme Court makes the appointments for the judgeships. The Circuit Court judges make the appointment of the associate judgeships."

Daniels: "When they make their recommendation to the appointing authority, are they bound to accept the recommendations of the Screening Commission?"

Getty: "The Commission would be required to have an affirmative vote of 12 of the 23 members in order to certify a lawyer fit for judicial appointment. So that the appointing authority would not be able to appoint, if there was not a certification and if for some reason something occurred either because of judicial or other conduct, that person

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

37th Legislative Day

May 8, 1981

would be subsequently decertified."

Daniels: "That's Section 4 you're talking about? 'No person shall be eligible to be appointed to fill a vacancy unless he has submitted his name for certification to the Screening Commission and has been certified by the Commission as to his fitness'? What do you mean by that? That's the definition of judicial temperament, legal knowledge and experience and integrity?"

Getty: "I think those are concepts already clearly accepted in both judicial and legal terms. You know, you had to be found fit before you were admitted to practice as an attorney as all of the attorney Members did. That's very common and further, all of this is subject to Supreme Court rule."

Speaker Ryan: "Have you completed your questioning, Representative Daniels."

Daniels: "Just as a clarification, can you tell me where the authority is for the appointments? You referred to the appointing authority. You said it's in the current law. Where in the current law is it? It's not in the Bill here and we want to know..."

Getty: "No, that's existing law. That's in the Judicial Article."

Daniels: "But what you're doing is you're placing an Amendment here to a Bill for merit selection that you claim is merit selection. We're happy that you're endorsing merit selection right now because we'll have a chance to vote on that later, and we just want to know where the appointing authority is."

Getty: "The appointing authority is not changed."

Daniels: "Where is that in the present law."

Getty: "I don't think, Representative, maybe you misunderstand. This sets up a Screening Committee. We do not attempt to



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

37th Legislative Day

May 8, 1981

change existing law relative to appointing authority. That's another law. We're not attempting to do that. This sets up a Screening Committee, Representative Daniels. The appointing authority exists under existing law. It's vested in the Supreme Court to appoint the vacancies as to the Appellate and the Circuit judges and in then the Circuit Court judges as to the associate judges."

Daniels: "This, then, becomes advisory only."

Getty: "No, no. This would be a limitation in that unless a person had been certified by the Screening Committee, they could not be appointed."

Daniels: "What we have determined over here, Representative Getty, perhaps because you haven't had an opportunity to discuss this in any detail with us is that this is recommendation only, and that it's not a binding recommendation. It's just that. It's a Screening Committee that screens some candidates, makes some recommendations, and it does not limit the authority of the Supreme Court which is constitutional on vacancies. Is that right or wrong?"

Getty: "That's wrong. Subject to further rule by the Supreme Court as to any further method that they would have which is provided for under this Act, and I would also call to your attention there are existing Supreme Court rules addressing themselves to this. This sets out very clearly that you must be certified in order to be appointed."

Daniels: "So the Supreme Court could determine its own rules which then would restrict this. Is that correct?"

Getty: "It says... If you would read line 25 on page two it says, 'No person shall be eligible to be appointed as an associate judge or shall be eligible to fill a judicial vacancy unless his name has been submitted for certification'. Okay? So, unless you are certified, you

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

37th Legislative Day

May 8, 1981

can't be appointed."

Daniels: "Mr. Speaker, just speaking briefly to the Amendment.

The Gentleman we find with great interest is supporting the subject of merit selection which is what he's really claiming he's doing here in the Judicial Screening Commission. But yet he hasn't gone far enough because in order to take the subject as far as it should, he should go with a Constitutional Amendment which we're going to be very happy to see has passed its support of because of the method that he's setting up right here for judicial candidates and vacancies. We like the thought that he likes the idea of merit selection, and we're glad to have his support for that very important topic. But in order to make this effective throughout the State of Illinois, the Gentleman, I'm sure, will recognize the need for a Constitutional Amendment. What he's done here is he's attempting to take a law that was proposed by Representative Telcser to apply to the majority of judges in this state, those judges being from Cook County. Some 150 or 76 or we've even heard 196 out of the total of 300 throughout the State of Illinois, and he's attempting to place them all over the state, without any type of local option or local decision whatsoever. I think the Gentleman's Amendment doesn't go as far as it should. I think that he should look further into the subject of merit selection, and we have other vehicles to do other than to clutter this very important Bill that Representative Telcser has presented to you. And for those reasons, I would oppose this Amendment."

Speaker Ryan: "Is there any further questions? Representative Pierce."

Pierce: "Mr. Speaker, I'm going to support this Amendment. It's utter hypocrisy to put in a system of filling vacancies

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

37th Legislative Day

May 8, 1981

under a merit method only in Cook County. For years I've been a supporter of merit selection if its statewide. What's good for the goose, is good for the gander. If we're going to fill these vacancies in this manner and if it's going to improve vacancies in Cook County Circuit and the Appellate Court, it's going to improve it throughout the state. We've got the same problem in Lake and McHenry County's that Cook County does with improving quality of the judiciary and making them non-political. And, therefore; if this Bill has any merit, it has statewide merit. Like the Gentleman from DuPage, I'm glad to see Mr. Getty become such a strong advocate of merit selection and statewide activities. Maybe, I know this is in the statewide Grand Jury but it's a statewide selection of vacancies and so, Mr. Telcser, you probably should take this Amendment. This might be the first step towards statewide Grand Jury acceptance on this side of the aisle if you get statewide screening of vacancies for the Circuit Court and investigation of proposed judges. And, therefore; to be fair, we should be statewide. We're one state, north and south, east and west, Cook County, downstate and the collar counties, and I'm voting 'aye' for Mr. Getty's very good merit selection Amendment, and I intend to vote for merit selection when it comes up later on the Constitutional Amendment."

Speaker Ryan: "Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker, I move the previous question."

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

Getty: "Mr. Speaker, Members of the House, this comes down to a question of whether you really believe that we should have

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

37th Legislative Day

May 8, 1981

a good system of selecting our judiciary throughout the state or whether we should just have Cook County have a system that is different from the rest of the state. I have long supported concepts of judicious, well-reasoned selection of our judiciary. Merit selection is a catch word. I support merit selection. I support merit selection that would be statewide. I support the concept of filling vacancies on a statewide basis where we would have appointments by the Governor through a Commission, where we would have non-lawyers screening them, where we would have lawyers from whom we get all of our judges. We would have a fair system that would be a statewide system and not just something for Cook County. We need a system on the whole, through the whole state not just in one county, not just an optional system in one county or another. If you believe in merit selection, if you believe in the concept that this is a state where all the people should have justice, vote for this Amendment."

Speaker Ryan: "The question is, ... No, the Gentleman moves the adoption of Amendment #2 to House Bill 1442. All in favor will signify by saying 'aye', those opposed by saying 'no'. Gentleman moves the adoption of Amendment #2 to House Bill 1442. All in favor will signify by voting 'aye', all opposed by voting 'no'. The Gentleman from Cook, Representative Telcser, to explain his vote."

Telcser: "Well, Mr. Speaker and Members of the House, I think someone ought to really say what this is all about. The Gentleman offers an Amendment which might give the appearance of their support for this very important concept. The fact of the matter is, the Amendment is offered to kill the Bill, and everyone who's paying attention to this debate realizes that. Mr. Speaker and Members of the House, there are some people who are for or

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

37th Legislative Day

May 8, 1981

against this concept outside of Cook County, and if downstate Members wish to bring up this issue, then they ought to have a Bill for their own. I personally would support the concept throughout the state, but the fact of the matter is if this were statewide, the Bill would be killed and the organization up in Chicago wants to preserve the status quo. That's why the Amendment is being offered, and for those Members of the House who agree with me and support this concept understandably, it's only a first step. But before we can reach our ultimate goal, we must take that first step, and I suggest to the Members of the House that this is the one we ought to be doing this afternoon. I sincerely support this issue on a statewide basis, but I recognize the varied differences in other parts of Illinois. And so I address this question to my own county, Cook County. And for those reasons, Mr. Speaker and Members of the House, I strongly urge a 'no' vote."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this issue there are ... On this question there are 74 voting 'aye', 82 voting 'no' and 5 voting 'present'. Representative Getty."

Getty: "I'll request a poll of the absentees, and after that, a verification of the negative Roll Call."

Speaker Ryan: "Gentleman asks for a poll of the absentees. Representative Peters, do you seek recognition?"

Peters: "Yes, thank you, Mr. Speaker. While the Clerk is waiting for the names to be printed, with your indulgence and leave of the House, I would like to introduce to the Members of the House three young people who are with us here today. The Council on Nutrition sponsors a poster contest in which over 13,000 elementary school children in the State of Illinois participated. As the winners in this contest, the

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

37th Legislative Day

May 8, 1981

Council brings the young people down to Springfield, along with their parents, to see Springfield, to visit with the Legislature and to meet with their Representatives here. I would like to introduce one of the winners who's from the district represented by Representatives Pierce, Reed, and Deuster and that's Kimberly 'Flory', and she's sitting with Representative Pierce. Kimberly? And, two winners from the same district standing at the rear of the Assembly, Craig Edwards from Nashville, Illinois, and Alan 'Votue' from Vergennes, Illinois, district Representatives by Representative Ralph Dunn, Wayne Alstat, and Representative Richmond. In the rear of the chamber. Thank you, Mr. Speaker."

Speaker Ryan: "Poll the absentees, Mr. Clerk."

Clerk Leone: "Poll of the absentees. Abramson."

Speaker Ryan: "Representative Macdonald, do you seek recognition?"

Macdonald: "Yes, Mr. Speaker, I would like to change my vote to 'no', please."

Speaker Ryan: "Record the Lady as 'no'. Proceed."

Clerk Leone: "Balanoff."

Speaker Ryan: "Representative Meyer."

Meyer (Ted): "Record me as 'no', Mr. Speaker."

Speaker Ryan: "Record the Gentleman as 'no'. Representative Topinka."

Topinka: "I have to leave the floor for just a moment. I would like to be verified."

Speaker Ryan: "We're not in that process at this time, Representative. We're on a poll of the absentees. If you'll wait a second or two, we may get to that. Proceed, Mr. Clerk."

Clerk Leone: "Bluthardt. Bowman. Braun. Currie. Epton. Garmisa. Laurino. Levin. Margalus. McCourt. Redmond."

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

37th Legislative Day

May 8, 1981

Sandquist. Stearney. C. M. Stiehl. Concludes the poll of the absentees."

Speaker Ryan: "Representative Getty, there are... Representative Huff, do you seek recognition?"

Huff: "Yes, Mr. Speaker, for the purpose an announcement. Today we have students, eighth grade students from St. 'Falisica' from the 30th District represented by Representative Balanoff, Representative Giglio, and Representative Collins on the west side of the Assembly. Will you please stand."

Speaker Ryan: "Representative Getty, on this issue the count is 73 'yes', 84 'no'. Now, Mr. Getty."

Getty: "I understand that Representatives Zwick, Catania, and Topinka have requested to be verified, and that they may have leave."

Speaker Ryan: "Representative Zwick, Representative Topinka, and Representative McBroom have asked leave to be verified."

Getty: "No objection."

Speaker Ryan: "No objection. Representative Katz, do you want to be added to the list?"

Katz: "Yes. Yes, I'd like to be verified also, Mr. Speaker."

Getty: "I have no objection, Representative Katz and Representative..."

Speaker Ryan: "He's asked for a verification. Representative Mulcahey."

Mulcahey: "Mr. Speaker, would you change my vote to 'aye', please?"

Speaker Ryan: "Record the Gentleman as 'aye'. Representative Schuneman."

Schuneman: "I request to be verified, Mr. Speaker."

Getty: "No objection."

Speaker Ryan: "No objection. Alright. Is everybody voted the way they want to vote before we start on the verification. Give us the count one more time, Mr. Clerk."

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

37th Legislative Day

May 8, 1981

Clerk Leone: "84 voting 'aye', 83 voting 'no'. 74 voting 'aye',  
83 voting 'no'."

Speaker Ryan: "Read the negative votes, Mr. Clerk."

Clerk Leone: "Poll of the negative. Ackerman. Alstat.  
Barkhausen. Barnes. Bartulis. Bell. Bianco.  
Birkinbine. Boucek. Bower. Catania. Collins. Conti.  
Daniels. Davis. Deuchler. Deuster. Jack Dunn. John  
Dunn. Ralph Dunn. Ebbesen. Fawell. Findley. Virginia  
Frederick. Dwight Friedrich. Griffin. Grossi. Hallock.  
Hallstrom. Hastert. Hoffman. Hoxsey. Hudson. Huskey.  
Johnson. Karpiel. Jim Kelley. Klemm. Kociolko.  
Koehler. Kucharski. Kustra. Leinenweber. Macdonald.  
Martire. Mays. McBroom. McCourt. McMaster. Ted Meyer.  
Roland Meyer. Miller. Neff. Nelson. Oblinger. Peters.  
Piel. Polk. Pullen. Reed. Reilly. Rigney. Robbins.  
Ropp. Satterthwaite. Schuneman. Irv Smith. Stanley. E.  
G. Steele. Swanstrom. Tate. Telcser. Topinka. Tuerk.  
Vinson. Watson. Wikoff. Winchester. J. J. Wolf.  
Woodyard. Zwick and Mr. Speaker."

Speaker Ryan: "Before you proceed, Mr. Getty, I'd like to take  
this minute, if I may, to introduce former Member here,  
Representative John Hirschfeld from the city of Champaign.  
Go ahead with the verification, Mr. Getty."

Getty: "Mr. Speaker, I don't know if I heard correctly or not,  
but I thought I heard McCourt verified."

Speaker Ryan: "Pardon?"

Getty: "I thought I heard, I don't see McCourt lit up up there,  
but my staff tells me that they thought they heard  
Mccourt's name mentioned too."

Speaker Ryan: "Well, he's not recorded."

Getty: "But I heard his name read..."

Speaker Ryan: "Mr. Getty, proceed with your questioning. He's  
not recorded on the board. He's not recorded with the



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

37th Legislative Day

May 8, 1981

Clerk. He's not recorded with the board. He's resigned from the House."

Getty: "Representative Bower."

Speaker Ryan: "Representative Bower's in the back of the chamber."

Getty: "Alstat."

Speaker Ryan: "Representative Alstat on the floor? How is the Gentleman voted?"

Clerk Leone: "Gentleman's recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Getty: "Bianco."

Speaker Ryan: "Representative Bianco on the floor? How is the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Getty: "Hudson."

Speaker Ryan: "Representative Hudson's in his seat."

Getty: "Nelson."

Speaker Ryan: "She's in her seat."

Getty: "Representative Irv Smith."

Speaker Ryan: "Representative Smith. Is the Gentleman in the chamber? How is he voted?"

Clerk Leone: "Gentleman's recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call. Just a minute. Return Representative Alstat to the Roll. Mr. Getty."

Getty: "Representative Stanley."

Speaker Ryan: "Representative Stanley is in his chair."

Getty: "Representative Tate."

Speaker Ryan: "Representative Tate on the floor? In his seat."

Getty: "Representative Tuerk."

Speaker Ryan: "In his chair."

Getty: "Representative Bartulis."

Speaker Ryan; "He's in his chair."

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

37th Legislative Day

May 8, 1981

Getty: "Representative Boucek."

Speaker Ryan: "Boucek? In his chair."

Getty: "Representative Deuster."

Speaker Ryan: "Representative Deuster. Is the Gentleman in the chamber? How is the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Getty: "Representative Deuchler."

Speaker Ryan: "Representative Deuchler. Representative Deuchler on the floor? How's the Lady voted?"

Clerk Leone: "Lady's recorded as voting 'no'."

Speaker Ryan: "Remove her from the Roll Call."

Getty: "Representative Kustra."

Speaker Ryan: "Representative Kustra. In his seat."

Getty: "Representative Reed."

Speaker Ryan: "Representative Reed. The Lady on the floor? How is she voted?"

Clerk Leone: "Lady's recorded as voting 'no'."

Speaker Ryan: "Remove her from the Roll Call."

Getty: "Representative Virginia Frederick."

Speaker Ryan: "Representative Frederick. Virginia Frederick. Is she on the floor? How is the Lady voted?"

Clerk Leone: "Lady's recorded as voting 'no'."

Speaker Ryan: "Remove her from the Roll Call."

Getty: "Representative Tuerk."

Speaker Ryan: "That's the second time you've read his name, Representative. He's in his seat."

Getty: "I'm sorry. Representative Martire."

Speaker Ryan: "Representative Martire. Representative Martire in the chamber? How is the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Getty: "Did I question Representative Martire?"

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

37th Legislative Day

May 8, 1981

Speaker Ryan: "Yes you did, and we removed him from the Roll Call."

Getty: "Thank you."

Speaker Ryan: "We will now return him to the Roll Call because he just appeared in the back of the chamber. Return Representative Martire to the Roll Call."

Getty: "Representative Vinson."

Speaker Ryan: "In the center aisle. Are there any further questions?"

Getty: "No further questions."

Speaker Ryan: "What's the count, Mr. Clerk? On this question there are 73 voting 'aye', 75 voting 'no'. What?"

Getty: "Representative Leverenz is..."

Speaker Ryan: "Representative Cullerton, do you seek recognition? Representative Leverenz, do you seek recognition?"

Leverenz: "May I be voted 'aye', please?"

Speaker Ryan: "How's the Gentleman recorded?"

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

Speaker Ryan: "Vote him 'aye'. Representative Stuffle."

Stuffle: "Record me 'aye'."

Speaker Ryan: "How's the Gentleman recorded?"

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

Speaker Ryan: "Record him as 'aye'. Representative Braun."

Braun: "Mr. Speaker, record me 'no', please."

Speaker Ryan: "How's the Lady recorded?"

Clerk Leone: "Lady's not recorded as voting."

Speaker Ryan: "Vote her 'no'. Representative Bowman."

Bowman: "Thank you, Mr. Speaker. I believe I'm not recorded. Vote me 'no'."

Speaker Ryan: "How is the Gentleman recorded?"

Clerk Leone: "Gentleman is not recorded as voting."

Speaker Ryan: "Record him as 'no'. On this question there are 75 voting 'aye', 77 voting 'no' and this question is declared

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

37th Legislative Day

May 8, 1981

lost. Further Amendments."

Clerk Leone: "Floor Amendment #3, Getty, amends House Bill 14..."

Speaker Ryan: "Representative Getty."

Getty: "Mr. Speaker, Members of the House, Amendment #3 again replaces the entire Bill. This is a different approach. It creates a Judicial Nominating Commission in each district. The Nominating Commission certify three names for each judicial appointment to be made. The appointments must be made from the list certified by the appropriate commission. It applies to appointments for interim appointees to the Supreme and Appellate Courts and all circuit judges until filled by election. It also applies to all associate judges. First district Judicial Nominating Commission will be composed of eleven members, one Appellate Court judge appointed by the first district Appellate Court, two Circuit judges elected by the Cook County Circuit judges, four non-lawyers appointed by the Governor, with the advise and consent of the Senate, four attorneys practicing in the district, elected by the practicing attorneys in that district. Each of the four downstate districts Judicial Nominating Commissions will be composed of 13 members, one Appellate Court judge appointed by the Appellate Court of the district, two Circuit judges appointed by all Circuit judges in that district, five non-lawyers appointed by the Governor with the advise and consent of the Senate, and each must be a resident of the Circuit within the district, no more than one member per circuit, five attorneys selected by the attorneys practicing in the district, with no more than one attorney per circuit. Appointments to each Commission additionally subject to the following restrictions: non-lawyer members must be bipartisan. The Circuit judge members must be bipartisan. Each Commission to be chaired by the Appellate

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

37th Legislative Day

May 8, 1981

Court judge designated by the Supreme Court. The Chairman's term will be three years. No member of a Commission may be appointed to judicial office until three years after his Commission service terminates. Commission members are limited to a single six year term and may not be reappointed until at least three years have passed that they have been off the Commission. Recommendation of candidates requires a full majority of the membership of a Commission. Meetings of Judicial Nominating Commissions are exempted from the Open Meetings Act. It does not change the appointing authority for making judicial appointments. Mr. Speaker, we heard objections in the last proposal to a statewide system. This would give local control through the Nominating Commission of each of the individual districts. I suggest, for those of you who opposed the other, because you did not want to have statewide control, that this is a reasonable alternative. This is a reasonable compromise between what Representative Telcser would like to do and what I would really like to do in the statewide Commission, and I would ask for your support on this Amendment."

Speaker Ryan: "Representative Telcser."

Telcser: "Mr. Speaker, Members of the House, no matter what the Gentleman attempts to say, the facts are the facts. The Amendment is being offered in order to kill the Bill, plain and simple. It's the same question as we heard on Amendment #2. The Members ought to reject Amendment #3 just as they did Amendment #2. This is simply a smoke screen. It's a devise to kill the Bill, and I sincerely hope that every Member of this Assembly would vote 'no' with me to at least start a reform up in Cook County."

Speaker Ryan: "Representative Vinson."

Vinson: "Mr. Getty, I wonder if you would explain the language to

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

37th Legislative Day

May 8, 1981

us on page two at the bottom of the page in Section 4 where it says, 'chosen by a licensed attorneys of law at that district' where the attorneys maintain their law practice. Does that mean that the attorney, the district where the attorney would be choosing a judge would be the district where his law practice was?"

Getty: "Where the law practice is located, Representative Vinson."

Vinson: "And that means that he might actually be choosing a judge in a district that he did not reside in."

Getty: "The important thing is where he practices law."

Vinson: "Well, to the Bill, Mr. Speaker. I think that's the problem with Mr. Getty's suggestion. He's talking about lawyers choosing lawyers for judges, and he's trying to deny that the judges are really the tool of the people. They're public servants. They're not legal servants, and I would urge defeat of the Amendment."

Speaker Ryan: "Gentleman from Knox, Representative McGrew."

McGrew: "I move the previous question."

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

Getty: "Just a minute ago we heard Representative Telcser's very eloquent comment that he wanted judicial reform and that's what this is all about. We both agree we want judicial reform. We want to have the best possible judiciary. But judicial reform should not be limited to Cook County. Judicial reform is something that we need throughout the entire State of Illinois. If judicial reform is good for Cook County, it's good for everyplace in the State of Illinois. If you believe in a good, sound judicial system, vote for this Amendment."

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

37th Legislative Day

May 8, 1981

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #3 to House Bill 1442. All in favor will signify by saying 'aye', all opposed 'no'. There's some question about that Representative Getty? You want a Roll Call. Question is, 'Shall Amendment #3 be adopted to House Bill 1442?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 70 voting 'aye', 77 voting 'no', 2 voting 'present' and the Gentleman's Motion fails. Further Amendments."

Clerk Leone: "Floor Amendment #4, Cullerton, amends House Bill 1442 on page one by deleting..."

Speaker Ryan: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Amendment does not change the affect of the Bill in Cook County. It keeps merit selection just as Representative Telcser has drafted it in this Bill. What it does do, however; in keeping merit selection to fill vacancies it applies this system throughout the entire State of Illinois and I would be happy to answer any questions. Ask for a favorable vote on the Amendment."

Speaker Ryan: "Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, Amendment #4 is the same as the prior two Amendments. It makes this a statewide issue. It ought not be. It would kill the Bill and just as in the prior two Amendments, I sincerely appreciate a 'no' vote on Amendment #4."

Speaker Ryan: "Any further discussion? The question... The Gentleman moves the adoption of Amendment #4 to House Bill 1442. Oh. Pardon me. Representative Cullerton, to close."

Cullerton: "Thank you, Mr. Speaker. I don't think everybody really has understood what we voted on in the first two

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

37th Legislative Day

May 8, 1981

Amendments. They were substantive changes to the selection process that you're proposing in this Bill. This Amendment does not change that whatsoever. It keeps the same affect in Cook County as your Bill does. This simply says that we shouldn't create one way of selecting judges in one county and not have that same way throughout the rest of the state. It's not designed to kill the Bill. It's designed to amend the Bill. If the Bill is a good idea, then it should apply throughout the entire state, and I'd suggest that those of you who are not from Cook County, if this Amendment doesn't go on this year, it'll go on next year after Representative Telcser's Bill passes. So I think that it's important that we have a uniform system of appointing judges to vacancies throughout the entire state. That's why I would ask for a favorable vote."

Speaker Ryan: "Gentleman moves for the adoption of Amendent #4 to House Bill 1442. All in favor wil signify by saying 'aye', all opposed. Representative Breslin, did you seek recognition? Representative Cullerton, do you seek recognition?"

Cullerton: "Roll Call, please."

Speaker Ryan: "Roll Call. Gentleman moves the adoption of Amendment #4. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Darrow, do you seek recognition? Representative Darrow."

Darrow: "Thank you, Mr. Speaker..."

Speaker Ryan: "Explain his vote."

Darrow: "To explain my vote, it would appear that the Republicans want the best of both worlds. In Cook County they want this appointing system, downstate they don't. It's very clear why they don't. For example, in my district the Republican judges sit around, cut deals, who's going to run for what, and the Republican attorneys are appointed to



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

37th Legislative Day

May 8, 1981

fill the associate vacancies. If you're a Democrat in my area of the state, there's no chance of being appointed an Associate Judge. This is typical of how the Republicans work throughout the state, throughout downstate Illinois and for those selfish, political reasons, they are opposing this Amendment. For once in their life times I wish they'd look at the merit of this thing. Give us the same type of merit selection they want for Cook County and not be partisan politics involved in the judiciary."

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

Friedrich: "Mr. Speaker, Members of the House. That is not my reason. I really don't believe in appointment of judges at all, but I certainly don't want it done in my area and that's what this would do. If you want it in Cook County, that's your area, but I certainly don't want it in my area."

Speaker Ryan: "Representative Oblinger."

Oblinger: "Mr. Speaker and Members of the General Assembly. I have to disagree with the young man across the aisle. I'm from a downstate county, and we only have one Republican judge down here, so that's not why I'm voting 'no'."

Speaker Ryan: "Representative Bullock, do you seek recognition or to explain your vote?"

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The Sponsor of the Bill has once again tried to baffle us with hocus pocus. He knows full well this Amendment will not kill his Bill. Those who've said that if any Amendment goes on the Bill, the Bill will not pass, are what my good friend, Representative Huskey, used to say, 'those doomy gloomy soothsayers'. This is a good Amendment. This Amendment should be adopted. It improves the Bill. I would suggest the Sponsor of the Bill urge the Members on his side of the aisle who live in Cook County,

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

37th Legislative Day

May 8, 1981

who want to see an affective judiciary to adopt, to vote 'yes' to adopt this fine Amendment. We know what merit selection is, pure and simple, elitism, and I don't think we want to perpetuate that type of system on the citizens of Illinois. For that reason, I vote 'aye'."

Speaker Ryan: "Any further explanations of vote? Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I just wanted to explain to a few people who don't... who are not voting for this Amendment, that if you are pro-merit selection, you should vote for this Amendment. There are some people who I know are pro-merit selection, and they're not voting, and I don't understand that. I don't think they understand what this Amendment does. If you're for merit selection, you can't be for merit selection just in one county. That's totally inconsistent, and it's those people that I would solicit their 'aye' votes, please."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 77 voting 'aye', 79 voting 'no', 1 voting 'present'. Representative Madigan, do you seek recognition?"

Madigan: "Yes, Sir. To ask you to recognize Mr. Cullerton. Thank you for recognizing me."

Speaker Ryan: "Absolutely. I understand. Representative Cullerton, do you seek recognition at the request of your leader?"

Cullerton: "You recognize me, don't you?"

Speaker Ryan: "I try not to."

Cullerton: "I would ask for a verification of the Roll Call. Poll the absentees and a verification of the Roll Call."

Speaker Ryan: "Have you got your orders right? Poll the absentees. Gentleman requests a poll of the absentees."

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

37th Legislative Day

May 8, 1981

Read the absentees."

Clerk Leone: "Poll of the absentees. Abramson. Balanoff. Bartulis. Bluthardt. Braun. Currie. Deuchler. Epton. Garmisa. Laurino. Levin. Margalus. McCourt. Redmond. Reed. Sandquist. Irv Smith. Stearney. C. M. Stiehl and Zwick."

Speaker Ryan: "Representative Cullerton, we start out with 77 'aye', 79 'no' and 1 voting 'present'. Do you request now a verification of the negative Roll Call. Read the negative list."

Clerk Leone: "Ackerman. Alstat. Barkhausen. Barnes. Bell. Bianco. Birkinbine. Boucek. Bower. Bowman. Catania. Collins. Conti. Daniels. Davis. Deuster. Jack Dunn. John Dunn. Ralph Dunn. Ebbesen. Ewing. Fawell. Findley. Virginia Frederick. Dwight Friedrich. Griffin. Grossi. Hallock. Hallstrom. Hastert. Hoffman. Hoxsey. Hudson. Huskey. Johnson. Karpel. Jim Kelley. Klemm. Kociolko. Koehler. Kucharski. Krska. Leinenweber. Macdonald. Martire. Mays. McBroom. McCormick. McMaster. Ted Meyer. Roland Meyer. Miller. Neff. Nelson. Oblinger. Peters. Piel. Polk. Pullen. Reilly. Rigney. Robbins. Ropp. Satterthwaite. Schuneman. Stanley. E. G. Steele. Swanstrom. Tate. Telcser. Topinka. Tuerk. Vinson. Watson. Wikoff. Winchester. J. J. Wolf. Woodyard and Mr. Speaker."

Speaker Ryan: "Representative Huskey, do you seek recognition?"

Huskey: "May I be..."

Speaker Ryan: "Representative Huskey."

Huskey: "Mr. Speaker, may I have leave to be verified?"

Speaker Ryan: "The Gentleman asks leave to be verified, Representative Cullerton. Representative Huskey. Representative Davis. Same request for Representative Davis, Representative Cullerton. Representative Watson."

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

37th Legislative Day

May 8, 1981

Same request. Do you have any questions, Representative Cullerton?"

Cullerton: "Representative Topinka."

Speaker Ryan: "Representative Topinka. Representative Topinka in the chamber? How is the Lady recorded?"

Clerk Leone: "Lady is recorded as voting 'no'."

Speaker Ryan: "Remove her from the Roll Call."

Cullerton: "Representative ... Representative Conti."

Speaker Ryan: "Representative Conti. Is he in the chamber? I can get him down here if you want him."

Cullerton: "If he's in the building, I'll certainly take your word for it."

Speaker Ryan: "He's in his office they tell me, but if you have some question I'll bring him in."

Cullerton: "No, I know he's been ill so I'll leave him on the Roll Call. Representative Deuster."

Deuster: "Representative Deuster. Is the Gentleman in the chamber? How is the Gentleman voted?"

Clerk Leone: "Gentleman's recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Cullerton: "Representative Deuchler. She's not on. I'm sorry."

Speaker Ryan: "Representative Deuchler."

Cullerton: "She's not on the Roll Call. Representative Virginia Frederick."

Speaker Ryan: "Representative Frederick, Virginia Frederick. The Lady in the chamber? How is she recorded?"

Clerk Leone: "Lady's recorded as voting 'no'."

Speaker Ryan: "Remove her from the Roll. Representative Bartulis, do you seek recognition? Record you as 'no', Representative? Record the Gentleman as 'no'. Mr. Cullerton."

Cullerton: "Representative Catania."

Speaker Ryan: "Representative Catania. The Lady in the chamber?"

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

37th Legislative Day

May 8, 1981

How is she voted?"

Clerk Leone: "Lady's recorded as voting 'no'."

Speaker Ryan: "Remove her from the Roll Call."

Cullerton: "Representative Neff."

Speaker Ryan: "Representative Neff. Is Representative Neff in the chamber? How is the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Cullerton: "Representative Fawell."

Speaker Ryan: "She's in her chair."

Cullerton: "Representative E. G. Steele."

Speaker Ryan: "Representative Steele in the chamber? How is the Gentleman recorded?"

Clerk Leone: "Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Cullerton: "Representative Peters."

Speaker Ryan: "Representative Peters is right here."

Cullerton: "Representative Johnson."

Speaker Ryan: "Who?"

Cullerton: "Johnson."

Speaker Ryan: "Right over there on your side of the aisle."

Cullerton: "Leave for Representative Vinson to be verified if he asked it."

Speaker Ryan: "That's what he's asking. Do you grant that?"

Cullerton: "Fine with me. Representative Bianco."

Speaker Ryan: "Representative Bianco. Gentleman in the chamber? How is he recorded, Mr. Clerk?"

Clerk Leone: "Gentleman's recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll."

Cullerton: "Representative Jake Wolf."

Speaker Ryan: "Representative Wolf in the chamber? Representative Wolf in the chamber? Representative Jake Wolf. How is the Gentleman recorded?"

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

37th Legislative Day

May 8, 1981

Clerk Leone: "Gentleman's recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call. Representative Cullerton, Representative Conti is now on the floor."

Cullerton: "I never verified him off. I want him to know that."

Speaker Ryan: "Representative Wolf. Return him to the Roll Call. He's back on the floor."

Cullerton: "Mr. Speaker, at this time I have no more people to name. If, however; the..."

Speaker Ryan: "Yes, Representative Cullerton."

Cullerton: "What I'm..."

Speaker Ryan: "Do you have any further questions?"

Cullerton: "No, I have no further questions, but..."

Speaker Ryan: "Representative Telcser."

Cullerton: "I have a question of you though."

Speaker Ryan: "Yes."

Cullerton: "If Representative Telcser verifies plus votes for this Amendment to the point where the negatives out number the plus, then I would like to reverifiy those negative votes. People have to stay here for the total time of the verification. I would think that's only fair. The rules provide for that and I just want to let you know before hand."

Speaker Ryan: "Would you state the rule, please?"

Cullerton: "One second. I'll have my Parliamentarian, Representative Greiman, look it up."

Speaker Ryan: "Representative Telcser, do you seek recognition?"

Telcser: "Mr. Speaker, the Gentleman's request is obviously not in order. Will the Clerk give me the count right now? Representative Bianco has returned by the way."

Speaker Ryan: "Add Representative Bianco to the Roll Call. What's the count? Now there are 77 voting 'aye' and 74 voting 'no', Representative. Representative Telcser."

Telcser: "Perhaps we can save some time, Mr. Speaker. There is a

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

37th Legislative Day

May 8, 1981

three vote spread. I don't believe Representatives Yourell, Domico, Lechowicz, O'Brien, Zito or Hanahan for starters are present. If we can eliminate those people we can save a lot of time. If I have leave...They're recorded as..."

Speaker Ryan: "Would you read the list please?"

Cullerton: "I think the Gentleman's request is out of order."

Speaker Ryan: "Read the list, Mr. Telcser, one at a time."

Telcser: "Yourell."

Speaker Ryan: "Representative Yourell in the chamber? How is the Gentleman recorded?"

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

Speaker Ryan: "Take him off the Roll Call."

Telcser: "Representative Domico."

Speaker Ryan: "Representative Domico in the chamber? How is the Gentleman recorded?"

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

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative O'Brien."

Speaker Ryan: "Who?"

Telcser: "O'Brien."

Speaker Ryan: "Representative O'Brien in the chamber? How is the Gentleman recorded?"

Clerk Leone: "Voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative Zito."

Speaker Ryan: "Who."

Telcser: "Zito."

Speaker Ryan: "Representative Zito in the chamber? How is the Gentleman recorded?"

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

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative...Representative Hanahan. I think that

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

37th Legislative Day

May 8, 1981

would do it."

Speaker Ryan: "Representative Hanahan in the chamber?  
Representative Hanahan, is the Gentleman in the chamber?  
How is he recorded?"

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

Speaker Ryan: "Remove him from the Roll Call. Further questions?  
On this question there are 72 voting 'aye', 74 voting 'no',  
and the Gentleman's Motion fails. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 1445, Representative  
Schneider. Out of the record. 1446, out of the record.  
1448, out of the record. 1450, want to hear that one?  
Read the Bill."

Clerk Leone: "House Bill 1450, a Bill for an Act to amend to  
amend the School Code, Second Reading of the Bill, no  
Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "No floor Amendments."

Speaker Ryan: "Third Reading. 1451. Out of the record. 1452,  
read it."

Clerk Leone: "House Bill 1452, a Bill for an Act to amend the  
School Code, Second Reading of the Bill. Amendment #1 was  
adopted in Committee."

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

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Bowman, amends House Bill 1452  
as amended."

Speaker Ryan: "Representative Getty, do you seek recognition?"

Getty: "I just want to inquire of the Sponsor, I had a note here  
that he was going to hold this..."

Speaker Ryan: "Representative Schneider."



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

37th Legislative Day

May 8, 1981

Schneider: "Thank you, Mr. Speaker. 1452 is not among that series of Bills that I had agreed to hold. The conversation with the Chicago School Board...there are some Amendments on two or three of those Bills that we just went through yesterday and today. Those I am holding. This one, however, is not part of that package, so your note probably was in error. The Bill was changed completely in Committee. The language was stricken, and a new proposal was submitted in place of that language. It was adopted in Committee and passed out 17 to one. Representative Bowman has Amendment #2 which I think he would like to offer at this time."

Speaker Ryan: "Representative Getty."

Getty: "In that event, Mr. Speaker, I wonder if it would be in order, and I would ask that the chair rule on the question of the germaneness of the Amendment #1 that was adopted in Committee. And I would point out to the Chair that the original Act was an Act to authorize financial assistance to promote cultural and racial integration of students within school districts. And that the Amendment #1 adopted in Committee deletes the title and provides that it is an Act to add Section 34-3A to, and amend Section 34-3, of the School Code approved March 18, 1961, as amended."

Speaker Ryan: "Representative Getty, the Parliamentarian tells me that we have already passed Amendment #1 and your request is not timely. We are on Amendment #2 at this point."

Getty: "Mr. Speaker, I would respectfully suggest that while the Bill is within the control of the House, and more specifically on Second Reading, that a non-germane Amendment is a question that should be ruled on. I would further suggest that there is a serious question concerning the Constitutional provisions of the single subject rule, and I would suggest to the Chair that an Act to authorize

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

37th Legislative Day

May 8, 1981

financial assistance to promote cultural and racial integration of students within school districts may not at all be within the same single subject as an Act to add Section 34-3A to, and to amend Section 34-3, of the School Code, etcetera."

Speaker Ryan: "Representative Hoffman, do you seek recognition?"

Hoffman: "Yes, yes, thank you, Mr. Speaker. I would suggest to the individual who is making the inquiry as well as those making the decision...the...we've, I think, fairly consistently, and although I don't agree with it, fairly consistently said if the issue was in the same chapter or the same code, that ruled it germane. I can remember when we put a formula Bill in the CPR Bill and that was germane, and for that reason, Mr. Speaker, I don't...I don't believe this inquiry has any standing."

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

Bowman: "Well, I was just going to say something very similar to what Representative Hoffman said. I would point out that the...we did amend the title and struck everything after the enacting clause. The same Section of the Chapter of the School Code was amended that is the Section dealing with the Chicago school system, and so I think the Amendment was in order at the present time. The Bill as amended does not have anything to do with...at all with racial integration one way or the other. And so it is a single subject and it amends the proper Section."

Speaker Ryan: "Representative Schneider, do you seek recognition?"

Schneider: "I think I...aside from the help I am getting from my two friends on this matter, I do think you just mentioned that the inquiry was not timely, and I think we ought to proceed to Amendment #2."

Speaker Ryan: "Your point is well taken, Representative. Proceed

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

37th Legislative Day

May 8, 1981

on Amendment #2. Representative Getty."

Getty: "Now, I think that maybe we ought to clarify this, Mr. Speaker. There are no Parliamentarians in Committee. I think that we might set a very dangerous precedent if the Chair is now going to rule that a germaneness question cannot be raised as to a Committee Amendment. I have filed a Motion to table Amendment #1. The reason that I filed it was because I felt it was not germane."

Speaker Ryan: "Representative Getty, let me clarify this for you. Let me clarify this, Representative. The Parliamentarian said that the reason your request is not timely is because we are presently on Amendment #2."

Getty: "Is the Chair..."

Speaker Ryan: "A Motion was filed after Amendment #1 had cleared the chamber."

Getty: "It...Mr. Speaker, it had not cleared the chamber... What I am..."

Speaker Ryan: "Well, Representative Getty, I asked if there were any Motions filed on Amendment #1. There were none filed at that time. I asked for further Amendments, and we went to Amendment #2 where we are now."

Getty: "At which time I timely raised a Parliamentary Inquiry on the germaneness of Amendment #1."

Speaker Ryan: "While we were on Amendment #2 and then filed a Motion on Amendment #1, after the question had been put."

Getty: "At the first time I could, I raised a Parliamentary Inquiry."

Speaker Ryan: "Representative Getty, that is the ruling of the chair. Your request is untimely because we're on Amendment #2 at this point. Representative Schneider on Amendment #2."

Schneider: "The Sponsor is Bowman."

Speaker Ryan: "Representative Bowman on Amendment #2."

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

37th Legislative Day

May 8, 1981

Bowman: "Thank you, Mr. Speaker. Amendment #2 is simply a technical Amendment clarifying certain dates in the Bill. The Bill pertains to the making of appointments to various Committees and so the Amendment changes the language to the extent that it adds certain dates to make sure that the appointments are properly synchronized. I move its adoption. I move its adoption."

Speaker Ryan: "Representative Madigan. Any discussion? The Gentleman moves for the adoption of Amendment #2 to House Bill 1452. All in favor will signify by saying 'aye', 'aye', all opposed by saying 'no'. Representative Getty."

Getty: "I just want to inquire if there are any further Amendments?"

Speaker Ryan: "You request a Roll Call?"

Getty: "No, no, I just wanted to make an inquiry if there are any further Amendments and prior to proceeding...after any further Amendment, I would like to be recognized...before the Bill is moved."

Speaker Ryan: "The question is...The Gentleman moves for the adoption of Amendment #2 to House Bill 1452. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Representative Bowman."

Bowman: "In explaining my 'aye' vote, apparently this Amendment needs a little help, it is a technical Amendment. The...the Bill itself, as amended by Amendment #1, deals with the subject of the Mayor making appointments to a Nominating Commission to screen school board applicants, and the various parts of the Bill need cleaning up in terms of adopting the language pertaining to the timing of those Amendments or those appointments. And it is a very simple technical Bill."

Speaker Ryan: "Have all voted who wish? Representative Schneider

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

37th Legislative Day

May 8, 1981

to explain his vote."

Schneider: "We didn't get out of the blocks on that one quite right, I don't think, and Bowman is correct. It is technical in nature, but it is again a matter of recognizing that there exists within the City of Chicago, communities that can be designated geographically as well as structurally. What the...our organization friends are saying is you want to keep the public out of the school process so you can have that startling recognition of appointment that occurred recently to the Chicago Board. I think those of you who believe in involvement and public selection of public members to a school body ought to be aware that this ...this Amendment adds to the Bill in strengthening it and is technical in nature, but nonetheless very important. So if you want to know what the concept is it basically deals with public involvement and school board selection. Chicago is the only one that doesn't have that. It is, otherwise, true statewide."

Speaker Ryan: "Have all voted who wish? Representative Hoffman."

Hoffman: "Thank you. Thank you very much, Mr. Speaker. Just briefly, I arise to indicate my support of this Amendment and this concept. Having worked with the HJR 73 Commission appointed by this Legislature to look into the financial difficulties that the City of Chicago school system faced, we came to the conclusions that...conclusion that a number of...of things ought to be done, one of which is to get more broad based public participation into the school program, and that's what this Bill is all about."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this i...on this question there are 71 voting 'aye', 46 voting 'no', and the Gentleman's Amendment is adopted. Further Amendments?"

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

37th Legislative Day

May 8, 1981

Clerk Leone: "No further Amendments."

Speaker Ryan: "Representative Getty."

Getty: "Mr. Speaker, I would now specifically call the chair's attention to Rule 64D which provides a Motion to table an Amendment adopted by the House on a voice vote or by a Committee shall be in order on Second Reading. A Motion to table a Committee Amendment shall have priority over a Floor Amendment. Mr. Speaker, I respectfully suggest to you that when I put my Motion to table, that took precedence over any Floor Amendment, and it should have been recognized...I would further suggest to the chair that at this time that Motion is still in order to table Amendment #1. That it takes precedence over any other Motion that has been put."

Speaker Ryan: "Representative Getty...Representative Getty, you didn't put a Motion to table, or I would have called the Motion. Representative Schneider."

Schneider: "Mr. Speaker, we all know the process in terms of the formalization a year or two ago of asking that there be a written Motion filed with respect to any Amendments that come out of Committee. You cannot...and part of that decision, I suspect, was that it enhanced and expedited the system in terms of adopting Amendments, so we don't have to redebate those. The person who wishes to table Amendment #1 is certainly aware that you file it, and you file it timely. Your ruling subsequent to his lack of a filing of that Motion was appropriate. He was not on time. Now he wishes to reread 64D to suit his purpose, and I'm sure we're all guilty of that. But it is pretty clear that you have ruled on the timeliness. He failed to meet the timeliness, and I think now the Bill is in position to go to Third Reading."

Speaker Ryan: "Representative Getty."

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

37th Legislative Day

May 8, 1981

Getty: "My point is, Mr. Speaker, in addition to my posture that in accordance with our own rules that that took precedence over any other Amendment that was pending, anything else. I still am saying at this time I still have the right to make that Motion to table."

Speaker Ryan: "Your point is well taken, Representative. Would you state your Motion. You've filed it with the Clerk. Read the Motion, Mr. Clerk."

Clerk Leone: "Motion. I move to table Amendment #1 to House Bill 1452. Representative Getty."

Speaker Ryan: "You've heard the Gentleman's Motion. All in favor will signify by voting 'aye', all opposed by voting 'no'. Requires 89 affirmative votes to pass. Representative Bowman."

Bowman: "Thank you. First of all inquiry. This is a Motion to table Amendment #1."

Speaker Ryan: "Correct."

Bowman: "Okay. Amendment #1 provides for a nominating Commission to screen appointments to the Chicago School Board. Such a screening Committee was established on an ad hoc basis under former Chicago administrations and has recently fallen into disuse. A screening Committee can be a very useful tool for achieving community input. Amendment #1 provides that the Mayor shall make appointments of six parents to help screen School Board appointments. I think all parents should have some input into the process. It also provides that the subdistricts into which Chicago is broken shall elect Members to this nominating Commission. I think it is important that the local school councils be involved. It also provides for community input in the form of labor organizations, civic organizations, and other general city-wide organizations, such as perhaps the Bar Association and so forth. It provides for a cross-section

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

37th Legislative Day

May 8, 1981

of parents and school council persons and community organizations to screen candidates for the School Board and to present their nominations to...to the Mayor of Chicago. This is, if you will, a merit selection procedure for the...for School Board. And it is time that we involve more people in that process. There have been regular suggestions for election of Chicago school members...Chicago School Board Members. This is...is not an election, but it is a process whereby more people can be involved in...in the business of helping to select Members of the School Board. And I urge the defeat of this particular Amendment...of this particular Motion to table Amendment #1. I am voting 'no' to table Amendment #1."

Speaker Ryan: "Representative Cullerton to explain his vote."

Cullerton: "Mr. Speaker, now that we're on Amendment #1, I would question the germaneness of Amendment #1."

Speaker Ryan: "Well, we're on the Motion to table right now, Representative Cullerton, so you're out of order. Representative Reilly. Mr. Madigan, do you seek recognition?"

Madigan: "Mr. Speaker, to protest the ruling of the chair. You are the temporary Speaker of this House. In due time there will be another election for Speaker, but during your tenure, you're responsible for the dignity of that chair. For you to stand there and to say that the Gentleman's request regarding the germaneness of the Amendment is out of order at this time is absurd, Sir. Not only must you be concerned with the dignity of the Chair, you must be concerned with your own personal reputation. And for you to say that it is not timely or that it is out of order now to question your germaneness is absurd, Sir."

Speaker Ryan: "Representative Reilly."

Reilly: "Well, Mr. Speaker, I wanted to speak on the...on the



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

37th Legislative Day

May 8, 1981

Motion. Is that...we're still on that order?"

Speaker Ryan: "Certainly."

Reilly: "I would urge 'no' votes. As the Chairman of the Committee that heard this Bill, it seems to me that there is absolutely nothing wrong with opening up the process by which the Chicago Board of Education is named. That is all the Amendment does. It is corrected technically by Amendment #2 which we put on, and I would hope there would be sufficient 'no' votes to defeat this Amendment. It is a good Bill and should be moved to Third Reading in the form the Sponsor wants, and that requires a 'no' vote on this Amendment...on this Motion."

Speaker Ryan: "Representative Getty, do you seek recognition?"

Getty: "I want to make it clear, Mr. Speaker, in explaining my vote, that the reason that the Motion to table was put did not really address itself to the merits per se. I think that the Amendment was a non-germane Amendment. I believe that it violates the single subject requirement. I think it should not have been put in Committee. I think that it should be ruled as a non-germane Amendment, and that is the reason I am bringing it. I'm not particularly taking any position with the merits of the Amendment as such. I think that if we're going to conduct this House in an orderly manner, we should have a process which permits the questioning of non-germane Amendments. Not only non-germane, but Amendments which may constitutionally make this legislation if it were to become law unconstitutional, which would have us open to attack and to litigation. I think that we should have a procedure, and a procedure of filing a Motion to table along with the questioning at any time of germaneness is, I believe, in order, and that is the reason I have put this Motion."

Speaker Ryan: "Have all voted who wish? Representative Schneider

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

37th Legislative Day

May 8, 1981

to explain his vote."

Schneider: "Quickly, Mr. Speaker, the Gentleman expressing such a vigorous concern for the language of our rules has always...not always shown that. The fact that he isn't dealing with the merits as he stated is pretty clear. You know, I would like to see him be so vigorous on things like the CTA, or the RTA language or the cross-town expressway of a couple years ago. Somehow he overlooked that. Apparently this opportunity for democracy to function in the school system is something that deals with germaneness and not education. I think it is pretty evident that we need the 'no' votes and give persons an opportunity in Chicago to have some input to the School Board. So again I solicit a 'no' vote on the Motion to table."

Speaker Ryan: "Have all voted who wish? On this question there are 41 voting 'aye', 73 voting 'no', and seven voting 'present', and the Gentleman's Motion to table fails. Representative Madigan. Representative Madigan."

Madigan: "Mr. Speaker, Mr. Getty is seeking recognition. If you'd shift your eyes a little to the left..."

Speaker Ryan: "Representative Getty, Representative Madigan tells me you want to be recognized."

Getty: "Well, thank you, Mr. Speaker. I would now move in accordance with our rules that since this...the title to this Bill has been amended that it be returned to the Order of Second Reading, First Legislative Day."

Speaker Ryan: "Representative Bowman."

Bowman: "Well, the title was amended in Committee and it has been on the Calendar for several days already. The whole point of the rule regarding the Amendment of the title is so that if something happens here on floor and the whole Bill is changed by striking everything after the enacting clause and the title is amended that everyone has a chance to

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

37th Legislative Day

May 8, 1981

study the legislation so it gets put back on the Order of Second Reading First Legislative Day. Give people a chance to study it and to offer Amendments if they choose. This particular piece of legislation was amended in Committee...last week, a whole week ago, Mr. Speaker. The Gentleman has had plenty of opportunity. It seems to me the rule does not apply in this...in this instance."

Speaker Ryan: "Your point is well taken, Representative Bowman. Representative Schneider, do you seek recognition?"

Schneider: "I am against what Representative Getty wants."

Speaker Ryan: "Representative Getty, Representative Bowman's point is well taken. Representative Friedrich."

Friedrich: "I just wondered if they wanted a conference on that side of the aisle to settle their party differences. I..."

Speaker Ryan: "Representative Getty, do you seek recognition again?"

Getty: "Well, Mr. Speaker, I just want to be clear because this will be precedent setting then, that as to any Bill that has been amended in Committee even though the title has been amended, that a Member will then not be entitled on Second Reading to ask that it be returned to the Order of Second Reading First Legislative Day. I just want to be sure that that is the Chair's ruling."

Speaker Ryan: "The Parliamentarian is going to double check it, Sir."

Getty: "Thank you."

Speaker Ryan: "Representative Bowman again."

Bowman: "To explain this difficult question to Representative Getty. I think with a little tutoring, he'll be able to catch it. The...the point is that it was placed on the Order of Second Reading First Legislative Day after the title was amended. The title was amended in Committee, and then it was placed on the Calendar on the Order Second

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

37th Legislative Day

May 8, 1981

Reading First Legislative Day. That rule has already been satisfied. Representative Getty, is in effect, asking for double jeopardy. It seems to me that that is as inappropriate in a Legislative Body as it is in a court of criminal law."

Speaker Ryan: "Is there any further questions, inquiries, or...statements? ...Informs me there has been a fiscal note filed on your Bill, Mr. Schneider. Representative Schneider."

Schneider: "Let me...may I ask of the Chair who filed the fiscal note, Representative..."

Speaker Ryan: "Who filed the fiscal note, Mr. Clerk?"

Clerk Leone: "Fiscal note has been filed by Representative Getty."

Schneider: "Getty. Now, Mr. Speaker, nothing innocent there, of course, but can you tell me if...are we just...I haven't got the fiscal not references, statutory or by rule, before me because it is not convenient, but would you tell me if you can always place...just because the Bill sits on Second we just have this eternal opportunity to place fiscal note requirement requests?"

Speaker Ryan: "Representative Bowman."

Bowman: "Well, I think this is a dilatory tactic, however, if the Speaker should rule that the...the Gentleman's....is correct, then the rules do provide that the question of whether the Fiscal Note Act applies in this instance can be put before the whole Body, and so if the Speaker fails to rule that this is dilatory, I would request that he put a vote to the Body."

Speaker Ryan: "Representative Schneider, we're going to hold your Bill on Second Reading until a fiscal note has been filed. Further Amendments? Representative Bowman."

Bowman: "Yeah, Mr. Speaker, I said that if that were the case

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

37th Legislative Day

May 8, 1981

that I would put it to the Body of whether the Fiscal Note Act even applies in this case. What we're doing is providing for a mechanism by which appointments to the Chicago School Board shall be screened through a Nominating Commission. These people are all volunteers. There is no...there are no salaries or...provided for these people in the Bill. So, I doubt that the Fiscal Note Act applies. I think it is a dilatory tactic. I would ask for a Roll Call."

Speaker Ryan: "Representative Getty."

Getty: "Mr. Speaker, the request was made sincerely. I think that this is an important question. I think we should know what the fiscal impact of it is, and I would further call to the attention of the Speaker that before the Speaker went to this question concerning the fact that a fiscal note has been filed, that I had requested a clarification from the Chair. The Chair indicated that the Parliamentarian was checking it, and I would hope that that would be clarified before we leave this business."

Speaker Ryan: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I think the fiscal note has been filed on this Bill certainly to the satisfaction of the requests made because the fiscal note is as...the strength of the fiscal note...fiscal note is as strong as the strength of the request."

Speaker Ryan: "Mr. Clerk, has a fiscal note been filed?"

Clerk Leone: "A fiscal note has been filed."

Speaker Ryan: "Representative Getty, what is your question now?"

Getty: "Mr. Speaker, I'm not going to question the sufficiency of the fiscal note. If the people who have filed it have filed it in good faith, I will examine it, and I will raise to that if it appears to be a specious filing in the future. But I would ask that the Chair rule on the

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

37th Legislative Day

May 8, 1981

question which I had put to the Chair concerning the ability to question germaneness...strike that, the ability to question concerning Amendments that have come out of Committee and to move them back to First Reading, Second Reading First Legislative Day."

Speaker Ryan: "It is our ruling that the Bill does not have to go back to the Order of Second Reading First Legislative Day, because the Amendment was put on during Committee and had been on file and been on the Calendar for several days."

Getty: "Fine. I am glad to get that precedent."

Speaker Ryan: "Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. Now that we've wasted almost an hour and a half on that Bill, we may have to be here tomorrow. House Bill 1475, Representative Collins."

Clerk Leone: "House Bill 1475, a Bill for an Act to amend the Election Code, Second Reading of the Bill. Amendment #1 was adopted in Committee."

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

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any Floor Amendments?"

Clerk Leone: "Amendment #2, Koehler, amends House Bill 1475 as amended."

Speaker Ryan: "Representative Koehler."

Koehler: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 to House Bill 1475 provides that the sample to verify the validity of signatures shall consist of 10% of the number of signatures submitted statewide. The Bill's Sponsor and the State Board have agreed to this Amendment. I would urge your adoption of this Amendment."

Speaker Ryan: "Is there any discussion? The Lady moves for the adoption of Amendment #2 to House...Representative Madigan.

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

37th Legislative Day

May 8, 1981

Representative McAuliffe."

McAuliffe: "Mr. Speaker, I would rise in opposition to this Amendment, because this would allow a statewide sample be taken in only one area. Conceivably if somebody wanted to do mischief to a proposition, they would find out what area was the weakest or what area had the most bad petitions and then they would gather all of these samples in that one area. I think it should be done the way it is now where it is spread out all over the whole state and the samples are taken in every election jurisdiction in the state rather than in just one area."

Speaker Ryan: "Any further discussion on Amendment #2? Representative Koehler to close."

Koehler: "My Amendment would ease the costly and time consuming burden on our county clerks. Furthermore, it would be good...good for the State Board of Elections and the Election Commissions. I...the key to my proposal is to insure that the petitions proposal has an appropriate amount of legitimate signatures, along with a less costly and efficient method of verifying those signatures. I would urge your 'aye' vote. Thank you."

Speaker Ryan: "The question is 'Shall...the Lady moves for the adoption of Amendment #2 to House Bill 1475. All in favor will signify by saying 'aye', all opposed by saying 'no'. And the Motion fails. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 1497, Representative Hoxsey."

Clerk Leone: "House Bill 1497, a Bill for an Act to amend the Illinois Valley Regional Port District Act, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "None."

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

37th Legislative Day

May 8, 1981

Speaker Ryan: "Third Reading. House Bill 1502, Representative Abramson."

Clerk Leone: "House Bill 1502, a Bill for an Act to amend an Act concerning public utilities, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Representative Abramson on the floor? Out of the record. House Bill 1520, Representative Rea. Is the Gentleman on the floor? Out of the record. 1525, Representative Vinson. Out of the record. 152...1527, Representative Miller. Do you want your bill read? You want it out? Out of the record. 1531, Representative Stanley. Read the Bill."

Clerk Leone: "House Bill 1531, a Bill for an Act to prohibit the sale of smoking material and paraphernalia to persons under 18 years old, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. House Bill 1533, Representative Hoxsey. Out of the record. House Bill 1557, Representative Donovan. Out of the record. How about 1590? Out of the record. 1592, Representative Kane. Read the Bill."

Clerk Leone: "House Bill 1592, a Bill for an Act to amend the Illinois Environmental Facilities Financing Act, Second Reading of the Bill. Amendment #1 was adopted in Committee."

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

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Kane, amends House Bill 1592 as amended."

Speaker Ryan: "Representative Kane on Amendment #2."



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

37th Legislative Day

May 8, 1981

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 is basically a technical Amendment. It clarifies the word constructed, changes it to 'on which construction begins' so that the Bill would apply only to those facilities on which construction begins after the effective date of the Act, and I would ask for the adoption of Amendment #2."

Speaker Ryan: "Are there any questions? The Gentleman moves for the adoption of Amendment #2 to House Bill 1592. 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 1608, Representative Kane...Keane. Representative Keane in the chamber? Out of the record. House Bill 6...Representative Karpziel."

Karpziel: "Mr. Speaker, I am a hyphenated Cosponsor on that Bill, and Representative Keane has asked me to handle that Amendment."

Speaker Ryan: "Are there objections? Hearing none, read the Bill...1608."

Clerk Leone: "House Bill 1608, a Bill for an Act creating the local accounting task force, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Karpziel, amends House Bill..."

Speaker Ryan: "Representative Karpziel."

Karpziel: "I think Representative Keane just woke up. I see him in the back there. This Amendment, I don't even have it in front of me, it is just a correction of a typo to change the word 'of' with fo...f-o. We're just changing it."

Speaker Ryan: "Is there any discussion? The Lady moves for the adoption of Amendment #1 to House Bill 1608. All those in

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

37th Legislative Day

May 8, 1981

favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it. 1608...and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 1621, Representative Stanley. Read it."

Clerk Leone: "House Bill 1621, a Bill for an Act creating a suburban task force, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Stanley, amends..."

Speaker Ryan: "Representative Stanley."

Stanley: "Thank you, Mr. Speaker. This Amendment clarifies the ability to receive foundation money, federal monies, that kind of thing. It is just a...just for clarification purposes we put it on."

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

McAuliffe: "Can I ask the Gentleman a question?"

Speaker Ryan: "He indicates he will...yield."

McAuliffe: "He won't answer it. I withdraw the question."

Speaker Ryan: "Representative Karpel, do you seek recognition? The Gentleman moves for the adoption of Amendment #1 to House Bill 1621. All in favor will signify by saying 'aye', all opposed by saying 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 1621, Representative Pierce. Read the Bill. 1624, Representative Pierce, read the Bill."

Clerk Leone: "House Bill 1624, a Bill for an Act in relationship to certain exemptions for various use and occupational taxes, Second Reading of the Bill. Amendment #1 was

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

37th Legislative Day

May 8, 1981

adopted in Committee."

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

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Mautino,..."

Speaker Ryan: "Representative Mautino on Amendment #2."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2, for those of you that haven't had time to look at it is in the analysis book and the digest under House Bill 635. This was a proposal that I opposed ever since 1976. This eliminates the accelerated payment of retailer's sales tax to the State of Illinois, and I presented it as an Amendment to this legislation, because I think it is about time that we change that provision which uses the retailers' money at the state level when in fact there already is a bond put up, and they pay on a monthly basis besides. This eliminates the weekly payment estimate by retailers who pay more than \$10,000 a month into the state sales tax. It was originally enacted in the Walker administration. I opposed it at that time. I have been opposing it...trying to get it changed for the last six years, and I would hope that this General Assembly would be fair to all the retailers in the State of Illinois, especially those who pay more than \$10,000 a month in sales tax, and put them on the same basis as every other retailer in the state. We're using their money without giving them anything for it. It is not the states's money. It is an estimated payment, and I move for adoption."

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

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, the Sponsor of this Amendment had this in the form of legislation which was presented to the House Revenue

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

37th Legislative Day

May 8, 1981

Committee. He was given a full hearing. His Bill was turned down. In fact, he received a 'do not pass' Motion. Now the honest truth is this is probably not a bad idea to adopt this, but it can't be adopted this year if we're going to take a fiscally responsible position, because it will cost the State of Illinois between \$75 and \$80,000,000. Maybe only for a short time, but that kind of a shortfall, we just don't have this year. And I would ask that we turn down this Amendment just like the House Revenue Committee did his Bill when it was originally presented."

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

Schraeder: "Thank you, Mr. Speaker. What the Sponsor of this Amendment said is quite true. The State of Illinois is using money that doesn't belong to them in an unfair manner, and the Chairman of the Revenue Committee very distinctly said that maybe it is right. Well, it is right. It isn't a question of whether or not it is a thousand dollars or a million dollars. That is not the question. It is a question of whose money it is. And it is the retail merchants' money. and I don't think we have an option on this. I think we should return the money or leave it with the merchants until their obligation to pay it is there. There is no obligation. They are being forced to pay money that belongs in their treasury to the State of Illinois for the State of Illinois' use. And it is...he is absolutely wrong when he won't support this Bill, and I think Representative Mautino has done yeoman service in bringing this to our attention and should be attached to the Bill, and I ask an 'aye' vote."

Speaker Ryan: "Representative Birkinbine."

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

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

37th Legislative Day

May 8, 1981

House, I rise in support of this Amendment. One of the speakers on my side of the aisle who spoke against it a minute ago indicated that we would be taking a fiscally unsound move if we adopted this Amendment. I suggest to you that if we don't we are taking a fiscally dishonest move by keeping our present system. Presently retailers who reach a certain level of volume have to pay their sales tax on a weekly basis. Now if you will recall, we instituted a reduction in the sales tax from a year or so ago to this year which means that retailers in actuality will be collecting 20% more this year than they actually have to return to the state. Under the present system, and the government knows this, you're taking advantage of these stores to the tune of 20% of the money because the money they hold out and send to the government must be based on last year's sales tax receipt. This is an eminently dishonest way of collecting money. The government is living off of our retailers around the state, and I suggest that we force the government to be fiscally honest with the retailers and people of this state. I suggest that you support this good Amendment."

Speaker Ryan: "Representative Daniels, do you seek recognition?"

Daniels: "Yes, Sir, Mr. Speaker, I do. With permission and leave of the House, I rarely would interrupt the debate of the Members of the House in a very important legislation. But a very important event is going to happen on Saturday which I want to bring to the attention of the Members of the House and ask if we can have an immediate hearing of House Resolution 274...275 which honors a Member of this House. And, Mr. Speaker, with your leave I would ask the Clerk to call House Resolution 275."

Speaker Ryan: "The Gentleman asks leave to interrupt the proceedings here...Do you object? Are there objections?"

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

37th Legislative Day

May 8, 1981

Representative Mautino."

Mautino: "Yes, Mr. Speaker. I must object. We're in the middle of explanation on an Amendment. If the Gentleman wants to talk after this Amendment is voted on and with leave...leave from the Sponsor, I would be happy to or tie it into the same Roll Call if you'd like."

Speaker Ryan: "Representative Daniels."

Daniels: "Well, Mr. Speaker, the Gentleman that is the subject of this Amendment is about ready to leave the House floor. It is a very unusual moment of interrupting a debate here. The Gentleman will be leaving, Representative Mautino. It is Representative Hoffman who will be receiving his Doctorate tomorrow morning, and he will have to leave the floor."

Speaker Ryan: "Representative Mautino."

Mautino: "I remove my objection, Sir."

Speaker Ryan: "Read the Resolution, Mr. Clerk."

Clerk Leone: "House Resolution 275, Daniels et al, whereas the Members of the House of Representatives of the Illinois General Assembly wholeheartedly with sincere appreciation congratulate our erudite colleague, Representative Gene L. Hoffman, on earning his Doctoral degree (Educational Administration - Ed.d.) from Northern Illinois University, to be received on May 9, 1981; and whereas, Representative Hoffman also has a B.S. degree (Business Education) from Illinois State University and a M.S. degree (Social Sciences) from Northern Illinois University; and whereas, Doctor Hoffman has the following State Board of Education certifications: Standard High School (6-12); Standard Special (K-14); Teaching and Supervising Social Studies; Administrative General Administration Endorsement (K-12); and Administrative, Superintendent Endorsement (K-12); and whereas, Doctor Hoffman's professional experience includes:

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

37th Legislative Day

May 8, 1981

chairman and high school teacher, Social Studies Department, Fenton High School, Bensonville, Illinois (1957 - present); and, Illinois State Representative, 40th District (1967 - present); and whereas, Representative Hoffman has had an outstanding career in this Body in the field of education, having started his first year as a member of the Elementary and Secondary Education Committee...

Speaker Ryan: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, we could go on for three days in reading Doctor Hoffman's accomplishments during the time he has been a Member of the General Assembly since 1967, but perhaps to all of us that have been a Member of the General Assembly, we know how the accomplishment of receiving your Ph.D. in Education really deserves a great deal of attention, particularly during the time that all of us are working on legislation as is Doctor Hoffman. He still found the time in evenings and Saturdays and Sundays to travel to Northern Illinois to take his Doctorate, and tomorrow morning he will receive that degree. And as his colleague, and in a sense, one of his constituents from the 40th Legislative District, I would hope that all of you would join me in (1) suspending the rules so we could hear this immediately and (2) unanimously adopting this Resolution, honoring our colleague, Doctor Gene Hoffman, for his accomplishments."

Speaker Ryan: "The Gentleman moves...asks leave to suspend the rules to hear the Motion. Are there objections? Hearing none, the Gentleman moves for the adoption of Resolution #...House Resolution 275. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it. The Resolution is adopted. Congratulations, Doctor Hoffman."

Hoffman: "Thank you very much, Mr. Speaker, and thank you,

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

37th Legislative Day

May 8, 1981

Representative Daniels and the others who have joined you in this...very kind award and recognition. As accustomed as I am to speaking in public, there is little that I can say or add to what has already been said. Thank you for the applause, and thank you for the Resolution."

Speaker Ryan: "Representative Schneider."

Schneider: "Thank you, Mr. Speaker, Members of the House. Now, Representative Hoffman, as I prefer to call him, has also been seen around the Capitol lately with a rubber glove and a sponge and a stethoscope. For malpractice purposes he ought to be aware that it is a Doctorate in Education. Don't let him get next to you if you're talking about open-heart surgery."

Speaker Ryan: "Representative Bradley."

Bradley: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I am sure in the Resolution it mentioned that he was a graduate, did his undergraduate work at Illinois State University, and of course, those people are quite mift, I have to admit, that he would attend another University for his Doctorate. And there is an old saying though that, and I think that he graduated some time in the 50's from Illinois State University...there is an old saying about a Doctorate degree that all it takes generally is time. But we're a little miffed that it took this much time. But we would like to say congratulations to Doctor Hoffman, and I will try to get you back in with the good graces of the people at Illinois State University."

Speaker Ryan: "Congratulations again, Gene, from all of us. House Bill 1624, we're on Amendment #2, Representative Pierce."

Pierce: "Mr. Speaker, to get back to Representative Mautino's Amendment to my Bill, I am the Sponsor of House Bill 1624. I have no objection to this Amendment. It is a good



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

37th Legislative Day

May 8, 1981

Amendment. As Representative Birkinbine, the Gentleman from Cook, indicated, it has bipartisan support, and I have no objection to it and would suggest that we all vote to adopt Amendment #2 to my Bill, House Bill 1624."

Speaker Ryan: "Is there any further discussion? Representative Mautino to close."

Mautino: "Thank you, Mr. Speaker..."

Speaker Ryan: "Representative Bell."

Bell: "Mr. Speaker, I rise in opposition to this Bill. First of all, we're not talking about the little ma and pa...or this Amendment. We're not talking about the little ma and pa store. We're talking about the retailer who has the tax liability of over \$10,000 a month. We're also talking about a retailer who has probably collected that tax liability. He is paying his check this week on the money that he estimated he took in this week. So if we pass this Amendment, Mr. Speaker and Ladies and Gentlemen of the House, we are probably letting that retailer now operate on the state's money. I urge you to remember this is a big boy's, this isn't a little boy Amendment, and I urge your opposition to this Amendment."

Speaker Ryan: "Representative Mautino to close."

Mautino: "Thank you, Mr. Speaker. I just want to comment very briefly on a couple of statements that were made. Number one, this Amendment went in because many Republican Members, including some of those that were arm-twisted in the Committee to oppose it then, asked that this be presented as an Amendment to the full House. And that is what I am doing with the understanding that I would tell everybody which House Bill it was. I am not trying to fly anything by you. Number two, the previous speaker is absolutely wrong. This legislation was presented by the farm implement dealers of the small cities, the grocery

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

37th Legislative Day

May 8, 1981

stores in almost every city in the state. It is a part of the Illinois Retailers' Association package and the Small Business Association package. They need their own money back. That's all they're asking for. There is no tax loss to the state, because it is not the state's money. It is the individual retailers' money. I think if you're going to support the business people of the State of Illinois you should be supporting this Amendment, and I ask for an 'aye' vote on a Roll Call."

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #2 to House Bill 1624. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 86 voting 'aye', 33 voting 'no', and none voting 'present'...Representative Ewing."

Ewing: "Mr. Speaker, if you could declare this passed or before you do I want a verification."

Speaker Ryan: "Representative Piel."

Piel: "Well, you... (malfunction in tape)....row over there is gone. Now, they're all green."

Speaker Ryan: "Representative Winchester."

Winchester: "Thank you. Thank you, Mr. Speaker. This is a pretty important piece of legislation in that it is going to reduce the state's revenue by \$80,000,000. And I think we ought to take that in consideration particularly at a time when we're talking about deficit spending, and I think that this is a good piece of legislation, an excellent piece of legislation except that it is the wrong timing, Mr. Speaker. It is the wrong timing. And we need a 'no' vote, and I think we...people had better just reassess their reason for voting 'no'."

Speaker Ryan: "Representative Schuneman."

Schuneman: "Mr. Speaker, the debate on this very very important

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

37th Legislative Day

May 8, 1981

Amendment was interrupted by the Resolution for Representative Hoffman. I think a lot of people haven't been paying attention. Obviously there are very few...or many absences on the other side. I would like to suggest, Mr. Speaker, that we dump this Roll Call. We take another Roll Call on the merits of this issue."

Speaker Ryan: "Representative Bradley, do you seek recognition?"

Bradley: "Well, I was going to explain my vote, Mr. Speaker, if that is timely. The remarks were made that it is going to cost the State of Illinois \$80,000,000. That is not exactly accurate. All they're doing with this Amendment is delaying the collection of the money. The money will still get to the state. And I would just like to remind the Members of both sides of the aisle, we passed this very legislation two years ago with full support of the House and passed it on over to the Senate and it got lost in the shuffle. We passed exactly the same thing to help the businessmen. I can understand the objections over there that there are people who are not here that are voting. That is objectionable. But still the Amendment is an excellent piece of legislation that deserves to be place on House Bill 1624."

Speaker Ryan: "Representative Ewing, do you persist in your..."

Ewing: "I certainly do. Either that or a new Roll Call."

Speaker Ryan: "Alright...alright...okay. Now we can dump this Roll Call and start over. I think that would be the proper thing. Representative Darrow."

Darrow: "Mr...Mr. Speaker, you had indicated that we would be able to get out of here at four o'clock. It is obvious that there are a number of Members missing, and I would question a quorum at this time. I think we ought to take this up Monday."

Speaker Ryan: "We're going to Dump this Roll Call and take a Roll

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

37th Legislative Day

May 8, 1981

Call on a quorum. Take a quorum call. Open the record, Mr. Clerk. 'Present' is the proper vote, not 'yes' or 'no'. Representative Bullock, for what purpose do you rise?"

Bullock: "Well, Mr. Speaker, I had thought you were a pretty fair guy. I said it to you today. You saw my light on here, and I've been trying to get recognition..."

Speaker Ryan: "State your point, Representative."

Bullock: "Mr. Speaker, I question the quorum, and I strongly suggest we adjourn and go home...a quorum..."

Speaker Ryan: "We have a quorum call on the Board. You're out of order. ...Understand what happens here now. This is the final Roll Call for the day. The people who spent all day here will not be paid their per diem. Representative Mautino."

Mautino: "May I...may I suggest, Mr. Speaker, in...since it is my Amendment that is causing this problem, I would like to have all Members be able to...be able to vote on this question. Before you announce any quorum call, I would most respectfully ask that my Amendment #2 be taken out of the record at this time and House Bill...if it is agreeable with the Sponsor, that House Bill 1624 be taken at a different time next week and would hope that there would be no announcement on this request by Representative Darrow."

Speaker Ryan: "Representative Pierce."

Pierce: "Mr. Speaker, can I suggest this, that the Bill having been read a second time, be moved to Third on my agreement with my colleague, Representative Mautino, and I support his Amendment to bring it back to Second. Otherwise it may get lost in the shuffle here. ...Would that be alright? And then the quorum call would be withdrawn and we can adjourn."

Speaker Ryan: "Well, Representative Pierce, there is still

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

37th Legislative Day

May 8, 1981

another Amendment after Amendment #2 that has been filed."

Pierce: "He has agreed to have it go to Third, too."

Speaker Ryan: "Alright, Mr. Clerk, take the record on the quorum call. There being 108 Members answering the Roll, a quorum of the House is present. Representative Ewing."

Ewing: "Mr. Speaker, what is the procedure then when they want to bring this Bill back. Can they do it without...do they have to have unanimous leave or what is the procedure?"

Speaker Ryan: "He has to have leave or 89 votes."

Ewing: "To bring it back from Third to Second?"

Speaker Ryan: "That's right."

Ewing: "We'll have to go the 89 vote route."

Speaker Ryan: "Well now, Representative Pierce, do you care to withdraw your Bill and leave it on the Order of Second Reading. There is still an Amendment to be dealt with on Amendment #3. Who..."

Pierce: "Yeah, okay. Mr. Speaker, has the Bill been read a second time?"

Speaker Ryan: "Yes."

Pierce: "So if...could...the Bill's been read a second time we'll leave it on the Order of Second Reading."

Speaker Ryan: "Alright. Do you withdraw the Bill? Take it out of the record now."

Pierce: "Take it out of the record now having been read a second time and leave it on the Order of Second."

Speaker Ryan: "Alright. Out of the record. Change of vote for the Clerk."

Clerk Leone: "Representative Smith requests to vote...be voted 'present' on the Quorum Roll Call. Representative Griffin requests to vote 'aye' on Amendment #2 to House Bill 1452. Representative Winchester requests to vote 'aye' on the Consent Calendar. Representative Zwick requests to vote 'no' on House Bill 1672 on the Consent Calendar."

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

37th Legislative Day

May 8, 1981

Representative Martire requests to vote 'no' on Amendments #1, 2, and 3 to House Bill 156, and Representatives Kelly, Swanstrom, Karpiel, Kociolko, Hudson, Mays, and Barkhausen request to vote 'no' on House Bill 1830. And Representative Piel requests to vote 'aye' on the Consent Calendar."

Speaker Ryan: "Are there any objections to the change of vote? Hearing none, leave is granted for a change of vote. I would like to announce to the Members that before you leave if you have anything on your desk, take it off. There is going to be...the Lincoln Academy is going to meet in this chamber this weekend. The pages and the doorkeepers are going to clear the desks. So if you've got anything, put it in your drawer and lock it up. Your books and stuff they are going to take off. Representative Van Dwyne."

Van Dwyne: "Thank you...thank you, Mr. Speaker. In light of everybody leaving here this afternoon and getting caught kind of in the switches, I would like to have leave of the House to suspend Rule 33B having to do with Motions to take from the Speaker's Table for one week so my Motion may be heard next week."

Speaker Ryan: "You heard the Gentleman's Motion. Does he have leave? Are there objections? Hearing none, leave is granted. Another change of vote from the Clerk."

Clerk Leone: "Representative Younge and Breslin request to vote 'present' on the Quorum Roll Call."

Speaker Ryan: "Is there any objection? Hearing none, leave is granted. Representative Wolf for an announcement."

Wolf: "Thank you, Mr. Speaker. I just would like to have the Members take note that the House Appropriations Committee is having a meeting Monday. We originally scheduled it for 10 a.m. We're going to meet at 4 a.m. to handle Member Bills...pardon me, 4 p.m. I don't know, 4 a.m. might not

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

37th Legislative Day

May 8, 1981

be bad. And if you have any Bills you want heard, this is your last shot. We're meeting at 4 p.m. Monday."

Speaker Ryan: "Representative Madigan, do you have any excused absences?"

Madigan: "I'm trying to recall, Mr. Speaker, if there were any requests in my office for excused absences. I can't think of any right now, Mr. Speaker, but I would like to say that I hope you had a pleasant day up there on the podium."

Speaker Ryan: "Happy Mother's Day to you, too, Representative Madigan. Representative Telcser, excused... Representative Madigan, if you'll inform the Clerk Monday, if you had some excused absences for today, we'll take care of those for you. Representative Telcser, any excused absences?"

Telcser: "Representative Margalus is excused today because of illness, and that should be shown in the Journal, Mr. Speaker."

Speaker Ryan: "The Journal will so indicate. I would like to say that Representative Margalus flew from Springfield to Chicago today, late this afternoon, where he will probably undergo bypass surgery on his heart either over the weekend or the first part of next week."

Telcser: "Mr. Speaker, additionally, I would like to move that we dispense with the reading of the Journal and that Journal #26 of April 21, 1981, be approved a read."

Speaker Ryan: "You heard the Gentleman's Motion. All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Motion carries."

Telcser: "Mr. Speaker, I now move that the House stand adjourned until Monday..."

Speaker Ryan: "Just a minute, Mr. Telcser. Have we got all the announcements made? The Clerk needs thirty seconds for the introduction of a Bill."

Clerk Leone: "Introduction of First Readings. House Bill 1890,

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

37th Legislative Day

May 8, 1981

Vinson, a Bill for an Act relating to systematic delivery of mental health developmental disabilities alcoholics abuse community services, First Reading of the Bill. And in addition, Representative Giglio and Meyer request to vote 'aye' on...request to vote 'present' on the quorum."

Speaker Ryan: "Is leave granted for these Gentlemen to get on the Roll Call? Are there objections? Hearing none, leave is granted. Alright, anybody else? Representative Telcser for the adjournment."

Telcser: "Mr. Speaker and Members of the House, allowing the Clerk whatever time he may need, I now move that the House stand adjourned until Monday, May 11, at the hour of 7 p.m."

Speaker Ryan: "All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the House stands adjourned."

Clerk Leone: "Messages from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills of the following titles. In passages of which I am instructed to ask concurrence of the House of Representatives to wit; Senate Bill 871, 872, 873 and 874. Passed Senate May 8, 1981. Kenneth Wright, Secretary. A Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred in the House in the adoption of the following Joint Resolution to wit; House Joint Resolution #7 concurred in by the Senate, May 8, 1981. Kenneth Wright, Secretary. Being no further business, the House now stands adjourned till Monday...11th at 7:00 P.M."