

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

128th Legislative Day

June 22, 1982

Speaker Ryan: "The House will be in order, and the Members will please be in their seats. The Chaplain for today is Reverend Peter Thompson from St. Johns Lutheran Church of Springfield. Reverend Thompson."

Reverend Thompson: "In the name of the Father, and of the Son, and of the Holy Ghost. Amen. Holy Father, Creator of all things, from Whom all power and authority are drawn, bless this Assembly by moving in the hearts and minds of these men and women. The issues they must decide are not simply laws on the books, nor exercises of political power. They affect the lives of millions of people. Help these Legislators always to keep their eyes and minds on the people they represent; seeing their calling as the exercise of power derived from You, and intended for the governance and well being of Your people. And, as they disagree and argue and challenge each other, bless even these differences so they may be a means for eventual union in the right as it emerges. This we pray through Jesus Christ, our Lord. Amen."

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

Barnes et al: "I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

Speaker Ryan: "Roll Call for Attendance. Take the record, Mr. Clerk. With 164 Members answering the Roll, a quorum of the House is present. 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 concurred with the House of Representatives in the passage of a Bill of the

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

128th Legislative Day

June 22, 1982

following titles, to wit: House Bills 1955, 1971, 1998, 2005 together with attached Amendments hereto, an adoption of which I am asked...I am instructed to ask concurrence of the House of Representatives, to wit; passed the Senate as amended June 21, 1982.' Kenneth Wright, Secretary. A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the passage of Bills of the following titles, to wit: House Bills 1924 and House Bill 2075; passed the Senate June 21, 1982.' Kenneth Wright, Secretary."

Speaker Ryan: "If we can have your attention, we have a special guest here at the podium I'd like to introduce. The latest voting Member on the Democrat side, to assure passage of the ERA is Young John Cullerton. How old? The 3rd, he's two weeks old, and already smarter than his father. We have a special introduction that I'd like to put Representative Suzanne Deuchler in the Chair for, and a special presentation. Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House, recently these chambers were visited by representations of President Lincoln and General Ulysses Grant. On that occasion, I spoke from the floor to you and to the Speaker, and I said that statements on equality for both sexes were not heard from these esteemed historical gentlemen. On this occasion, those statements that we have all been hungering and yearning to hear, will be heard by Susan B. Anthony, whom I now introduce."

Susan B. Anthony: "...consider a great and noble experiment. It began about 150 years after Columbus first discovered this America; when small bands of pilgrims sailed west from European shores to escape the tyranny imposed by monarchs and despots; men and women of great grit and courage who

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

128th Legislative Day

June 22, 1982

dreamed of liberty and justice and were willing to struggle to sustain it. And they settled here, and they struggled. And about 150 years more passed, and another band of settlers, dressed in Indian garb, in an act of civil disobedience against a king, dumped a bale of British tea into Boston Harbor, in opposition to outrageous English tariff. And they said, as well, a statement that was heard 'round the world', that ter... 'taxation without representation was tyranny'. And Thomas Jefferson called for a general fast in order to support those fiery proclamations made by Patrick Henry. To give me liberty, or give me death. But England did not hear and in 1776, that Boston Tea Party boiled over into a Revolutionary War. And we learned that liberty could not be guaranteed, unless it be affixed in laws which could not be removed. And so, the great John Adams advised his countrymen that the blessings of society were dependent upon the constitutions of government. And Thomas Jefferson further admonished that human rights are derived from the laws of nature, not as a gift of chief magistrate; and that, if we grant the power to any government to give us rights, we grant them also the power to take those rights away. And so, we must form a constitution that, not to give the blessings of liberty, but to secure them. And so a declaration was written claiming that all men were created equal, and a constitution forged which secured the blessings of liberty to ourselves and to our posterity. And then a Bill of Rights was written which would not interfere with the individual state continuing their individual business, but secured each citizen of those sovereign states against the usurpation of their rights by any governmental body. And, when those three documents were signed and sealed, the die was cast, and a new government had been created; never

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

128th Legislative Day

June 22, 1982

before tested or tried, on principles never before put into law. That Bill of Rights had freedoms that were absolute, and the language of each Amendment was broad and unspecific to secure all citizens against isolation of their birthright. And when it was done, the world stood up and applauded and wondered why these truths had been so long in coming. But, John Adams' wife, Abigail, was very worried. That small phrase, 'all men' had under English law never once involved women, and so she argued with her husband, John, and with their good friend, Thomas Jefferson, to treat the ladies with more respect than their forebearers had done regarding women's rights in this new Constitution. But the great jurist William Blackstone's treatise of 1775, on the common law status of women decreed that a husband and wife were one under law, that the very being and legal existence of the woman was suspended in a marriage; and therefore, a woman's property, her earnings, her inheritances were given by law into the hands of her husband. And as the subjection of woman to man was a more or less universal custom, any departure from it seemed wholly unnatural even to Thomas and John. And so in 1787, under the new constitution which secured the blessings of liberty, women had no voice, no vote, no legally acknowledged existence, and they were excluded from all rights and responsibilities of citizenship. And that noble experiment came to mean that men gained their rights from immutable constitutional law, and women gained their rights from the will of their husbands, and another 50 years went by. And another pot began to brew called abolition, and another pilgrimage began. Black men, slaves, and women of great grit and courage left the South in dead of night to escape that inhuman tyranny called slavery and seek their independence and human rights. And if this nation learned

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

128th Legislative Day

June 22, 1982

anything during those four long years of strife in Lincoln's administration, it was that a citizen must think and speak out, and then that a President must execute their will, and not his own. And Lincoln listened and obeyed the will of the people, and he led the nation through four years of bloody civil war to prove that no man could own another. And when it was done the slaves were freed, secured in their civil protection and guaranteed the vote by the 13th and 14th and 15th Amendments. And for his act of faith and courage, Lincoln has been secured in greatness in our hearts. And the world stood again and applauded. And we stand today and wonder why those truths were so long in coming. And the women were told again, that they did not need the right to vote; that their rights would be protected by their men and the new 14th Constitutional Amendment. Well, I did not trust so well the protection of my rights by men, and so I challenged the new 14th Amendment. Have you here read it? You must read it. It guaranteed due process and equal protection under the law to all persons who be citizens. And under it I registered to vote, and I was arrested for my trouble. And when my case came to trial, the Judge without allowing me to speak, instructed the jury to find me guilty, and then dismissed the jury and told me to stand and accept my sentence. I demanded my right to speak before sentencing and I said, 'By your Honor's ordered verdict of guilty, you have trampled underfoot every vital principle of our government, my natural right, my civil right, my political rights are, all alike ignored, and thus robbed of the fundamental privilege of citizen, I am reduced from the status of citizen to that of subject. But what is worse, not only myself individually, but all my sex are by your Honor's verdict, doomed to political subjugation, under this

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

128th Legislative Day

June 22, 1982

so-called republican form of government'. And the Judge picked up his gavel then, and he proceeded to pound the bench for silence, but I continued louder, above his racket. 'May it please, your Honor', I said, 'your denial of my citizens' right to vote is a denial of my consent as one of the governed; a denial of my right to representation as one of the taxed and the denial of my right to a trial by a jury of my peers as an offender against the law, and, therefore a denial of my sacred right to life, liberty, property'. And the Judge would hear me no further and had me removed from the court. And, because they would not take action against me when I refused to pay their levied fine, I lost the right to appeal my case to a higher court. And it was not until half a century after suffrage was introduced into Congress that women, finally, attained the right to vote. But in 1913 when Congress was granted the right to levy income taxes under the 16th Amendment, and women could be taxed on their income without ever having had a voice or vote in such a power of government over them, they realized that something had to be done. For had not 150 years ago, their revolutionary ancestors said that taxation without representation was tyranny. And so, women made a pilgrimage to the Capitol. They dressed in white and gold and chained themselves together in an act of civil disobedience, and had a fast, as Thomas Jefferson had done, to make strong their statement to their government; that give me liberty or give me death. And finally in 1920, women were secured in the Constitution in their right to vote. And this illustrious state Legislature was the first one to ratify that 19th Amendment. But, realizing that the right to vote was just one step, those indomitable veterans prepared for one more struggle. And they wrote a purpose to blot out of every law book in the land, to sweep out of

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

128th Legislative Day

June 22, 1982

every dusty courtroom and to erase from every Judge's mind the centuries old precedent as to woman's inferiority. And they drafted an Equal Rights Amendment, which read, 'equality, under the law, shall not be denied or abridged by the United States or by any state on account of sex'. And they introduced it into Congress in 1923, and 60 years later, the world stands wondering why this truth has taken so long. In a nation that was founded on the principle of inalienable rights for all, where blood was shed to defend that principle, half the population stand outside the gates saying 'make me a citizen'. The same idea of old prevails; that woman should be owned and protected by man, should be fed and clothed and cared for by his generosity. And I declared to you that all the wrongs and arrogances and antagonisms of modern society have grown out of that false conception of the relation between man and woman. And this present agitation arises from the soul of woman's demand for the right to own her own self. It is this Amendment, a philosophical statement made not because women suffer, made not because of any individual wrongs or rights; but as a simple declaration of the fundamental truth of our founding fathers. And to deny the passage of this Amendment would deny the greatness of those men and women who first dreamed this dream and set this government in motion; it is to deny the truth and value of those three documents we hold sacred. You hold in your hands as Lincoln did, the possibility of greatness to fulfill the promise of this great enterprise, this noble experiment. Ladies and Gentlemen, men and parties all pass away. It is only justice that is eternal, and only those who work in harmony with its laws that remain immortal. Our path is so clear, the way so straight and simple; that we must demand of our Legislators and ourselves to work not for the passing hour,

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

128th Legislative Day

June 22, 1982

not with reference to transient benefits or private power struggles, but to do the one grand deed that shall mark the zenith of this nation and this century. Proclaim at last, equality under the law to all citizens. Honorable Members of this Legislature, Ladies and Gentlemen and my dear, dear friends, the world waits for the proof of the promise and failure is impossible. Thank you."

Speaker Ryan: "Thank you. On the Calendar on page two, under the Order of House Bills Third Reading appears House Bill 2461, Representative Davis. Out of the record. Senate Bill 25...or House Bill 2517. Out of the record, Representative Davis? On page two, under Senate Bills Third Reading Short Debate Calendar appears Senate Bill 1256, Representative McAuliffe. Representative McAuliffe on the floor? Out of the record. Representative Getty, do you have any excused absences today?"

Getty: "Mr. Speaker, may the record indicate that Representative John O'Connell is excused due to official business."

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

Telcser: "No."

Speaker Ryan: "The record will so indicate. Senate Bill 1452, Representative Telcser. Want to read the Bill? Read the Bill, Mr. Clerk. Short Debate."

Clerk Leone: "Senate Bill 1452, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Daniels: "Representative Telcser."

Telcser: "Mr. Speaker, Members of the House, yesterday I promised Representative Schraeder that I would take the Bill back to the Order of Second Reading so that he may offer an Amendment and, as long as it's back on Second, I think there's another Amendment filed also by myself. So, if we can go back to Second with leave of the House..."

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

128th Legislative Day

June 22, 1982

Speaker Ryan: "Gentleman asks leave to return Senate Bill 1452 to the Order of Second Reading for the purposes of an Amendment. Are there any objections? Hearing none, leave is granted. Senate Bill 1452 is now on the Order of Second Reading. Are there any Amendments?"

Clerk Leone: "Amendment #4, Schraeder, amends Senate Bill 1452..."

Speaker Ryan: "Representative Schraeder on Amendment #4."

Schraeder: "Thank you, Mr. Speaker, Members of the House, bear with me, if you would please. I have the same problem as I had yesterday. This Amendment would establish that retiring Judges would not receive an increase in their pension benefits, but would be based upon the salary they received two years prior to the retirement date. If they paid in over the amounts of pension funds through the deduction, that money would be refunded them when they retired. This is a simple Amendment. I know of no Judges who object to it. In fact, the Judges that have been lobbying here in the recent weeks are in agreement with it. If there are any questions, I would be more than happy to answer your questions."

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

Preston: "Thank you, Mr. Speaker. Would the Gentleman yield for a question? Representative Schraeder, what...what's the need for this Bill?"

Schraeder: "Pardon me."

Preston: "What's the need for this Bill?"

Schraeder: "It would prevent the Pension Fund from being depleted without any reason. In other words, the money that would go to the retirees would be based upon something they paid, and not something that they did not pay."

Preston: "All right. This is...This is a change in the...the present pensions that are available to the recipients. Is

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

128th Legislative Day

June 22, 1982

that correct?"

Schraeder: "Yes, just the Judges."

Preston: "I see."

Schraeder: "In other words, in..two years ago, 12...10 or 12 Judges retired, had more money than they were making while they were actively seeking...actively serving as Judges of the Circuit Court."

Preston: "Mr. Speaker, if I may speak to this Amendment. This Amendment doesn't affect teachers' pensions. It doesn't affect pensions of the General Assembly. It doesn't affect pensions of any state employees. It singles out only the judiciary. I think it's is a bad Amendment, and it should be resoundly defeated. I think it's ridiculous."

Speaker Ryan: "Further discussion? Representative Flinn."

Flinn: "Well, Mr....Mr. Speaker, the previous speaker just doesn't happen to know what he's talking about, the...which is not unusual in his case. It just so happens that Judges take office on December 1st, and we take office in January. And, when there's a lame duck pay raise come...takes place, the Judges can retire and did retire at more pay than they were drawing as sitting Judges. That can't happen to anybody else, because you have to get reelected for another term and take office. So, I think it's a good Amendment, and it should be passed."

Speaker Ryan: "Is there any further discussion? The Lady from Cook, Representative Balanoff, on Amendment #4."

Balanoff: "Will the Sponsor yield?"

Speaker Ryan: "Indicates that he will."

Balanoff: "Mr. Sponsor, under this...the provisions of this Amendment, would the net result be that the pensions of the Judges will be increased, decreased or remain approximately the same?"

Schraeder: "Af...After this Amendment was adopted, in effect, the

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

128th Legislative Day

June 22, 1982

Judges would retire on the present pension based upon the salary that they had prior to the enactment of this Amendment. It would establish the criteria so that if a Judge retired after...if he was retired after the increase went into effect, he would get the salary...the pension based upon his current salary, rather than the salary that went up after the...he retired, the day of the retirement."

Speaker Ryan: "There any further discussion? Representative Terzich."

Terzich: "Representative Schraeder, since you can't speak too well, just nod your head yes or no. Is, at the present time, the maximum amount for Judges' pension is 85 percent? He...He shakes yes. Now, if...they would not get any less pension than they are currently getting right now, since their pension is based upon their current salary. That's correct. And therefore since there's a tentative increase in the Judges' pay raise, this will simply mean that their pension benefit would be based upon their salary, you know, the previous two years."

Schraeder: "Yes."

Terzich: "And, therefore, there wouldn't be a big influx. This was also approved by the Civic Federation...recommended this change."

Schraeder: "Yes."

Terzich: "That's correct, also. I think this is a good Amendment and deserves your support."

Speaker Ryan: "There any further discussion? For what purpose do you seek recognition, Representative Preston?"

Preston: "On a point of personal privilege, Mr. Speaker."

Speaker Ryan: "What's your point, Representative?"

Preston: "Mr. Speaker, one of the previous speakers, Representative Flinn, saw fit to make some disparaging remarks about me, and I don't mind an individual speaking

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

128th Legislative Day

June 22, 1982

to an issue or replying to me when I speak to an issue; but, I greatly resent the fact that somebody would make disparaging remarks about a fellow Member. I'm sure Representative Flinn intended no affront. He may have had woken up with a headache this morning or some other problem, but I wanted to make the point. Thank you."

Speaker Ryan: "Well, you're out of order, Representative. Representative Telcser."

Telcser: "Well, Mr. Speaker and Members of the House, I rise to oppose Amendment #4 to Senate Bill 1452. It seems to me grossly unfair to penalize one group of public employees versus the other. I don't think any Member of the House would suggest that this be the same case for state employees, as an example. If they were to have an increase in salary, they would have to extend the time by which they would have to continue to work. Secondly, I mu...I believe there is a re...certain retirement age at which Judges have to retire. What would then happen to a Judge whose retirement age would preclude him or her from working the extended period of time which this Amendment would necessitate? So, Mr. Speaker, Members of the House, for these reasons and because I really feel Amendment #4 is grossly unfair, I rise to oppose Amendment #4."

Speaker Ryan: "Gentleman moves for the adoption of Amendment #4 to Senate Bill 1452. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it...The 'nos' have it. The Amendment loses. Representative Schraeder, do you need a pharmacist?"

Schraeder: "You're very kind, Sir. I'd like a Roll Call."

Speaker Ryan: "A Roll Call. All right. I think you need a pharmacist worse. Representative Schraeder."

Schraeder: "Did you say it passed?"

Speaker Ryan: "No, it lost."

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

128th Legislative Day

June 22, 1982

Schraeder: "Oh. Okay."

Speaker Ryan: "Is that all right? The Amendment loses. Further Amendments?"

Clerk Leone: "Amendment #5, Telcser, amends Senate Bill 1452 on page one and so forth."

Speaker Ryan: "Representative Telcser on Amendment 5."

Telcser: "Mr. Speaker, Members of the House, Amendment #5 simply extends the buy in period for members who had not yet previously participated who wish to participate to January 1, 1983. I appreciate a favorable vote."

Speaker Ryan: "Any discussion? The Gentleman moves for the adoption of Amendment #5 to Senate Bill 1452. 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: "...Short Debate, Third Reading. ...Greiman. Senate Bill 1593, Representative McMaster. Read the Bill."

Clerk Leone: "Senate Bill 1593, a Bill for an Act to amend the Secretary of State Merit Employment Code. Third Reading of the Bill."

Speaker Ryan: "Representative McMaster."

McMaster: "Thank you, Mr. Speaker. I believe that there is an Amendment that some people would like to put on this Bill and, for that reason, I would like to move it back to Second Reading for the purpose of amendment."

Speaker Ryan: "Gentleman asks leave to return Senate Bill 1593 to the Order of Second Reading for purposes of amendment. Are there any objections? Hearing none, leave is granted. Are there any Amendments? Representative DiPrima, for what purpose do you seek recognition?"

DiPrima: "Yes, thank you, Mr. Speaker. Ladies and Gentlemen of the House, I have Amendment #1 to Senate Bill 1593..."

Speaker Ryan: "Well, would you hold on one minute,

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

128th Legislative Day

June 22, 1982

Representative? We'll let the Clerk read it, then we'll get to you."

Clerk Leone: "Amendment #1, Ted Meyer - DiPrima, amends Senate Bill 1593 on page one by deleting lines 1, 2 and 3 and inserting in lieu thereof the following."

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

DiPrima: "Yes, Sir. Mr. Speaker, Ladies and Gentlemen of the House, Amendment #1 just affects about five people that were left out inadvertently when they were put in under the Personnel Code that would have allowed them to get this additional two years to their pension, and that's all it does. It has the approval of McMaster and the Senate Sponsor and the Secretary of State. I would appreciate an affirmative vote...or the adoption."

Speaker Ryan: "There any discussion? The Gentleman moves...you want...Representative McMaster."

McMaster: "Thank you, Mr. Speaker. I have no objections to this Amendment, and, as Representative DiPrima stated, it is in agreement with the Sponsor of the Bill in the Senate and with the Secretary of State's Office. It is permissive in...in nature, and I would ask for the approval of this Amendment."

Speaker Ryan: "Representative DiPrima to close."

DiPrima: "Well, I would move for the adoption of the Amendment."

Speaker Ryan: "Gentleman moves for the adoption of Amendment #1 to Senate Bill 1593. 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: "Gentleman requests leave to return to Short Debate. Are there any objections? Hearing none, leave is granted. Third Reading Short Debate Calendar. Senate Bill 1652, Representative Watson. 1652, Representative. Out of

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

128th Legislative Day

June 22, 1982

the record. Calendar on page two, under the Order of Senate Bills Third Reading appears Senate Bill 1242, Representative Stearney. Read the Bill? Read the Bill."

Clerk Leone: "Senate Bill 1242, a Bill for an Act to amend an Act concerning fees and salaries and classify several counties of the state within reference hereto. Third Reading of the Bill."

Speaker Ryan: "Representative Stearney."

Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, House Bill 12...strike that. Senate Bill 1242 would provide a salary increase for the members of the Judicial Branch of government. Now the Legislature is settled with this awesome responsibility of providing salaries for all three branches of government, including the Judiciary. And our responsibility is to provide a fair, just and adequate compensation for the Judicial Branch; otherwise, we will lose the best and the brightest. And this cannot be tolerated, for to allow such a situation to develop would allow the bench to be controlled and run by mediocrities. Now the case for Judicial salary increases has been set forth in the Joint ..by a Joint Committee of the Illinois State Bar and Chicago Bar Associations showing that if we were not to provide this salary increase that the Judges, the members of the Judiciary, would remain far behind those other members, those other workers in our society. To give you an example, Judges' salaries are only 55 percent of what they would be receiving had their salaries increased in line with the average full-time wage and salary workers in the United States since 1969. A Judge's salary today has the purchasing power of only 64 percent of what it was receiving in 1969, and, according to the study that was passed out, the average full-time wage and salary worker has 100 percent purchasing power. A Judge presiding in a

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

128th Legislative Day

June 22, 1982

courtroom today is receiving only half - 50 percent, mind you - of what the average lawyer practicing in that courtroom makes, and only a third of the income of the most successful lawyers that appear before him. Now, since 1979, there has been no salary increase. And, if we were to amortize this salary increase, which will be 15,000 dollars over a period of two years, if we were to amortize it over a period of four years, it would only be a salary increase of 5.5 percent. Now, mind you, if every other employee in the State of Illinois has received salary increases over the past few years...over every year since 1969, then I think its incumbent upon us to make certain that the members of the Judicial Branch of government, the second branch of government, also receive an adequate and fair wage. And I do want to emphasize this; that, unless we do so, you're going to have nothing but mediocrities on that bench. And granted now, if any of you, members of your family, your friends, relatives or even your constituents appear before the judiciary, you want intelligent, capable, competent individuals to hear their case and to make a decision on the merits, and that we can only do by making certain that the people who occupy those important positions in that third branch of government are well paid, so that we can attract the best and the brightest. If there are any questions, I would be glad to answer them."

Speaker Ryan: "Any discussion? Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Question of the Sponsor, Mr. Speaker."

Speaker Ryan: "Indicates he'll yield."

Mulcahey: "Representative, when is the last time that these Judges received a...any kind of a...any kind of a pay increase at all?"

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

128th Legislative Day

June 22, 1982

Stearney: "The Pay Raise Bill of 1978."

Mulcahey: "1978. So, therefore, prorated over from 1978 to 1982, this would constitute what percentage of a...of a pay increase?"

Stearney: "5.4 percent pay raise."

Mulcahey: "5...5.4 percent per year. Is that correct?"

Stearney: "Because we're going to the Fiscal Year 1983 budget."

Mulcahey: "And what's the current salary right now?"

Stearney: "For an Associate Judge, it is 45,000."

Mulcahey: "Thank you."

Speaker Ryan: "Further discussion? Representative LaHood."

LaHood: "Thank you, Mr. Speaker. I don't have any questions about this Bill, Mr. Speaker, but I'd like to offer a few comments with respect to the Bill, if I may."

Speaker Ryan: "Proceed."

LaHood: "I rise in opposition to this Bill, Mr. Speaker and Members of the House. I do so because the area that I represent, the Quad City area, is suffering under a great deal of unemployment. There are many, many people in our area that are out of work. There are many, many local governments that are cutting back. We've asked...We've been asked many, many times by the State Government to cut back. We're cutting back in many, many areas of State Government. I'd also like to point out that we recently had a vacancy in the 14th Judicial Circuit, which Rock Island County is a county in that circuit, and there were 12 attorneys that applied for that vacancy. We have some of the very best Judges in our circuit, and we also have some of the very best people that apply for those vacancies. There is no shortage of talent in the 14th Circuit. Apparently, those people that applied for that vacancy applied because they thought the salaries were very good, and I'm sure the salaries are very good. I think when

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

128th Legislative Day

June 22, 1982

we're asking every other level of government to cut back; I think when we're asking people in our area who are unemployed, who are out of work, who are hurting because of the economic situation, I think it's very difficult for any of us, at least for me as a Representative from the Quad City area, to vote in favor of this legislation. I applaud the judiciary because I think they do a good job; but I think in this time of austerity and I think in this time of economic hardship in my particular area, I rise in opposition to this Bill. I hope that others will consider the comments that I make. Thank you very much."

Speaker Ryan: "Further discussion? The Gentleman from Winnebago, Representative Giorgi."

Giorgi: "Mr. Speaker, you know, I received a lot of abuse over the pay raise of four years ago. In fact, the newspaper ran a series for 24 months about it, lest we forget. So I thought on this matter I ought to do a little research, and I find out that in the Rockford area where I'm from, the increases have been greater than what the Judges would get if you prorated their pay. The...For example, in the Rockford area, a police officer's increase was...would be 24 percent over the same period; a firefighter's, 35 percent; a comptroller, 30 percent; an engineer, 20 percent; an accountant, 17 percent. On the...On an average pay increase statewide, and these figures were gleaned by the Illinois Municipal League, the police officers' increase averaged 23 percent; firefighters', 23 percent, total percent increase, not average, total; engineers', 30 percent; and accountants', 23 percent; and planners', 32 percent. Now, one of the reasons, other than showing that...statistically that they're be...behind the other public officials, is that I think the people would like to know that the judiciary is independent. The judiciary

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

128th Legislative Day

June 22, 1982

should be financially independent to make decisions, such as a lot of the decisions that have been applauded over the years, and I don't applaud many of them. But, if there weren't an independent-thinking judiciary we wouldn't be arguing many of the issues today that we are. I think that for America to remain strong and to give impartial decisions, I think our judiciary should be free from economic want. And that's why I'm supporting the pay raise."

Speaker Ryan: "Further discussion? The Gentleman from Knox, Representative McMaster."

McMaster: "Thank you, Mr. Speaker. I suppose that it is with some minor reluctance that I stand in opposition to this Bill. Actually, many of the Judicial Branch of government are personal friends of mine. One of our Judges at home is a college classmate of mine, others are personal friends. When a Judges' position opens in our circuit, there are plenty of applicants for the job. Many, many of the current lawyers in our judicial district are seeking the job. So, I don't think there's any question of a lack of qualified people to serve in the judicial roles. I do feel that in this time of financial problems of the State of Illinois, with the attempts that we have made to curtail pay raises to state employees, with the problems that we have all over our financial sector in the state, I think it is foolish of us to come up with a Bill such as this to add to the fires of controversy that will occur if we do give this 30 percent pay raise to the Judicial Branch and do withhold pay raises to other state employees. I must oppose this Bill, and I would certainly hope that many of you join me in opposition to it. I point out again, it is not with any quarrel over the Judicial Branch. I think they're doing an excellent job, but I also feel that they

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

128th Legislative Day

June 22, 1982

are sufficiently well-paid and that we should not give them a pay raise at this time. Thank you."

Speaker Ryan: "Further discussion? The Gentleman from Cook, Representative Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. I rise in support of this fine piece of legislation, and I just hope that none of the other Members on our side of the aisle or the other side are swayed by some of these non-persuasive arguments that have been used. Our responsibilities, as Members of the General Assembly, and our mandate is that we have to set the standards for reimbursement for ourselves, for members of the Executive Branch and for members of the Judicial Branch. It's been adequately stated that members of the Judicial Branch are not compensated to the degree that they're supposed to, and...and it's long overdue. The Chicago newspapers, both the Sun-Times and the Tribune, have come out in favor of this legislation, and it's about time that we make the judiciary in Illinois receive the kind of compensation that they most justly deserve. I hope that no one has the nu...knee-jerk reaction, that you're going to vote against this legislation so they can go back in their district and say how they're so fiscally prudent. The job right now is to pass this kind of Bill, send it to the Governor so he can sign it, and the Judges in this state can get adequate and fair compensation. I urge everyone to do that."

Speaker Ryan: "Further discussion? Gentleman from Henderson, Representative Neff."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think it's rather ridiculous at this time to be talking about pay raises for Judges when we have...we're cutting so many people working for the State of Illinois, cutting out their raises. You know, these raises amount to

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

128th Legislative Day

June 22, 1982

more than some people are making in the State of Illinois. Now, our Supreme Court Judges get 58,000 a year. That's more than the Governor gets. Appellate Court Judges get 53,000 presently. Circuit Judges get 6...50,500 dollars. Associate Judges, which are the same as the Magistrate Judges used to be a few years ago, are drawing 45,000 dollars per year. Now at the time, conditions of the state, I think it's almost ridiculous to advocate a pay raise for these people, not that they might be deserving, but certainly we have many state employees who are much more deserving, and when we can't give the eight percent raise that we know we're not giving to many of our state workers, I...I think it'd be rather ridiculous to raise these people's salary. And therefore, I would hope we would oppose it."

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

Bullock: "Thank you, Mr. Speaker. I was wondering if the Sponsor would yield for a question."

Speaker Ryan: "Indicates that he will."

Bullock: "Representative Stearney, do you know the position of the Chief Executive of our state on the passage of Senate Bill 1242? Do you know his position on this Bill?"

Stearney: "Well, I haven't spoken to him personally, so...."

Bullock: "Have you heard indirectly what his posture might be on the legislation?"

Stearney: "Well I understand...I think he's for it."

Bullock: "Thank you. Mr. Speaker, to the Bill."

Speaker Ryan: "Proceed."

Bullock: "My understanding is...is the same, Representative Stearney, that the Chief Executive of the State does, indeed, support the passage of 1242, for those who are interested in that...in that fact. I think, Mr. Speaker

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

128th Legislative Day

June 22, 1982

and Ladies and Gentlemen of the House, all of us understand that the judiciary is a necessary part and a necessary piece of our society. It's a necessary institution. We understand that. We also understand there's a direct correlation between a bad economic situation and the increase in crime and increase in case load of our Judges. But, beyond that, I think what we also understand - and we've debated this issue on several instances before - is that members of the judiciary are, in fact, experiencing an...are experiencing an enormous burn-out rate, and consequently we are in fact witnessing the loss of some very distinguished individuals on the judiciary. Now, I can't speak for districts that Representative Neff and Representative LaHood represent, but I can speak for the City of Chicago and the County of Cook, where I know many of the Judges personally. And I know that many of them are presently serving at a tremendous economic loss, and they're doing it out of a commitment to their profession, and they're doing it out of a commitment to this institution called the judiciary. So I think, as I said on many instances before, that if we want better Judges and if we want better interpretation of the laws that we pass in this Body, we're going to have to pay a better buck. And if we pay a better buck, we'll get better Judges. It's just that simple. I would urge an 'aye' vote. I stand in support of the Bill. I've stood in support of the Bill in the past. I don't think one constituent's going to come up to one of the Representatives of this Body and castigate us for financing adequately members of our judiciary. They deserve the money. They've earned it, and I certainly think we ought to go on record today and indicate support and vote 'aye'."

Speaker Ryan: "Further discussion? The Lady from St. Clair,

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

128th Legislative Day

June 22, 1982

Representative Stiehl."

Stiehl: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a measure to which I've given serious consideration, because I do believe that the judiciary needs and should have a pay increase. However, I do not believe that such a pay raise is timely. It seems to me that when we consider the high unemployment in this state, and when we consider the financial problems and the problems in balancing our budget, and when we have to go out and tell the schools that we can't adequately fund them, and we can't fund the mental health institutions to the degree that we would like; then I think that we cannot go back to these people and tell them that we could, in this budget, find extra money for a pay increase. While I believe that it would be good for the judiciary to be granted a pay raise at some time when our economy improves, I do not believe that we, at this time, can afford pay raises for any area of State Government. Thank you."

Speaker Ryan: "Representative Terzich."

Terzich: "Yes, would the speaker answer a couple of questions...or the Sponsor?"

Speaker Ryan: "Indicates that he'll yield."

Terzich: "Rep...Yeah, Representative Stearney, when was the last time the Judges received a pay adjustment? Four years ago? Is that correct?"

Stearney: "1978, Mr. Terzich."

Terzich: "1978. Are you aware that, since 1978, that the st...what the state employees received in salary adjustments?"

Stearney: "Would you repeat the question, Representative?"

Terzich: "Are you aware of what the salary adjustments have been for the state employees since that time?"

Stearney: "I believe it's been in the range of seven or eight

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

128th Legislative Day

June 22, 1982

percent."

Terzich: "Well, to refresh your memory, it's 32 percent since 1978 to 1982 that the state employees have received approximately a 32 percent rate increase in their pay salary. Now, we are considering the budget for this year, and I can assure you that, in all of the appropriations, that...that they did not exclude any pay raise. They also...We passed an appropriation for the Secretary of State which provided a nine percent salary increase for their employees. We are not ignoring our employees, when it comes up, to salary adjustments. We are in a financial strain, but certainly we are not ignoring the needs of a fair and equitable salary for the state employees, nor should we ignore the fact for anyone else. The Judges have been having the effects of inflation, the price of gasoline, their mortgage, their home heating, their school cost for their children have all increased like all other citizens, and they're not immune to the ravages of inflation. So, in all fairness, that we are charged with this responsibility, we have had some good Judges leaving the bench because of economic reasons, and I don't think we should have any more. So, I would urge your support for this here salary adjustment for the Judges, and, in addition to the Members of the Executive and the General Assembly. Don't forget them."

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

Friedrich: "Mr. Speaker, Members of the House, let me run through these salaries again, in case you didn't hear the Sponsor, because it was not very clear here what the Sponsor was talking about paying these gentlemen on the bench. Beginning in July, 1983, a Judge of the Supreme Court will get 75,000 dollars; the Appellate Court, 70,000 dollars;

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

128th Legislative Day

June 22, 1982

the Circuit Court, 65,000 dollars. All considerably more than the Governor of this state. Now, I think we ought to...I would not argue that they couldn't use more money, but, I'm going to tell you in a few minutes, you're going to be voting on a Bill or on a No...an Amendment that just happens that we have taken four and a half million dollars away from the veterans of this state who are wanting...trying to get an education; so that they can get an education, and maybe they can become a Judge sometime. So, you want to pay these fellows who are making 58,000 dollars a year and take that six million dollars and take it away from the veteran so he'll never a chance to have an education. Where are your priorities? The Springfield School District announced today that they're going to be a million dollars short in trying to finance the education of the kids here in Springfield, and you take that in every district of the state, and you'll find out that we're depriving people of an education. And here we are advocating a 30 percent raise for some people who are making 58,000 dollars, or more than the Governor of this state. I think you'd better think what you're doing. I don't know of any Judge that's starving to death, and I don't know any Judge that didn't go there of his own accord. They weren't drafted, anymore than you were drafted and I were drafted. They wanted to be a Judge, and they're there, and I honor them for it. But, I don't want them complaining that they're starving or being deprived or can't pay their light Bill."

Speaker Ryan: "Further discussion? Representative Balanoff."

Balanoff: "I rise in opposition to this pay raise for Judges. A previous speaker spoke about laborers earning 100 percent more than they did in 1969. Well, in 1969, the...the unemployment rate was less than five percent. In this

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

128th Legislative Day

June 22, 1982

year, 1982, the unemployment rate is over 15 percent. I do not see any mass exodus of Judges from the bench. For every Judge who wants to leave, there are 100 other lawyers as qualified or more qualified waiting to take his place. As a matter of fact, many Judges go on to the bench as a retirement income , and even at today's inflated prices, 50,000 dollars a year looks pretty good. Many of them could not make that amount in private practice. I don't see any droves leaving the judiciary. At a time when there have been cutbacks in education, cutbacks in mental health, cutbacks in public welfare, when the state employees have been asked to cut back on their increases, when private industry is asking their executives and their employees to take cutbacks, at a time when we're told that the budget is 80 million dollars short, I don't think we should ask the taxpayers to give an increase to the Judges, certainly not the astronomical figure of 15,000 dollars a year. And a...a raise will not increase the quality of the bench. I would make a bet with anyone sitting here that, even if we didn't pass the pay raise today, there wouldn't be a five percent resignation from the Judges in Illinois. They like that job, and as I heard one per...one Judge say, it beats working. I oppose this assault on the taxpayers of Illinois."

Speaker Ryan: "Gentleman from Kendall, Representative Hastert."

Hastert: "Mr. Chairman (sic - Speaker), I ask for the previous question."

Speaker Ryan: "Would you hold that for a minute? We've only got a couple more here, Representative, that would like to speak on the issue. Representative Robbins. Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this fine Bill. Since 1969,

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

128th Legislative Day

June 22, 1982

as was pointed out, the cost of living has increased 125 percent. Since 1969, as well, the average worker has seen his salary increased by 127 percent. And, since 1969, the salary of our judiciary has gone up a dismal 44 percent. One of the previous speakers indicated that this is not the time to have this pay raise. Well, I have to agree with that Representative. This is not the time. The time is long overdue for this pay raise. It is absolutely inequitable to withhold pay raises year after year for members of the judiciary so that, where normal workers - people in the work force - are getting four percent pay raises a year, five percent pay raises a year, eight percent pay raises a year, all of which who...all of which pay raises are supported by one of the previous speakers who spoke against this Bill. I think it's outrageous to make members of the judiciary wait until they are so far underpaid that they have to come to us asking for a pay raise that, on its face, looks like a large pay raise; when, in fact, it is a small pay raise. I have a conflict of interest, Mr. Speaker, Ladies and Gentlemen. My father's a Judge in the Circuit Court of Cook County. I have a conflict of interest as well, because, as a trial lawyer, I have to appear before Judges, and I want those Judges to be very qualified Judges, to be able, knowledgeable Judges who can make rulings that are required of them. For those reasons, I solicit your 'aye' vote. This is long overdue, and this is too little, too late, but it's a beginning."

Speaker Ryan: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. I think it's a sad situation when people use comparisons in regards to percentages of increase. Certainly, a five and a half percent increase on 14 or 15 or even 20,000 dollars is not

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

128th Legislative Day

June 22, 1982

a sizeable increase in dollars or spendable dollars. But, when you talk about a five and a half percent of 45,000 or 50,000 or 55,000, you're talking real money. And I think in the time that we're facing today, where we're asking nearly every person in State Government to hold the line for at least another year, it would be bad precedence in order to go ahead and support this kind of a raise. Someone has mentioned that we've got to assure that we have quality Judges in order to have a good judiciary. I support the efforts of the judiciary, and I think they've done an excellent job. But when I recalled to this Body within the last two years that where three guards were killed in Pontiac, and no one was found guilty of those brutal murders; and when I read in the State Journal-Register that we find a guy by the name of John Hinckley, Jr. who is innocent by reason of insanity, and therefore not criminally responsible for attempted assassination of our President, maybe we ought to consider doing something for jurors by increasing their salary so that we have a better quality jury."

Speaker Ryan: "Further discussion? Representative Stearney to close."

Stearney: "Mr. Speaker, Ladies and Gentlemen of the House, we cannot afford not to give a salary increase to the Judicial Branch of government. We have done so for every other state employee in the Executive Branch of government. And, let me just recite for you, from 1969 to 1980, the Judges' an...average annual rate of growth was three and a half percent, from '69 to '74 was 1.2 percent, and from 1974 to 1980 was an average of five percent. We are only asking a bit of fairness and justice. That is that you extend to the third branch of government that which you have given to the Executive Branch of government; that is, to all those

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

128th Legislative Day

June 22, 1982

employees, a seven and eight percent increase per year over the last ten years. And, as to the question of vacancies, vacancies being filled very easily. Need I remind you, let me give you an analogy. If any of you were to vacate your seat here, I grant it, there would be ten who would wish to take it. But that doesn't mean that you would be getting the most experienced, the most competent, the most able to serve the people of their district in the Illinois Legislature. No, you can only get the best, the brightest, the able, the competent by adequately compensating them, if you do want them. Now next I say that we have lost a number of Judges, great Judges, from the bench over the last few years, and I wish to remind you that one of them was one who sat with us in the Ill...in this chamber as of six or seven years ago, namely Charles Fleck. He became the presiding Judge of the Divorce Division in Cook County, but as of a month ago he resigned simply because the pay was totally inadequate. And I would say to you, that Louis 'Gripple', who was the best, the brightest mind in the criminal courts of Cook County, resigned because he could not afford his...to put his children through school. And Lawrence 'Pusetari', who sat in the General Assembly, resigned from the Appellate Court, simply because of the inadequate salary. And I say to you there are a great number of you, of people in this audience here, who would not serve in the judiciary simply because the pay is inadequate. And, I would say that I am one of those who would refuse such a position. I would not work for such inadequate pay, and I don't think that any of you, the best and the brightest of the lawyers here would serve in the judiciary. No, I can only say that we must do what is right and that is what is just, and that is adequately compensate the members of the third branch of government as

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

128th Legislative Day

June 22, 1982

we have done for the other two branches. I solicit an 'aye' vote on this matter. Thank you."

Speaker Ryan: "Representative Stearney moves for the adoption...moves for the... The question is, 'Shall Senate Bill 1242 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Bartulis, one minute to explain your vote."

Bartulis: "Yes, Mr. Speaker and Members of the House, I'd like to explain my 'no' vote. It seems like we have something like 800 and some Judges in the State of Illinois, and I just want to give you a few percentages. About 500 of them are overpaid or incompetent. Therefore, I'm pay...I'm voting 'no'."

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

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. As usual, it's not easy in a situation like this to stand up and support a Bill in tough economic times like we're in right now. But, if the Illinois Judges' salaries had grown in line with the salaries of the average full-time wage and salary worker in the United States since 1969, Judges would be earning 55 percent more than they are today; if they had just grown in line with the average worker. Ladies and Gentlemen of the House, Judges in Illinois are, for the most part, very hard-working and very sincere individuals that have given up some of their personal economic gain in order to serve in the line of public service. I support that role, and I support them in the efforts that they are fulfilling by serving on the judiciary. I would encourage each and every one of you to look toward the quality of the judiciary that we experience in this state and to continue to support that by voting for a modest and reasonable increase in their salaries."

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

128th Legislative Day

June 22, 1982

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

Deuster: "Mr. Speaker, this is one of the most difficult votes for me to cast. I won't be around next year, most likely. However, I too felt that the economy and the remarks expressed so well by Representative Balanoff were true here, when so many people are unemployed it's very difficult to explain voting so much money for one segment of our governmental system. However the problem is the psychology. We don't seem to be able in this General Assembly, to give a modest increase every year as should be done, a small amount. But we have to play catch-up ball. That's the problem. If we were to amend this and...to give them less money, next year they wouldn't get more money because everyone would say we gave you money last year. So, because of the psychology of the General Assembly, it is important to take this leap frog forward, and that is why I think all things considered, this is a Bill that should be adopted so that we don't have to come next year and the following year for the Judges, and I urge an 'aye' vote."

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

Robbins: "Should re...If this should receive the required votes to pass, I would ask for a verification."

Speaker Ryan: "Representative Getty."

Getty: "Mr. Speaker, Members of the House, as most attorneys in this Body, I have a conflict of interest, or a potential conflict of interest; and yet, I want the record to indicate, in casting my 'aye' vote, I vote my conscience."

Speaker Ryan: "Have all voted who wish? Representative Loftus, for what purpose?"

Loftus: "Mr. Speaker, Ladies and Gentlemen, I am going to cast a 'yes' vote on this judicial raise; however, I would like to

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

128th Legislative Day

June 22, 1982

remind some of the other speakers and the Judges of DuPage County that one way to get more qualified Judges would be to select them, not on a political basis as is done in my county, but on a merit basis. We have 42 Judges in DuPage County. There are 42 Republicans. There are no Democrats. When we do present qualified people to DuPage County, they instead select mediocre Republicans. So, I will vote 'yes' on this, but there are other methods to obtain more qualified Judges."

Speaker Ryan: "Now, have all voted who wish? Take the record, Mr. Clerk. Representative Robbins."

Robbins: "Atten...The attendance is real good. I'll withdraw my verification request."

Speaker Ryan: "On this question there are 102 voting 'aye'...Representative Karpel, do you seek recognition? Record the Lady as 'no'. Represen...On this question there are 102 voting 'aye'...Representative Carey wishes to be recorded as 'no'. Now, are there any other changes before we move along, here? Representative Dunn, do you seek recognition? Representative Ralph Dunn as 'no'. What's the count, Mr. Clerk? On this question there are 102 voting 'aye', 70 voting 'no', 2 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1259, Representative Christensen. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1259, a Bill for an Act relating to interstate compacts and agreements concerning nuclear waste. Third Reading of the Bill."

Speaker Ryan: "Representative Christensen on Senate Bill 1259."

Christensen: "Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 1259 provides that a compact or an agreement relating to nuclear waste, which is entered into by the Governor or his representative, with another state shall

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

128th Legislative Day

June 22, 1982

not be valid unless it has been filed at least thirty days prior to being approved and enacted into law by the General Assembly. Illinois is one of 13 states in the Midwest Region, and the chances are very good that Illinois will be asked to host the site. It is very important to protect the health and safety of all the citizens of Illinois. This Bill received no opposition in the...in the Committee, and it passed out of the Senate by a vote of 54 to nothing."

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

Meyer, Ted: "Thank you, Mr. Speaker. This is a good Bill and strongly supported by Governor Thompson and the administration. I urge its approval."

Speaker Ryan: "There any further discussion? Representative Christensen, do you care to close?"

Christensen: "I would just ask for a favorable vote, Mr. Speaker."

Speaker Ryan: "Question is, 'Shall Senate Bill 1259 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 172 voting 'aye', 1 voting 'no' and none voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1260, Representative Christensen. Read the Bill."

Clerk Leone: "Senate Bill 1260, a Bill for an Act to amend the Civil Administrative Code of Illinois and an Act in relationship to radioactive waste. Third Reading of the Bill."

Speaker Ryan: "Representative Christensen."

Christensen: "Mr. Speaker, Members of the House, I would like to yield to the hyphenated Cosponsor, Representative Mautino."

Speaker Ryan: "Hyphenated Cosponsor Mautino."

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

128th Legislative Day

June 22, 1982

Mautino: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 1260 is the legislation which has caused a great deal of interest over the last week here in Springfield - interest from both sides of the question. Originally, the interest in notification was brought to you as Legislators by local governments, environmental groups and people who live in the vicinity of hazardous or low level nuclear waste sites here in the State of Illinois. This last week, there have been attempts to convince Legislators that Amendment #5 to Senate Bill 1260 was not in the best interest of the business community of the State of Illinois. I submit to you that 1260, as amended, is a protective measure for the rural counties of the State of Illinois. It does not affect Chicago or Cook County. It does affect those downstate counties where hazardous and low level nuclear waste sites now abound. What this legislation does as amended with Amendment #5, is set up criteria for site selection on a new or expanded facility. I've included in Amendment #5 to 1260 the exact language that this House and the Senate sent to the Governor last year, as the original proposal of Senate Bill 172. The Governor amendatorily vetoed portions of it, and I have included it back into this legislation. In all of the attempts that we have had on the House floor and in Committee, no one, not one single group, has presented any arguments to me on any of the issues presented in 1260. There has been a concern for the 100,000 dollar application fee. I am ready, willing and able to reduce that figure in a Conference Committee, if the need be. What this legislation does is protect those downstate areas, like Wilsonville and like Sheffield, from the continuation of leakages of, not only tritium, but chemical waste as well. In my estimation, a vote for Senate Bill 1260 is a vote for

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

128th Legislative Day

June 22, 1982

the protection of the cit...citizens today and in the future in their quest to be provided public health and safety from hazardous waste in the State of Illinois. A vote against this legislation basically, allows the same type of operation for siting selections that we've had for the last 12 years in this state. I think that, by not passing this legislation, we would be opening the door to the State of Illinois to become the dumping ground of, not only the State of Illinois, but the rest of the nation. I submit to you, that this legislation is the best possible protection to those downstate counties and municipalities which we have included for the site selection and the criteria for hazardous waste, and I ask for your affirmative vote on the question."

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

Meyer, Ted: "Thank you, Mr. Speaker. House (sic - Senate) Bill 1260, as it came out of the Environmental Committee, was a good Bill. It dealt with low level radioactive site disposal. Representative Mautino's Amendment #5 is an anti-landfill Bill. It would permit...prohibit, for all practical purposes, the establishment of any new landfills in the State of Illinois. Quite frankly, Ladies and Gentlemen of this House, we generate waste. We generate waste paper, waste food, waste products, toxic waste, hazardous waste, and if you...if you aren't going to pro...provide adequate spaces for it to be properly disposed of, it's going to go back on the streets, in rivers, in streams of this country. You can only dispose of waste materials in three areas. You can put it in the water. You can put it in the air, or you can put in the land. Reasonable people in this country have come to the conclusion a long time ago, that our...our streams and our

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

128th Legislative Day

June 22, 1982

air are more valuable. Waste can be adequately and properly disposed of in land. Amendment #5 would make it virtually impossible to site a new landfill. County boards would be given...establish new criteria which would be impossible to comply with. The...The extension of public hearings will be in...indefinite. Zoning would be re-established. The appeal process would be longer. Ladies and Gentlemen, the Municipal League opposes this Bill. The State Chamber of Commerce opposed this Bill. The Manufacturers Association oppose this Bill, and the Illinois...Illinois EPA opposed this Bill. I only know of one small group that's in favor of it, and I suspect that probably most of their membership hasn't read the dire consequences of this Bill. I urge its defeat."

Speaker Ryan: "There any further discussion? The Gentleman from Adams, Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I regretfully stand in opposition to Senate Bill 1260. It is true that we often tried to work out a compromise on this piece of legislation. I admire Mr. Mautino very much. He has a significant problem in Bureau County and Lee County. On the other hand, we just recently, last year, passed Senate Bill 172, where we developed the process for local...initiative local control on signing...siting of landfills throughout the State of Illinois. To change it now, I think, would be unfair. To not provide an access for a decent review process by a Pollution Control Board, I think, is unfair at this time; and, although I know the Gentleman has his heart in the right place, and he's well thought out his issue, I think this is untimely and I would encourage everyone to vote 'no' or 'present'."

Speaker Ryan: "Rep...Representative Hudson."

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

128th Legislative Day

June 22, 1982

Hudson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, too, have a great deal of respect for Representative Mautino, but I must rise in opposition to this Bill. I don't think there's a one of us here that doesn't have a great concern for the proper care and treatment of nuclear waste. But, I do feel that we have to remember that the State of Illinois is one of the leading producers of this kind of material, and a safe repository for these materials must be found. It's difficult for us to transmit them or ship them out of state as you all know, and I think Representative Ted Meyer in his comments was right on the mark. Under the provisions of this Bill, particularly Amendment 5, it would be virtually impossible for a hospital or other manufacturer or contributor of nuclear waste to find a place under the provisions of this Bill, to put them. I think what we're looking for is an opportunity, as has been pointed out, to be able to place these wastes in a safe manner under reasonable conditions which we already have supplied to us under current legislation, and I think to pass this Bill with Amendment 5 and other restrictions on it, which makes it virtually impossible for our counties to comply with those regulations, is going to set our industry and our hospitals and other...other manufacturers of hazardous wastes at the low level, going to place them in a position where they simply will not know what to do. And Ted Meyer makes the point that they'll either pile up, they'll be put in refuse dumps or they'll be dumped into some streams somewhere which we don't want, and I think we need to think very long and hard before we pass this particular piece of legislation. I would urge a 'no' vote."

Speaker Ryan: "Representative Mautino."

Mautino: "My light was on to close, but I see some other people

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

128th Legislative Day

June 22, 1982

wanted...wanted to speak on the subject, Mr. Speaker. I'd be happy to close, if you'd like."

Speaker Ryan: "Well, then turn your light off, would you please? Representative Ewell."

Ewell: "Mr. Speaker, Ladies and Gentlemen, I'm forced to rise in opposition to this Bill. I think it represents a rather short-sighted view of the country, the economy and the needs of the state and the nation as a whole. There were always those who, for their own personal interest objected to things. There were those who used to live in the seaports who objected, simply because they would create a little dirt and the seaports would become unsightly. These places are now abandoned ruins. They have had no commerce, no industry and no future for the people who live there. The same argument was made with the railroads; that they were dirty and unsightly. But, those towns which rejected the railroads also found themselves without industry, without employment, and they are now nothing more than abandoned villages. There were those of us who thought that the super highways were bad and that they should be rejected. But, now we have grand shopping malls on the outskirts with adequate income and small villages and small communities crying simply because of their short-sighted policies. Again, we have the same type of policy affecting us with this type of Bill. Are we going to override the overwhelming needs of the people of the state, of the nation in favor of strictly a parochial type of view, which simply says, 'Because in our interest and in order to maintain what we say is the countryside, per se, we will now make it impossible at any time to dispose of any type of waste'. Ladies and Gentlemen, this type of Bill will reduce the State of Illinois, not to a prosperous state, but one of those states, in the next time we take a census,

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

128th Legislative Day

June 22, 1982

we'll find out that we've lost four or five other Congressmen to states that are more aware of the pressing needs of the nation and the state as a whole. It is not time to be provincial, but to take the longer sight and reject this type of provincial legislation."

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

Tuerk: "Mr. Speaker, would the Sponsor yield? I had to be off the floor the other day, unfortunately, when you were debating Amendment #5; and during the debate today there seems to be...that seems to be the only breach in the whole Bill. Would you for my benefit and, hopefully, for the benefit of others explain precisely what's in that Amendment, and what the objections to that Amendment are?"

Mautino: "Yes, I'd be happy to, Representative Tuerk. First and foremost, what you've heard here about nuclear waste has nothing to do with Amendment #5. Amendment #5 only addresses hazardous waste, new or expanded sites. Included in that Amendment #5 is a siting criteria which gives the siting criteria, the rules and regulations for the siting, hydrological and geological to the county board or the municipality where the applicant wants to put a new site, number one. And it must be proven that the facility is necessary for the public convenience; that means roads going in and out that don't go right through town with hazardous waste. It has to be out in the country, basically; that the facility will not cause substantial injury to the value of the property around it. For example, the farmland around it. It will also provide that it's designated and checked and located so that the public health and safety will not be harmful to the community that surrounds the specific site. It also has an application fee, a cap of 100,000 dollars. Four of the counties that are in my area have county application fees; some at a

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

128th Legislative Day

June 22, 1982

minimum of 5,000, some a minimum of 20 and one a minimum of 50. So, the county's already doing what the cities are doing. The other proposal included in there is that the final decision will be based on these criteria, and not go directly to the Pollution Control Board, where it's made by a state employee or a bureaucrat. What I...That is basically what it is. It gives local control on new and expanded site facilities, so there aren't any leakages. I see no reason why the opposition has come forward with some of these remarks, and I note very closely that those opposing views come from people of the metropolitan area, where they don't have these sites. This Amendment addresses the rural downstate counties where the sites are now located or could be located in the future."

Tuerk: "Well, we...we had a case you may recall, in our county a couple three years ago where we had quite a public debate on it, and the Pollution Control Board did thus and so. There just wasn't any local input, and this Amendment actually as you explained it would undoubtedly address that particular problem we had with that particular site. Am I right or wrong?"

Mautino: "You're exactly correct. Yes, Sir, exactly correct. It addresses that question at Princeville, I believe it was, was one site; the Sheffield site as well, and the pioneer processing site at Ottawa, Illinois."

Tuerk: "Thank you."

Speaker Ryan: "Further discussion? The Gentleman from DuPage with the whistle, Representative Schneider."

Schneider: "Thank you, Mr. Speaker, Members. On 1260, I don't underst...Well, I do understand the opposition that was mentioned by some of the persons who are opponents. The opposition comes from IMA, it comes from the Chamber of Commerce, because I think they're a little apprehensive

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

128th Legislative Day

June 22, 1982

about the reality that the citizens really care about where you're going to dispose of hazardous waste. When we talk about a siting that deals with the health and the welfare of the public and that that welfare has to be protected, then it means you can't just randomly abandon hazardous waste. Where have they been before 172? Where have they been since 1260, if we get that on the Governor's desk and signed? They've been the ones that have caused the problem, without the restraints of government; without regulation, they will go merrily along their way and make those illegal dumps that Representative Meyer was prot...projecting if this Bill is passed. They've had a decade or two, maybe three, in which to deal with this issue. They've not done it. They have not addressed the issue squarely. Let's talk about the public welfare and the health, and the concern of our citizens on our area. Let the local government, that I'm surprised some of the people on the other side of the aisle are apprehensive about; let the local government help in that siting, and let them determine if they're equipped adequately to make the right selection and the right choices. I think it's a good Bill. I think the Amendment improves the Bill. I hope we can pass this to establish clearly, once and for all, that hazardous waste in our areas is not acceptable unless there is citizen input, and unless it really serves our interest as a state. I support the Bill, and I urge you to."

Speaker Ryan: "Now, is there any further discussion? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, could I have a little bit of order, please?"

Speaker Ryan: "Your point's well taken. Mr. Doorkeeper, will you

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

128th Legislative Day

June 22, 1982

clear the aisles and take the unauthorized people out of the Chamber, and the Members please be in their seats?"

Vinson: "Thank you, Mr. Speaker. To the Bill, the first absolutely ridiculous point, in relation to this Bill, is right on the face of it. Just to file an application, not to process the application, not to enforce the application if it's approved, but just to file an application, a hazardous waste site has to submit a 100,000 dollar fee if that's what a county wishes to charge - 100,000 dollars. Now, that is absurdly ridiculous. The second point that I think Members ought to take very serious countenance of is the fact that no site can be approved under the terms of the...of the Amendment adopted to the Bill. Under the terms of the Bill, no site can be approved if there is any other site that could be...that would grant equal dumping ability. In other words, if there are two sites possible in a place, you can't approve either one of them. That's ridiculous. That means that we can never dump waste in an environmentally sound fashion. That means that the only thing people are going to have left as an option is to dump waste in the gutter, in the streets and through the drains. That's bad environmentally and in the long run...in the long run that's bad for everybody in this chamber. If we adopt this kind of an Amendment, we're doing the worst possible damage to industries, to consumers and to the environment of the State of Illinois. I would urge a 'no' vote on the Bill."

Speaker Ryan: "There any further discussion? Gentleman from Stephenson, Representative Rigney."

Rigney: "Will the Sponsor yield?"

Speaker Ryan: "Indicates that he will."

Rigney: "Mr. Mautino, I want to understand, once and for all, what is the role of the counties, as far as your Amendment

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

128th Legislative Day

June 22, 1982

is concerned? First of all, does each and every one of our 102 counties in the State of Illinois have the final authority as to whether or not a simple landfill will be located in their area?"

Mautino: "Other than Cook, yes."

Rigney: "They would have the determination based on the application fee for hydrology and geology of a proposed site. If in fact the money is not spent for hydrological and geological through the U. S. Geological Survey Team, they would get that money back. The final determination is at the county or municipal level in downstate Illinois."

Mautino: "Yes, Sir."

Rigney: "So, each one of the 101 counties in downstate Illinois, by a simple vote of the county board, could reject the landfill. Is that...Is that correct?"

Mautino: "They have the authority to site it, as well, and there are provisions for a..."

Rigney: "But they have...Do they have the authority to reject it? Just simply reject it?"

Mautino: "Accept and reject, yes."

Rigney: "Would you care to speculate on how many of the 101 counties would be willing to have any landfills under this type of authority?"

Mautino: "I would assume there are probably some. I know of many that would not like them, such as Bureau County, with the Sheffield site, where there has been proven leaks in both the chemical sites and the low level nuclear waste site. I think they have a...a responsibility to the citizens to examine completely whether or not the soil is permeable and can maintain the product that's going to be put in the soil."

Rigney: "But, wouldn't you agree that there'd be a lot of political pressure on each and every county board member in

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

128th Legislative Day

June 22, 1982

every one of those 101 downstate counties to reject a landfill."

Mautino: "No more than what is going on in this room at this time with the special interest groups hammering our Legislators to kill the Bill; yet they will not say why they are against it. It would be no different in a county board room than it is in this chamber, none whatsoever."

Rigney: "Well, Mr. Speaker, the only thing I would care to point out to the Assembly is, it seems to me that if we're going to leave that kind of authority to each and every one of the 101 counties in downstate Illinois, although it might be a popular thing to pass the buck in this fashion, I think siting of landfills will be virtually impossible in years to come. I cannot see any county board member in any one of the 101 downstate counties that would be willing to vote for a landfill site in their county. I think we're really subjecting these people, although they...they might think they'd like to have that authority. I think we're subjecting them to the kind of political pressure they are...that, you know, will truly boggle the mind, and to subject them to that kind of pressure, I think, would not be wise of...on our part."

Mautino: "I would like to respond to that, Representative Rigney, by saying; the only authority that they have now is through local zoning ordinances. All we're doing is expanding that to site selection. You, most worthy Representatives a believer in local control, I find that rather amazing to hear you speak against your rural local counties and municipalities having the say so of where a hazardous waste site will be located. I just...I don't believe that that's your philosophy, Sir."

Speaker Ryan: "Any further discussion? The Gentleman from Will, Representative Van Duyne."

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

128th Legislative Day

June 22, 1982

Van Dyne: "I move the previous question, Mr. Speaker."

Speaker Ryan: "I don't really think it's necessary, Representative. We will now allow Mr. Christensen to close. Mr. Mautino to close."

Mautino: "I believe everyone knows exactly what's in this Bill. I believe everyone knows exactly what the posture of low level nuclear waste and hazardous waste is in this state. I would like to point out that prior to 1969 the method of site selection was for the EPA to authorize a site and then have the geological survey team come in and justify that particular decision. I think those days are wrong and long gone. If in fact you want to give protection to the citizens of downstate Illinois, where those materials are buried, yet not produced, I think you'll support this legislation. I would also like to point out that there is a need and a desire for local governments to have a say--so in where the siting selection will be, and I think they need the funds to do the geological and hydrological studies for the protection of the water supplies in those areas. We've seen too many times where permeable soil now leaks and causes a possible health contaminate to the citizens around the site. If in fact the special interests of this state are so narrow minded and listed only with tunnel vision that they don't want to give any authority to local governments and citizens who live around it, I think that's bad policy. In fact, I think it's terrible policy. I'd like to point out as well, you do not find listed on any of those Commissions or any of those Committees who are looking at possible ways to make a good criteria selection having anyone who lives around the site as part of it. You have only industry people who are deciding the best method for site selection outside of where it is produced. I believe that on-site disposal is

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

128th Legislative Day

June 22, 1982

the only way that it will be handled in the future years. This is a step in the right direction to guarantee that the downstate counties will have a say--so if a site is proposed in their area. Then they wouldn't have to go through the Wilsonville court costs and the Bureau County court costs and LaSalle County court costs on problems that weren't theirs in the first place. I respectfully ask for support for 1260, Senate Bill, as amended. Thank you."

Speaker Ryan: "The question is, 'Shall Senate Bill 1260 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 58 voting 'aye', 104 voting 'no' and 5 voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Senate Bill 1292, Representative Pullen. Out of the record. Senate Bill 1305, Representative Ewing. Read the Bill."

Clerk Leone: "Senate Bill 1305, a Bill for an Act relating to drug paraphernalia. Third Reading of the Bill."

Speaker Ryan: "Representative Ewing."

Ewing: "Ladies and Gentlemen, this is a measure which has not heretofore been brought to the attention of this House on Third Reading. In fact, a Bill on drug paraphernalia has been passed by the Illinois Senate on prior occasions. And we have here today our first chance to help control the sale of drug paraphernalia or head shops in the State of Illinois. This is a very important piece of legislation. It does not outlaw the possession of these matters; it only outlaws the sale of it. I think this Bill has been refined. We do so at the Amendment stage. I think the Bill has been..come to us from the Senate in good form. And I'd be glad to answer any questions concerning this measure."

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

128th Legislative Day

June 22, 1982

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

Cullerton: "Will the Sponsor yield?"

Speaker Ryan: "He indicates that he will."

Cullerton: "Representative Ewing, for the purposes of legislation intent, I wanted to ask you a couple of questions. On page two of the Bill, Section 5, it says '..objects peculiar to and marketed for use in ingesting, inhaling or otherwise introducing cannabis, cocaine, hashish or hashish oil into the human body, including, where applicable, the following items...'. What I want to know is, are these items that are enumerated on page two, are they per se violations of this law? Is that what 'where applicable' means? Does..Does 'where applicable' mean ..refer to the exemptions that say if they're not operable, they're not..they're exempted? Or what..Just what does 'where applicable' mean?"

Ewing: "It would apply only when they are for use with the cannabis or the other..marijuana, hash, whatever it might be, illegal substance."

Cullerton: "Okay. When..When you say, 'when they are for use'...The language says, '...objects peculiar to and marketed for use...'. If those two exist, then these would be, per se, illegal."

Ewing: "Well...If..If the object is peculiar to and if it is marketed for use with controlled substance or cannabis, it is. If you take a pipe and it's marketed for use for tobacco which is a legal substance it would not apply."

Cullerton: "Right. Okay. Now, the..the next question I wanted to ask you about has to do with the Section under 'nuisance'. And I think this is very important to find out with respect to realtors. I think that this is a question we have to settle in their mind. The language says,

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

128th Legislative Day

June 22, 1982

'...if, during the proceedings and hearings upon the merits, the existence of a nuisance is established and it's established that the nuisance was maintained with the intentional knowing or reckless permission of the owner, or the agent of the owner managing the premises, the court shall enter an order restraining all persons from maintaining or using or permitting such nuisance and from using the premises for a period of one year thereafter...'. Now, my question to you is this. If a realtor, let's say an absentee owner who lives down in Florida, and he has a guy who manages his..his shop - say he's got a whole shopping center - and, in one of those shopping centers there is what's commonly known as a head shop, and it's sued..that shop is sued and there's a declaration that there is a nuisance and they're shut down, does that mean that that owner of that shopping center cannot lease that property, to say some other store some legal store, like a barber shop for up to a year?"

Ewing: "No, it doesn't."

Cullerton: "Okay. When can they ...When can they lease to someone else? Because the language...I think we have to be very clear, because the language says that for...'that there shall be an order rendered restraining all persons from maintaining or permitting such nuisance and..'..not..okay? It says, '...and from using the premises for a period of one year thereafter..'."

Ewing: "Let me...Let me explain a couple of things on that, Representative. I think that's an excellent question and one that the Realtors' Association had looked into when this Bill came on to Second Reading. The realtors have indicated to me yesterday, they had absolutely no problem with it. Their organization had accepted it. That is rather common language in the Nuisance Statute. The power

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

128th Legislative Day

June 22, 1982

is available. If, for instance, a property owner continued to allow a head shop to operate, then the State's Attorney could go in and seek to have it closed down for a year. But, if that head shop when it's closed down goes out of business, that would not prevent it being used from..for a legitimate purpose. That's not the intention."

Cullerton: "Okay. So as long as the nuisance has been abated, then they can go in and..and rent it to whoever they want."

Ewing: "The provision is common to the Nuisance Statute so that if they fail to close the nuisance then they can just close the property down."

Cullerton: "Okay. Now, what if they don't wish to rent it to anybody else and it's closed up for a year. After that year can the head shop then go back in and reopen?"

Ewing: "Once a head shop always a head shop. Still be illegal. I think they'd still be subject to law."

Cullerton: "But what's the significance of the year? What happens after the year's up?"

Ewing: "Well, if the year, I suppose if he wants to take a chance opening a head shop in there he can do so if he were closed for a year. That doesn't keep the State's Attorney from again prosecuting."

Cullerton: "Okay. Now, I have another question for you. What is the status of the law that we passed last year that I supported that indicated that the selling of tobacco accessories to minors is against the law, tobacco and tobacco accessories to minors? Is that overruled by this Bill?"

Ewing: "This Bill has nothing to do with the sale of tobacco. It has nothing to do..."

Cullerton: "Tobacco accessories was the other Bill."

Ewing: "No, I would say it does not. But that..."

Cullerton: "So that's still law then, right?"

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

128th Legislative Day

June 22, 1982

Ewing: "I assume it is. I'm not familiar with that law, Representative."

Cullerton: "Okay. And with respect to preemption, what is your understanding with respect to what this Bill does to..."

Ewing: "This..This is a preemption Bill."

Cullerton: "Okay, so that other..other local municipalities cannot pass similar Bills and..."

Ewing: "This..This preempts local ordinance."

Cullerton: "Okay. And any pending lawsuits against any local ordinances such as in Cook County would be moot if this Bill would become law. Is that correct?"

Ewing: "My opinion of that would be that if it was for a past violation that that case would have to go through the process and be settled. From the point that this Bill becomes law, then I would say that there would be no more cases."

Cullerton: "Okay. Thank you very much. No further questions."

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

Johnson: "I just have a Parliamentary Inquiry. Apparently there's some preemption involved in this Bill and I'm wondering what the required vote for passage is. I'm not...I'm not going to argue one way or the other. I just want to know what it is."

Speaker Ryan: "We'll get back to you, Representative."

Johnson: "Okay."

Speaker Ryan: "Representative Darrow on 1305."

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

Speaker Ryan: "Indicates he will."

Darrow: "Representative Ewing, in drafting this Bill and adopting the Amendments, did you consider the Hoffman Estates Ordinance which was recently upheld by the United States Supreme Court?"

Ewing: "That was very definitely considered during the Amendment

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

128th Legislative Day

June 22, 1982

process."

Darrow: "So, in view of that and in view of the recent United States Supreme Court cases, with your background as a foremost trial attorney in Pontiac, you feel this ..this Bill is constitutional."

Ewing: "Well, Representative Darrow, I'm not the foremost trial attorney in Pontiac. He does belong to my firm though."

Darrow: "But it is your...It is your feeling and belief that this is constitutional."

Ewing: "Yes, it is."

Darrow: "Thank you."

Speaker Ryan: "Now, is there any further discussion? The Gentleman from Cook, Representative Greiman, on Senate Bill 1305."

Greiman: "Thank you, Mr. Speaker. A question of the Sponsor, if I may."

Speaker Ryan: "Indicates he'll yield."

Greiman: "Okay. Thank you. I notice that on page three of the Bill that a temporary injunction can be issued and there is no requirement that I can see that there be any kind of emergency that would have to be abated in a quick way, and that...Is there any reason...Is there any reason why we should allow a State's Attorney to come in without notice or bond and request..and get a temporary injunction on a showing, without there being some emergency? Isn't that unusual, Mr. Ewing?"

Ewing: "I think that would have to be considered as within the discretion of the court, and I can't say that it's not unusual or that...I have nothing to base that on, Representative. But we..we know we have a lot of confidence in the court and that we would believe that they would use that discretion wisely."

Greiman: "Well, thank you. On the Bill itself then. I have

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

128th Legislative Day

June 22, 1982

some..certainly some reservations. When we give a court the right to enter a temporary injunction without notice and without bond, that's a powerful, a powerful thing in the hands of the State's Attorney. And, we should then at least give some kind of guidelines for a court to operate under. Is..What would be the reasons for a temporary injunction? Why should we end a case before...on the day that it begins, for example? Why shouldn't the defendant be given notice? He's sitting in his...in his...in his store. He can be given notice. The evidence has already been garnered. You could provide for a quick trial. You could provide for a quick determination. But a notice...why without notice or bond? Frankly I have a feeling, without some kind of guidelines this may indeed be ...may indeed be the ...the thing that's unconstitutional about this Bill. And I am deeply troubled by a Bill that gives that kind of power, awesome power, to a State's Attorney to go in without notice and without bond and obtain a temporary injunction to enjoin any defendant from business. Thank you."

Speaker Ryan: "Any further discussion? The Gentleman from Livingston, Representative Ewing, to close."

Ewing: "Mr...Mr. Speaker, Ladies and Gentlemen of the House, this Bill is aimed at trying to cut down drug trafficking. It's aimed at trying to close up head shops which make readily available to our young people the paraphernalia used in the drug culture. This is not a panacea. It's not an answer to all the questions or the problems created by drug use. But, certainly, certainly, this State of Illinois should have a law governing this type of operation, this type of retail operation. This is our chance to have it, Ladies and Gentlemen. Please vote 'yes'. Vote for our young people; vote for control on some of the paraphernalia shops

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

128th Legislative Day

June 22, 1982

operating so wide open in this state."

Speaker Ryan: "The question is, 'Shall...'. Representative Johnson, in response to your question, it will take 89 votes to pass the Bill. The question is, 'Shall Senate Bill 1305 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 148 voting 'aye', 6 voting 'no', 13 voting 'present'.

This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1358, Representative Stuffle. Read the Bill."

Clerk Leone: "Senate Bill 1358, a Bill for an Act to amend the Public Community College Act. Third Reading of the Bill."

Speaker Ryan: "Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members of the House. Senate Bill 1358 is the formula for the allocation and distribution of appropriated monies to the various community colleges in the State of Illinois. The Bill, as you know, underwent a number of attempted Amendments on Second Reading which were defeated. The Bill is in the form as supported by the Community College Board of the State of Illinois. And I would ask for an affirmative Roll Call on the Bill and be happy to answer any questions."

Speaker Ryan: "Is there any discussion? The question is, 'Shall Senate Bill 1358 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 166 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1367, Representative Terzich."

Clerk Leone: "Senate Bill 1367, a Bill to enact..for an Act to exempt from taxation receipts from sale of gas or

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

128th Legislative Day

June 22, 1982

electricity or transmission of messages to school districts. Third Reading of the Bill."

Speaker Ryan: "Representative Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, House...er...Senate Bill 1367 is...will exclude school districts, community college and private schools from paying the message tax, gas revenue tax. It presently provides that these taxes imposed at approximately 5% of the gross receipts of the sales of these utilities will not be imposed upon these groups. At the present time, there's approximately 582 million dollars being collected from the utility tax. This represents approximately one percent. I'm sure you all are aware that the energy costs for these schools are quite substantial and this is just a small token to relieve the school districts of this high energy cost. And I would move that we adopt Senate Bill 1367."

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

Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House...er...Senate Bill 1367, I would compliment the Sponsor on the...what he is trying to do with the Bill. But the problem is, the Bill is poorly written. We brought this up in Revenue Committee that the problems with the Bill. Unfortunately, the...he has not amended the problems that are with the Bill. I'd like to read to you something that was sent to the Sponsor of the Bill, and this is from Illinois Bell Telephone. What he is trying to do is to help the school districts, but in...what is really happening with this Bill, it's a windfall for the utilities. Senate Bill 1367, as amended, proposes to exempt school districts and junior colleges from the tax imposed pursuant to the Message Tax Act, the Public Utilities Revenue Act and the Gasoline Revenue Tax Act."

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

128th Legislative Day

June 22, 1982

This Bill will not accomplish - I repeat, this is from a utility company - will not accomplish that purpose because the five percent tax on electricity, gas and messages is imposed on the utilities, not on the school district. The passage of Senate Bill 1367 would relieve the utilities, would relieve the utilities from paying the state five percent tax on the gross receipts from school districts. So, if you think that you're going to help your school district by voting for this Bill, you're badly mistaken. I understand that what Representative Terzich wanted to do, but what has happened with the Bill, it was not written in that form. What this is, it's a five percent windfall for the utilities in the State of Illinois. And obviously, as you can see by your synopsis, the utilities are not opposed to the Bill. Well obviously if it's going to be a windfall, the five percent tax imposed on this..you know, they would be opposed to it. But, they are just staying moot on the point and the utilities are even admitting that it would be a windfall for them involved. And so, I would ask everybody in the House to look at Senate Bill 1367 very closely before you cast an 'aye' vote, and to vote 'no' on Senate Bill 1367."

Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Bowman, on 1367."

Bowman: "No, thank you. My light was on in error."

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

Vinson: "Mr. Speaker, Ladies and Gentlemen of the House, as some people will recall, Amendment #5 was added to this Bill yesterday. Amendment #5 sought to exempt any church or religious denomination from this tax. What that does explicitly is to provide a tax break for the Unification Church and the Moonies. Now, if you believe that we ought to provide a tax break for the Moonies, then you want to

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

128th Legislative Day

June 22, 1982

vote for the Bill. If you don't believe that you want to provide a tax break for the Moonies, you ought to vote against the Bill. And I would urge a 'no' vote on the Bill."

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

Ewing: "Mr..Mr. Speaker, Ladies and Gentlemen of the House, this Bill was heard by the House Revenue Committee. Only on a fluke did it get out. But that was at a time when we didn't realize that it was a windfall for utilities or that it was a tax break for the Moonies and the religious radicals. Ladies and Gentlemen, the Sponsor is an excellent Sponsor. We may want to do what he's attempting to do. But his Bill is not going to do it. And we really don't want to do what this legislation would do. A 'no' vote is the right vote."

Speaker Ryan: "Are there any further discussion? The Gentleman from Macoupin, Representative Hannig. Representative Terzich, for what purpose do you seek recognition?"

Terzich: "Well, Mr. Speaker, after hearing the encouraging words from Representative Ewing and Vinson and so on, I'd like to take this Bill out of the record..."

Speaker Ryan: "Out of the record. Senate Bill 1384, Representative Yourell? Out of the record. Senate Bill 1387, Representative Getty? Out of the record. Senate Bill 1492, Representative Ted Meyer? Out of the record. Senate Bill 1519, Representative McAuliffe. What's your pleasure, Representative? Read the Bill."

Clerk Leone: "Senate Bill 1519, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Ryan: "Representative McAuliffe."

McAuliffe: "Well, Mr. Speaker, Ladies and Gentlemen of the House, earlier this year Representative Kosinski and myself passed

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

128th Legislative Day

June 22, 1982

out a Bill similar to this. This is the Senate version of theof the Bill that would prevent the sale of the Teflon-coated bullets, so-called 'cop killer' bullets, that can penetrate bulletproof vests. I think we all heard the debate yesterday on the ...Representative Tate's Amendment, and I just would move for a favorable Roll Call."

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

Kosinski: "Mr. Speaker, Ladies and Gentlemen of the House, Representative McAuliffe is the proud Sponsor of both Bills. The House Bill which we passed out of here with an overwhelming majority is now in the Senate. This Senate Bill is now in the House. Now, there is a difference between the two Bills and I'd like to point it out to the General Assembly so they, in their wisdom, can vote as they feel. The differential is not only in the description of the bullet involved - because this Senate Bill includes certain rifle bullets - but the penalty that's imposed. Now, Representative McAuliffe's House Bill had a Class X penalty for the use of the armor piercing bullet against a human being. The use, I repeat, of an armor piercing bullet. The Senate Bill has a penalty for the possession of such a bullet. Now, in discussion the other day, some of the Members of this General Assembly felt that possibly the possession of a butcher knife shouldn't be a felony, but the use of it in commission of a crime should be a felony. Now, this is a decision you'll have to make. But I repeat, the House Bill has a penalty for the use of the armor piercing bullet. The Senate Bill has a penalty for the possession of an armor piercing bullet. I leave it to your judgment."

Speaker Ryan: "Further discussion? Representative Kulas."

Kulas: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, we

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

128th Legislative Day

June 22, 1982

all know that the cut back Amendment eliminated the bullet, so I would move the previous question."

Speaker Ryan: "Representative McAuliffe to close."

McAuliffe: "I simply move for a favorable Roll Call, Mr. Speaker."

Speaker Ryan: "The question is, 'Shall Senate Bill 1519 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 158 voting 'aye', 7 voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. I'd like to point out to the Membership that the former Speaker of the Illinois House and the real Speaker is with us today on the Republican side where his heart has been for many years, former Speaker Bill Redmond, right over here. Same kind of support you had when you were Speaker, Bill. It's all yours."

Redmond: "Well, thank you. Thank you very much. That certainly is a wonderful reception. I don't know how many of you knew that I lost a bout with a chain saw. And as a result, I got a rather bad gash and it became infected, and I want to report that I heard just the other day that the priest has visited the chain saw and administered the last sacrament. And they don't expect the chain saw to survive. But, I think you'll know...be happy to know that Marquette had a very successful draft of high school prospects and that they expect that they're going to go undefeated, particularly in South Bend and some of these other places. And...and they expect them to win the national..the NCAA championship next year. Thank you very much for the reception."

Speaker Ryan: "You're always welcome back, Bill. Nice to have you with us. Would you like to...Bill? You want to stay

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

128th Legislative Day

June 22, 1982

here for the rules? Alright, did I announce this...Senate Bill 1532, Representative Hastert. Read the Bill."

Clerk Leone: "Senate Bill 1532, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Ryan: "Representative Hastert."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 1532 is a Bill that amends the Revenue Act. Basically what it does is require that those people who are supervisors or assessors, county assessors...township assessing officials, people who work in assessing offices, must complete a 48 period class...48 hour class session every three years in order to qualify for their stipend. There's no increase in salary. It's just a qualifying Amendment. And, if there's any questions, certainly entertain anybody's question."

Speaker Ryan: "Is there any discussion? The question is, 'Shall Senate Bill 1532 pass?'. 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 164 voting 'aye', 1 voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1534, Representative Watson. Out of the record. Senate Bill 1559, McAuliffe. Out of the record. Senate Bill 1566, Hastert. Read the Bill."

Clerk Leone: "Senate Bill 1566, a Bill for an Act to amend the Aurora Civic Center Act and the Waukegan and Joliet Metropolitan and Exposition Auditorium Authority Act. Third Reading of the Bill."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, this is a Bill that has come over from the Senate...from the Senate, Senate Bill 1566. What it basically does is allow the Aurora Civic Center, which is just being built and will

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

128th Legislative Day

June 22, 1982

be completed in October. It allows them to put their office space out on a noncompetitive bid. It's requested by that Authority. They're in the process of bidding out office space now. And they need this legal amenity to fulfill their job."

Speaker Ryan: "Is there any discussion? The Gentleman from Cook, Representative Bowman, on Senate Bill 1566."

Bowman: "Thank you. Will the Gentleman yield for a question?"

Hastert: "I will."

Bowman: "Did I understand you to say that competitive bidding is not going to be required for the lease of real estate?"

Hastert: "It's..It's leasing out, Representative. Otherwise, if you have office space, what this does is allow you to lease out office space. This Exposition..or this Civic Center is set up in an area, a metropolitan area, downtown Aurora. There's an overabundance of office space. It's, you might say, supply..not supply side economics."

Bowman: "How do other metropolitan fair and exposition authorities handle real estate?"

Hastert: "Well, it's to me...Under the statute, it's my understanding that most of them will have their own offices. This was set up as an office complex, was supposed to house city hall and several other things. They can't do that, or that fell through. And they have an abundance of office space. They're just trying to find a convenient way to be able to lease that out."

Bowman: "Well, Mr. Speaker, to the Bill. The...It seems to me that what we are being asked to do here is to abolish the competitive bidding in a...in a particular situation. And I worry about setting this...this precedent. It seems to me we have competitive bidding laws on the books for a reason. I see no reason why they should not put their space out to bid. And even if there is an excess supply of

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

128th Legislative Day

June 22, 1982

offices on the market, why..why does that argue against competitive bidding? That may determine the number of bids that they might get, or the amount that would be offered. But it seems to me that if they were to go to competitive bidding, they would surely get..get some bids, if they even get one bid. That...that is...At least we have gone through the procedures of opening up to people who would like to have a chance to ...to lease that facility. It seems to me that this...this Bill is ready-made for sweetheart deals, and ..and I don't think that it's the kind of precedent that we want to...to set for...for other proposals. I can easily see if we pass this Bill that someone's going to come in next year for ...to abolish competitive bidding and say, 'Well, you know, we did it in Aurora'. So, I think we..we ought to just stop it right here and ..and say that we think that..that all of these..these contracts should be competitively bid. I vote 'no'. I urge a 'no' vote on this."

Speaker Ryan: "Further discussion? Representative Giorgi."

Giorgi: "Mr. Speaker, I stand in support of Representative Hastert's Bill. This has to do with downstate civic centers and isn't patterned after the big city civic centers. These civic centers...authorities downstate are generally answerable to the mayors, city councils, county boards and suburbs that are near the secondary cities, and they are subject to the open meetings law and everything they do is very closely scrutinized so that I think this is a safe way to go with downstate civic centers. And I've got an Amendment on this Bill that I need because we've created a security force for the Rockford Civic Center. So, I heartily endorse this Bill."

Speaker Ryan: "Further discussion? Representative Hastert to close."

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

128th Legislative Day

June 22, 1982

Hastert: "Yes, to answer a couple of questions that the Representatives raised. This is not an acquiring bidding procedure. This is a letting out bidding procedure which is quite different. It's needed; it's a piece of legislation that's needed, especially so that these civic centers can become self-supporting and not being...using taxpayers' money. Representative Murphy from Aurora is Cosponsor, hyphenated Cosponsor of this Bill, and I ask for your favorable vote."

Speaker Ryan: "The question is, 'Shall Senate Bill 1566 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 151 voting 'aye', 7 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Yourell has requested that we go back. What's that Bill number, Representative? 1384. Representative Yourell asks leave to return back to Senate Bill 1384. Are there objections? Hearing none, leave is granted. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1384, a Bill for an Act to amend an Act relating to fees for sheriffs, recorders of deeds and county clerks in counties of third class. Third Reading of the Bill."

Speaker Ryan: "Representative Yourell."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 1384 merely provides that only in Cook County, counties of the third class, that the sheriff after attempted service will be able to collect the fees for that service. We have a peculiar situation in Cook County wherein the servers go out, the process servers go out on three or four different occasions and because of the kind of area they have to serve the warrants and the summons in,

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

128th Legislative Day

June 22, 1982

it's practically impossible to affect service in many cases. And yet it costs the County of Cook and the Sheriff's Office a great deal of money in lost revenue by going back and back and back, and still not, in some cases, affecting the service. What this would provide, that they would be paid for attempted service after the service has been proven to have been in effect. Glad to answer any questions. The Bill came out of the House Committee 13 to nothing. It passed with a substantial majority out of the Senate. I ask for a favorable Roll Call on Senate Bill 1384."

Speaker Ryan: "The Gentleman from Perry, Representative Dunn."

Dunn, Ralph: "Thank you, Mr. Speaker, Members of the House. I wonder if the Sponsor would yield for a question."

Speaker Ryan: "Indicates he will."

Dunn, Ralph: "Representative Yourell, is this in response to a Bill that I had that I tabled earlier that would have said that Cook County should...They've been keeping the fees, as I understand it and I had an attorney down in my area that didn't like that. Is this a response to that Bill?"

Yourell: "That's correct, Representative."

Dunn, Ralph: "Would this be, then, gutter service? As they call that gutter service if they go out and throw the subpoena or throw the thing away and then they get served for..get paid for serving it?"

Yourell: "No, I don't think that's the accepted practice, Representative Dunn. They have attempted service on many occasions. They return the service to the attorneys and after that takes place on several occasions, then what this Bill calls for is for the fee to be paid for the attempted service."

Dunn, Ralph: "Well, Mr. Speaker, if I may, to the Bill. I understand that this is already the practice of the office

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

128th Legislative Day

June 22, 1982

in Cook County sheriff. Downstate attorneys have told me, two or three that I've talked to, maybe others that know about it, that if you send a subpoena or something to be served in to Cook County, whether they get served or not, they don't return the service fee. Now, maybe what we're trying to do is legalize something that's going on anyway, but I'm going to vote 'no' on the Bill. I just thought I'd let you know that that's my feeling about it. And I want my fellow in my district that asked me to put a Bill in to do the opposite to know, at least I tried. I might have opened Pandora's Box and caused the sheriff to try to get legal in Cook County. I'd urge a 'no' vote on this."

Speaker Ryan: "Further discussion? The Gentleman from Lake, Representative Deuster."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of this legislation. It is the practice in Lake County, where I practice mainly, where the sheriff is unable to serve someone, were there to be a fee paid. I think that it has been the practice in Cook County also, and it should be. It is true that the fee in Lake County, and I believe in Cook also, is much lower - \$3.00 or something - if the sheriff's not able to find the person to be served, which...So there still is an economic incentive for the sheriff to go out and try to do a good job and find the person to be served. I think it is a responsible Bill. It..It codifies, or legalizes the present practice in those two counties, and I urge the support of the House."

Speaker Ryan: "Any further discussion? The Gentleman from Cook, Representative Stearney."

Stearney: "Would the Gentleman yield?"

Speaker Ryan: "Indicates he will."

Stearney: "Representative, what...Does this Bill have to do with an attempt service of process?"

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

128th Legislative Day

June 22, 1982

Yourell: "Yes."

Stearney: "And what...How does it relate to the fee that you pay for the service of process?"

Yourell: "Well, if attempted service...If the service is attempted and not effected, then the sheriff would still be able to collect the fee for attempted service."

Stearney: "Well, as I understand it now, if they go out and they attempt to serve it and they cannot, they just return it not found and they collect the fee. So, how would this be any different?"

Yourell: "Well, what we're trying to do is make what they have been doing legal, Representative Stearney."

Stearney: "Well, I understand, Bus, that, you know, you're not an attorney so you don't go up to the Sheriff's Office filing these writs. But, are you meaning to say now that the sheriff returning a writ as not found and keeping the...keeping the monies paid is illegal?"

Yourell: "Well, that has been the practice and what we're trying to do...They have not returned the fees and all we're trying to do is put in the Statute a fee paid for attempted service."

Stearney: "Well, my next question is this, Bus. If it's been illegal, what about all those services that I've had returned not found and had to file a summons and pay an additional fee? Am I going to get any of that money back?"

Yourell: "No, you're not."

Stearney: "Thank you, Bus. You're very generous."

Speaker Ryan: "Further discussion? Representative Yourell to close."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I think that the Bill was debated here fully. It's a very simple Bill. It just provides for a payment of fees for attempted service. And I would ask for a favorable

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

128th Legislative Day

June 22, 1982

Roll Call."

Speaker Ryan: "The question is, 'Shall Senate Bill 1384 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 152 voting 'aye', 15 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Collins in the Chair."

Speaker Collins: "Senate Bill 1588, Representative Hallock? Out of the record. Senate Bill 1656, Representative Telcser? Out of the record. Senate Bill 1670, Representative Daniels? Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1670, a Bill for an Act regarding payments and rates of payments for medical assistance to public aid recipients. Third Reading of the Bill."

Speaker Collins: "The Gentleman from DuPage, Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 1670 amends the Public Aid Code, and it delays the Department's public aid cost containment initiative for FY '83, moving the group-care rate update from January 1 of '81... or January 1 of each year to July 1. This permanent shift was anticipated to save 25 million dollars in FY '83. It delays the nursing home rate update from 1-1-83 to July 1, '83. The rate update will return to January 1 the following year and in subsequent years, and it clarifies that the Department of Public Aid must implement a new nursing home reimbursement system by July 1, 1982, which they've already done. This is a cost containment measure. There's a savings of 25 million dollars. The Department of Public Aid, the Department of Public Health, and various representatives of the nursing home industry appear to have agreed to this legislation. It passed the Senate by a vote

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

128th Legislative Day

June 22, 1982

of 50 to 7."

Speaker Collins: "Is there any discussion? The Gentleman from Cook, Representative Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of the Bill. I rise in commending Representative Daniels. As a joint hyphenated Sponsor of the Bill, I want to say Senate Bill 1670 does, in fact, restate legislative intent in terms of equitable and prompt and timely payments to vendors of service in the nursing home industry. Now, this legislation is needed, as Representative Daniels has indicated. It's needed in many instances because some of the institutions have not received equitable payment for services rendered. You recall that this Body, some time ago, established a 1% penalty for late payment to those institutions. Unfortunately, there has been problems surrounding the state's payment in a prompt and efficient manner. This Bill goes an awful long way to re-establishing that, and I'm certainly optimistic that the Department of Public Aid will adhere to the intent in this legislation, and that the nursing homes in our state, who are being forced to comply with state regulation, will in fact be paid on time and paid an equitable sum. I urge an 'aye' vote."

Speaker Collins: "Further discussion? The Gentleman from DuPage to close. Representative Daniels."

Daniels: "I would simply ask for a favorable vote to save an estimated 25 million dollars."

Speaker Collins: "The question is, 'Shall Senate Bill 1670 pass?'. All those in favor will indicate by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 165 voting 'aye', none voting 'no', 2 voting 'present'; and this Bill, having

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

128th Legislative Day

June 22, 1982

received a Constitutional Majority, is hereby declared passed. Senate Bill 1685. Out of the record. Senate Bills Second Reading, Short Debate Calendar. Senate Bill 1562, Representative Giorgi. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 16...1562, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. No Committee Amendments."

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

Clerk Leone: "Floor Amendment #1, McPike, amends Senate Bill 1562 by deleting the title..."

Speaker Collins: "The Gentleman from Madison, Representative McPike."

McPike: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I will try not to...I will try to be rather brief on this because I think most of the Members on the House floor are familiar with the debate that we had on House Bill 2588 about three weeks ago, or four weeks ago. That was the...That was the Bill that Representative Tim Bell amended to prohibit unitary tax returns or combine apportionment in the State of Illinois. As you will recall, some months ago a Supreme Court decision made it possible for corporations to file in Illinois as unitary companies and therefore, include both their profits and their losses from their worldwide operations and to include that when they filed as an Illinois company. This enables certain corporations that have losses, perhaps in Brazil or in Indonesia or wherever else those losses would take place, to transfer those losses to their Illinois income tax form in preparation for their..for filing of their taxes. And of course, it would then allow those losses to reduce their tax burden..."

Speaker Collins: "Excuse me, Sir. For what purpose does the Gentleman from DeWitt, Representative Vinson, arise?"

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

128th Legislative Day

June 22, 1982

Vinson: "Mr. Speaker, Senate Bill 1562 amends the Revenue Act of 1939. It's a property tax Bill. Amendment #1 deals with the income tax, and for those reasons I would argue that the Amendment's nongermane and can't be offered to the Bill."

Speaker Collins: "Representative McPike."

McPike: "Yes, Mr. Speaker, to that point. Senate Bill 1562 is identical, word for word, to House Bill 2588. Representative Bell's Amendment to 2588 was identical to my Amendment to Senate Bill 1562. When Representative Bell offered his Amendment to 2588, which was identical to Senate Bill 1562, you ruled, or the Chair ruled that the Amendment was, indeed, germane. I don't see how you could possibly now offer a different ruling since I am offering an identical Amendment to an identical Bill. The only difference is in...is the number. That was number 2588. This is number 1562. Everything else is the same. So you can't possibly now reverse your decision and remove...and rule this nongermane."

Speaker Collins: "Well, Representative McPike."

McPike: "Mr. Speaker, let me repeat what I said earlier when the Parliamentarian was deciding on this. About three weeks ago, House Bill 2588 was offered and Representative Bell offered an Amendment to that Bill which was ruled germane, because the question of germaneness was brought up. I now have an identical Bill, 15..Senate Bill 1562, which is identical to House Bill 2588. I'm offering the identical Amendment which was offered to 2588. The question of germaneness has again been raised. I say that it was ruled germane the first time, and based on that ruling, on this specific Bill, with the identical language, I don't think that the Chair could rule it now nongermane and reverse its previous ruling. So I would ask that the Chair rule the

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

128th Legislative Day

June 22, 1982

Amendment germane and allow us to debate it."

Speaker Collins: "It's..It is the ruling of the Chair that the Gentleman's point is well taken. The Bill, Senate Bill 1562, purports to amend the Revenue Act of 1939 and deals with property taxes. The Amendment would deal with the Income Tax Act, and therefore, it is not germane. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Collins: "Third...Third Reading. Senate Bill 1599, Representative Piel? Is the Gentleman on the floor? Out of the record. Senate Bill 1667, Representative McBroom. Is ...Out of the record. Senate Bill 1672, Representative Olson? Out of the record. Page six of the Calendar, Senate Bills, Second Reading, Senate Bill 1231, Representative Stearney? Out of the record. Senate Bill 1251, Representative Peters? Is the Gentleman on the floor? Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1251, a Bill for an Act to amend an Act to establish an unpaid Commission on intergovernmental cooperation. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Collins: "Are there any Motions relative to Amendment #1?"

Clerk Leone: "No Motions filed."

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

Clerk Leone: "Floor Amendment #2, Matijevich - et al, amends Senate Bill 1251 on page one and so forth."

Speaker Collins: "The Gentleman from Lake, Representative Matijevich. Is Representative Matijevich on the floor? Representative Peters, what's your pleasure?"

Peters: "Mr. Speaker, I think this will be in agreement with Representative Matijevich. I'll move to table Amendment #2."

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

128th Legislative Day

June 22, 1982

Speaker Collins: "Here he is. The Gentleman from Lake, Representative Matijevich, Amendment #2."

Matijevich: "Mr. Chairman..er..Mr. Speaker, Ladies and Gentlemen of the House, could we have leave to table Amendment #2?"

Speaker Collins: "The Gentleman withdraws Amendment #2. Are there further Amendments?"

Clerk Leone: "Floor Amendment #3, Matijevich - et al, amends Senate Bill..."

Speaker Collins: "The Gentleman from Lake, Representative Matijevich."

Matijevich: "Mr. Speaker and Ladies and Gentlemen of the House, would we have leave to table Amendment #3 also?"

Speaker Collins: "The Gentleman withdraws Amendment #3. Are there further Amendments?"

Clerk Leone: "Floor Amendment #4, Matijevich, amends Senate Bill 1251, as amended."

Speaker Collins: "The Gentleman from Lake, Representative Matijevich."

Matijevich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, Amendment #4 is the product of the Democratic Task Force on block grants. Under the Bill, the make-up of the Advisory Committee would be four members of the Intergovernmental Cooperation Commission. Four, one each picked by the legislative leaders. There would be six public members, four picked by the legislative leaders and two picked by the Governor and one picked by...one being one of the two Governor's aides that now serve on the Intergovernmental Cooperation Commission. The Democratic staff...Task Force felt that we would have a better Task Force Block Grant Advisory Committee if it were; a) legislative..composed of all Legislators picked by the Legislative Committee...by the leaders, rather - the reason being is that we feel that there are many Members of this House out - and this

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

128th Legislative Day

June 22, 1982

has..this is no reflection on Intergovernmental Cooperation Commission - but we feel that there are Members...many Members of this House, for example, that have some expert knowledge on block grants that it would be advisable that we put that appointment power in the legislative..legislative leaders. I, frankly, think it would be a better Advisory Committee if we followed the recommendations of the Democratic Task Force. Everybody on the Task Force was not uniform in their feelings about this. However, when we met and told the Task Force what the present make-up under the existing Bill would be, there's virtual unanimity that this would be a better Advisory Committee. I, therefore, move for the adoption of Amendment #4."

Speaker Collins: "The Gentleman offers Amendment #4. Is there discussion? The Gentleman from Cook, Representative Peters."

Peters: "Mr. Speaker, Ladies and Gentlemen of the House, I would oppose Amendment #4. The present legislation that is before us is really the product of a long time work by the Members of the Commission, President Rock and the Members of the Executive, as well as individuals of the private sector who we feel are very important if, in fact, we are to get some consensus on block grant legislation or appropriation that may come before us. This Bill really comes out of a piece of legislation which was introduced last year and was defeated because the Members of the...of the Senate, at any rate, never got to the House, felt that it really gave too much power and took too much away from the Legislature, and gave too much power to this Commission in terms of setting priorities. What we attempted to do is have a very even balance, a balance of Members of the Commission, who are appointed from both sides of the aisle

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

128th Legislative Day

June 22, 1982

in both chambers, and what we felt was also necessary, and that was, the input of public members, six public members, representing the various public interest groups in the state that deal with day care and senior citizens and foster care and the various charitable groups around the state, so that in fact we would have their input and recommendations, couldn't it be made, then to the General Assembly. I would ask that the Members of the House join me in opposing Amendment #5...#4 for the reasons that I have indicated, and then, accepting the next Amendment which will be offered, I believe, by Representative Matijevich, which is Amendment #5, which we then have no problem with. So, I would oppose 4, and accept 5. Thank you, Mr. Speaker."

Speaker Collins: "Is there further discussion? The Gentleman from Cook, Representative Madigan? Representative Madigan, your light's on. Did you seek recognition?"

Madigan: "Yes, Mr. Speaker. To rise in support of this Amendment. This Amendment would provide that those legislative leaders who would serve as a Member of the Advisory Committee, which would be intimately involved in the question of the dispersion of block grants, would be appointed directly by the legislative leaders without reference to their current Membership on the Commission on Intergovernmental Cooperation. My..My reason for supporting this Amendment is that the Bill, as drafted, would restrict Membership on the Advisory Committee to only those Legislators who currently sit on the Intergovernmental Cooperation Commission, which would prevent a leader from making any number of appointments to the Advisory Committee, which might be deemed advisable. And for those reasons, I would rise in support of this Amendment."

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

128th Legislative Day

June 22, 1982

Speaker Collins: "Further discussion? The Gentleman from Cook, Representative Emil Jones."

Jones: "Yes, thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Collins: "He indicates he will."

Jones: "Representative Matijevich, could you read off the names of the Members currently serving on the Intergovernmental Cooperation Commission?"

Matijevich: "Emil, I've got that. You know, I rushed over here from Representative McClain's office and I've got that up in my office on the sixth floor. I do know the Democratic Members. For example, in the House we have..one of them's my roommate, Laz Murphy. Another one's my good colleague from Lake County, Dan Pierce, and I think the third one is Ralph Capparelli. I have no problem with any of those three Gentleman. However, what my problem is, that is a very narrow base. I think what we want is an Advisory Committee that serves as an adjunct to the ...to the Intergovernmental Cooperation Commission. I think the legislative leaders ought to have the pick of every Member on this House, both Democratic and Republican, to pick the best le..Advisory Committee on that particular subject matter. Now, another thing I didn't say in my opening remarks. Now, like it or not, we don't..we don't know who the next Governor is going to be. But..But this particular Amendment ensures that we have a bipartisan Advisory Committee. It's even Democratic-Republican and that's the way it's going to stay. If you pass the..the Bill, as drafted, the Governor has control of the..er..his party has the control of the Advisory Committee, and I don't think that's good. For example, the Governor has two appointments of the public members. He has his legislative aide. That's three. When you count up the other Members of the Intergovernmental Cooperation Commission that will

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

128th Legislative Day

June 22, 1982

serve on this Committee, that Governor, be he a Democrat or Republican, will have control. Our whole reason for having an Advisory Committee is so that we have an oversight and overview in monitoring as a Legislature...."

Speaker Collins: "Representative Matijevich, I think you were asked to name the Members of the Commission."

Matijevich: "I named the Democrats.."

Speaker Collins: "Well, you'll have an opportunity to close."

Matijevich: "I've got all of them. By the way, I think what Emil Jones is getting at, for example, in the Senate..."

Speaker Collins: "Why don't we let him get at it, himself? Representative Jones."

Jones: "Yes, thank you, Mr. Speaker. And thank you, Representative, for a very eloquent answer to my question. Ladies and Gentlemen of the House, the problem we have with the Bill, as it's currently drafted, is that...I know it was not the intent of the drafters, but the net effect of it would be to eliminate..to eliminate any minority representation in this House. What would happen is simply this. I know, on this side of the aisle, that Members who serve on the Intergovernmental Cooperation Commission, not one of those Members are minorities. This is not to say that they aren't good Legislators that will represent all the people; but beginning January of this year, the Membership on this side of the aisle will compromise over approximately 20 percent minorities. As the Bill is currently drafted not one minority will have an opportunity to deal with the block grants which his constituency will be affected by. So, I know it was not the intent of this legislation, but the very effect of it will be to wipe out any minority Legislator from serving on that particular Commission. So, therefore, I urge you to support this particular Amendment. Give the leaders on both sides of

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

128th Legislative Day

June 22, 1982

the aisle the discretion to pick from all the Membership and this way every segment of our community will be represented on the all important Advisory Commission and we, too, can sit down and see that we receive our pro-rata share, or input into the important issue as it concerns block grants. So, I urge you to vote 'yes' on this Amendment so that our leaders will have the opportunity to do the choosing and not be restricted to just a narrow few Legislators who are currently serving on the Intergovernmental Cooperation Commission."

Speaker Collins: "The Gentleman from Cook, Representative Keane."

Keane: "Thank you, Mr. Speaker. I rise in support of this Amendment. I think that it's important that we have an all legislative Body to keep an eye on the block grants as they go through the House and through the General Assembly. What's going to happen is...is we're going to have a long period where these block grants are going to start reducing. We're going to have a tremendous amount of built-in special interests. As the money from block grants goes down there will be an awful lot of political decisions to be made. There will be a lot of legislative decisions to be made. I think they'll be made in a lot better light if we do not lock in on an Advisory Committee members of the public. I would assume that within a short period of time each of the major special interests will have their man on that Advisory Committee protecting their interests. I think it's a lot better if we go with..have the Leadership pick Members of the General Assembly to serve on the Task Force...to serve as an advisory group for block grants, and then we can hammer it out on the floor. All groups will be represented in that process, rather than having five or six public members who will end up as we've found time after time after time representing special

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

128th Legislative Day

June 22, 1982

interest groups in the..in the cutting up of Federal funds. So, I think this is a very equitable and good Amendment. I think it will strengthen our ability to deal with block grants and I would ask for its favorable consideration. Thank you."

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

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

Speaker Collins: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?'. All those in favor indicate by saying 'aye', opposed 'nay'. The 'ayes' have it. The Gentleman from Lake, Representative Matijevich, to close."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, Representative Emil Jones did ask for the Members of the Commission who might be chosen. I do remember now. The Republicans on the Intergovernmental Cooperation Commission, from the House -- I don't remember those from the Senate -- but they're Jane Barnes, Representative Peters, Representative Collins and Representative Swanstrom. Now, by my Amendment, for example, Repres..Speaker Ryan could pick any two Members on the Republican side of the aisle. It could be one of those four..two of those four, but it could be two out of any...anybody from your side of the aisle. It isn't as restrictive as the..the present Bill, as drafted. I..I think that Emil Jones makes a good point. We are aware, all of us, that the block grant process has a lot to do with human services. I think that minorities ought to have a voice in that process. Yes, we give them a voice, everybody a voice in the public..in the public hearings. But I think it would be good that at least by my Amendment they are not excluded from the appointment process. That's the purpose for the Amendment. I happen to think it is a

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

128th Legislative Day

June 22, 1982

good Amendment. I think it would be...It does not put the power in any Governor, be it Democrat or a Republican. It puts the power in the Legislature to..and I thought was the whole reason for having a Block Grant Advisory Committee. I move for its adoption, Amendment #4."

Speaker Collins: "The Gentleman moves the adoption of Amendment #4 to Senate Bill 1251. All those in favor will indicate by saying 'aye', opposed 'no'. Apparently the Gentleman wants a Roll Call. All those in favor will indicate by voting 'aye', those opposed by voting 'no'. The Lady from Cook, Representative Braun, to explain her vote."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A green vote is a vote for legislative oversight of these important Federal block grant dollars that are coming into Illinois. The fact is the process is a new one, and I think we should be clear in saying that the Legislature should have something to say, should have some oversight over this process. As importantly and in reference to Representative Jones' argument, the fact is, that we don't want this Bill to become a minority lock out Bill, Mr. Speaker, Ladies and Gentlemen of the House, a minority lock out Bill. We want to ensure that all communities of Illinois are given some input into the process by which decisions are made pertaining to these block grants. Therefore, I'm voting 'aye' and encourage all my colleagues to do so."

Speaker Collins: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. The Gentleman from Rock Island, Representative Bell, are you seeking recognition? On this question there are 88 voting 'aye', 87 voting 'no', 2 voting 'present'. And the Gentleman's Amendment is hereby declared adopted. Are there further Amendments?"

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

128th Legislative Day

June 22, 1982

Clerk Leone: "Floor Amendment #5, Matijevich - et al..."

Speaker Collins: "The Gentleman from Cook, Representative Peters,
for what purpose do you arise?"

Peters: "Leave it on Second, Mr. Speaker."

Speaker Collins: "Take it out of the record. Senate Bill 1289,
Representative Barnes? Out of the record. Senate Bill
1299? Senate Bill 1299, Representative Birkinbine? Out of
the record. Senate Bill 1503, Representative Stanley. Out
of the record. Senate Bill 1558, Representative McAuliffe?
Out of the record. Senate Bill 1654, Representative
Telcser? Out of the record. Senate Bill 1665,
Representative McBroom? Out of the record. We will back
up for a moment to Senate Bill 1654. Read the Bill, Mr.
Clerk."

Clerk Leone: "Senate Bill 1654, a Bill for an Act to amend the
Illinois Public Aid Code. Second Reading of the Bill.
Amendment #1 was adopted in Committee."

Speaker Collins: "Are there any Motions relative to Amendment
#1?"

Clerk Leone: "Motion, 'I move to table Amendment #1 to Senate
Bill 1654', Representative Bullock."

Speaker Collins: "For what purpose does the Gentleman from Cook,
Representative Telcser, arise?"

Telcser: "Mr. Speaker, can I just take it out of the record?
Leave it on Second and we'll...I want to talk to
Representative Bullock."

Speaker Collins: "Take it out of the record. ...Ryan in the
Chair."

Speaker Ryan: "Page eight of the Calendar under the Order of
Consideration Postponed appears Senate Bill 1401,
Representative Telcser? Out of the record. Senate Bill
1487, Representative Bower. Read the Bill."

Clerk Leone: "Senate Bill 1487, a Bill for an Act to provide for

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

128th Legislative Day

June 22, 1982

the preservation of Illinois farmland. Third Reading of the Bill."

Speaker Ryan: "Representative Bower."

Bower: "Thank you, Mr. Speaker. I have filed a Motion on this Bill, and I want to explain very carefully what I want to do. This Bill, I believe, was noncontroversial but for an Amendment which Representative Rigney attached to the Bill relative to risk sharing, certain conservation tillage measures. Without that Amendment, it is the Farm Land Preservation Act which I believe is a very noncontroversial Bill. The Motion I have filed, Mr. Speaker, is to take this Bill back to the Order of Second Reading for the purpose of removing that Amendment."

Speaker Ryan: "The Gentleman asks leave to return Senate Bill 1487 to the Order of Second Reading. Are there any objections? Hearing none, leave is granted. Senate Bill 1487 is now on the Order of Second Reading. Representative Bower."

Bower: "Mr. Speaker, I would move to table the second Amendment."

Speaker Ryan: "The Gentleman moves to table Amendment #2. Are there any objections? All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it. Amendment #2 is tabled. Are there further Amendments?"

Clerk Leone: "Amendment #3, Schneider - Pierce - Zwick, amends Senate Bill 1487, as amended."

Speaker Ryan: "Representative Schneider, on Amendment #3."

Schneider: "Thank you, Mr. Speaker, Members of the House. Amendment #3 is the problem that we tried to address a few days ago, but we were unable to do that. It's a very simple Amendment, and one that I think most of the Membership should be very supportive of. It means that agencies coming into your district, in particular, this one, the Department of Agriculture, when they are going to

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

128th Legislative Day

June 22, 1982

be involved in using various pesticides to resolve a problem by a given insect, no matter which one it is - in this case it happens to be the well known by now, gypsy moth infestation that's reached into the northern parts of our state - that there be some procedures followed for the purposes of determining infestation, public involvement and alternatives to what the department may offer. As you may by now recall, we've had some very uncomfortable and unfortunate experiences in Illinois where the department has come in and not given the citizens an opportunity to be heard on the alternatives to spraying with a 7-4 oil which has a 'carbonyl' base, which has seriously been challenged as being hazardous to human beings. I think it's an undermining of government..."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The underlying Bill, 1487, is a Bill that is a farmland protection Bill. It's a soil erosion Bill and so forth. The Amendment that the Gentleman seeks to tag on to the Bill is an Amendment that deals with pesticides, gypsy moths and things of that nature. I would submit to you, Sir, that the Amendment is nongermane to the Bill and ask you to so rule."

Speaker Ryan: "Representative Vinson, your point is well taken. Representative Schneider, your Amendment is out of order. It amends the Insect, Pest and Plant Disease Act and the Bill speaks about the Farm Land Protection Act. Therefore, the Chair rules the Amendment out of order. Representative Schneider."

Schneider: "I mean it doesn't take a whiz to realize that anything that you find uncomfortable for the Governor is germane or not germane. It seems that it's another one of

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

128th Legislative Day

June 22, 1982

those issues that you..."

Speaker Ryan: "You're out of order, Representative Schneider. Do you want to...Do you want to address the Amendment?"

Schneider: "Yes. I'll address the Amendment.."

Speaker Ryan: "You want to address my ruling?"

Schneider: "Why don't you support a program that's for the people of Illinois..."

Speaker Ryan: "Are you...You have one recourse, Representative..."

Schneider: "...You're just ruling on germaneness because it's uncomfortable for you..."

Speaker Ryan: "The Amendment is not germane, Representative. And it's out of order. Further Amendments."

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. Senate Bill..Senate Bill 1663, Representative Ropp? Out of the record. All right, here it is. Turn on your lights. Here we go. On the Calendar, on page eight, under the Order of Constitutional Amendments, Third Reading appears HJRCA 1, Representative Catania. Read the Amendment, Mr. Clerk."

Clerk Leone: "House Joint Resolution Constitutional Amendment #1. Whereas, the 92nd Congress of the United States of America, at its Second Session, in both Houses, by a Constitutional Majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America. Joint Resolution resolved by the House of Representatives and the Senate of the United States of America in Congress, assembled two-thirds of each House concurring therein, that the following Article is proposed as an Amendment to the Constitution of the United States and shall be valid to all interests and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of several states within seven years from the

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

128th Legislative Day

June 22, 1982

date of its submission by Congress. Section 1; Equal rights of rights under law shall not be denied or abridged by the United States or any state on account of sex. Section 2. Congress shall have the power to enforce, by appropriate legislation, the provisions of this Article. Section 3. This Amendment shall take effect two years after the date of ratification; and, whereas, the time limit for ratification of the proposed Amendment by the Legislatures of the requisite number of states have been extended to June 30, 1982, by Joint Resolution of the 95th Congress of the United States of America. Therefore, resolved by the House of Representatives of the 82nd General Assembly of the State of Illinois, the Senate concurring herein, that such proposed Amendment to the Constitution of the United States of America be and the same is hereby ratified, and be it further resolved that a certified copy of this Resolution be forwarded to the Secretary of State of Illinois, to the Administrator of General Services of the United States, and to the President pro tem of the Senate and Speaker of the House of Representatives of Congress of the United States and to each Senator and Representative from Illinois in Congress of the United States. Third Reading of the Bill."

Speaker Ryan: "Representative Catania."

Catania: "Thank you, Mr. Speaker and Members of the House. I would like to thank all of you for your patience in waiting for this Roll Call today. I'd like to thank the Speaker for calling it. I hope that we can have a reasoned debate. I know that there are people who want to speak for and against the Amendment. I hope that it will not be a protracted debate, although there are Members here who have never participated in it, and I know that there are people who are still listening to the points that are being made

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

128th Legislative Day

June 22, 1982

on both sides. I want to tell you as succinctly as I can why I hope you will vote for the Equal Rights Amendment today, and then I hope you will listen attentively to the other Sponsors, as well as the people who speak in opposition. Mr. Leone has just read the Amendment. It's very short and very simple; and, as more and more Americans find out what it says, more and more Americans support it -- well over 60% across the country, according to the latest Harris Poll, and here in Illinois over 60% of our voters support it, because they believe that it's the right thing. They believe that we should guarantee, in our United States Constitution, equal rights for women and men, and they don't believe the horror stories that we have heard about things that will go wrong with our society if it is ratified. Here in Illinois, we have had an equal rights provision in our Constitution since July 1, 1971. It will be eleven years next Thursday since it took effect, and our Illinois Supreme Court said, in *People versus Ellis*, in 1974, that it has exactly the same meaning as the proposed Equal Rights Amendment to the United States Constitution; that is, it makes sex a suspect classification in a law or ordinance, so that any government body that makes a law or ordinance that discriminates on the basis of sex, is suspect. It must be prepared to prove that it is ruling in the best interests of the majority of its citizens, if it does that. That's what the Fourteenth Amendment does for black men. It makes race a suspect classification. And, that's what we're asking for in the Twenty-seventh Amendment; to make sex a suspect classification -- that you must prove that it is in the best interest of your citizens if you make a law or an ordinance that discriminates on the basis of sex. I would challenge anyone here to say that we have had a bad experience with our equal rights provision

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

128th Legislative Day

June 22, 1982

that does that, in our Illinois Constitution. In fact, some of the people who opposed the Equal Rights Amendment are fond of pointing out that men have found equality of rights, using that provision. The first person to use it was a young man who was a ward of the state. He found that he couldn't get married without permission of his guardian before the age of twenty-one. He was only twenty, at the time; whereas, our Illinois statute said that young women could get married without such permission at the age of eighteen. He went to court. He said, 'We have an equal rights provision in the Illinois Constitution that says this cannot be', and the court said, 'You're right, and we will extend equal rights to you'; and, they struck down the statute. That is the kind of action that results. Now, you have heard some misleading testimony in the Committee of the Whole. You were told, for example, that the U. S. House Judiciary Committee Report says, and I quote from the transcript, 'Not only would women, including mothers, be subject to the draft, but the military would be compelled to place them in combat units along side of men'. That statement does not appear anywhere in the U. S. House Judiciary Committee Report. That was not true, when you were told that. On the contrary, the United States Commission on Civil Rights Report on the Equal Rights Amendment says, 'The determination of who will be called upon during wartime to bear the burden of military conscription and of actual combat duty will be made by Congress, whether or not the ERA becomes a part of the Constitution'. And 'Rosker versus Goldberg', decided by the United States Supreme Court a year ago this June, reaffirmed the obligation, the responsibility, the right of the Congress to decide how we will win the war. The Congress does not have to draft women. With or without the

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

128th Legislative Day

June 22, 1982

Equal Rights Amendment, Congress has the supreme duty to decide how best to win the war. So, please don't believe the horror stories. We have had a good experience here in Illinois. We need to have our federal laws corrected. We need corrections, for example, in the Social Security Act, where a homemaker must stay married to a wage earner for 10 years in order to qualify for her share of his Social Security benefits, even if he's beating up her and her children. So, she certainly is not recognized, now, as an equal partner in the marriage, but here in Illinois we have used our equal rights provision in our Illinois Constitution as a foundation on which to stand to say, for example, that at the time of divorce, the homemaker's contribution must be taken into account as a contribution that has economic value, so that goods and property must be equally divided at the time of divorce. We need an equal rights provision as a constitution on which... a constitutional foundation on which to stand to write good laws. We do have some good laws now, at the federal level, but they don't have that kind of foundation underneath; so that, if the Congress decides to change them or to wipe them out, all we can do is say, 'Please don't do this to us'. We have no constitutional foundation on which to stand to say, 'We have a right to these kinds of protections'. We have also been told that abortion is somehow linked to the Equal Rights Amendment. We, here in Illinois, are the best example that it isn't; because, even though we have an Equal Rights Provision in our Constitution, this Legislature has frequently voted for very strong laws that will prevent abortions, prevent them from being paid for with public funds, for instance; and really voted for any number of other laws that deal with strengthening anti-abortion provisions. And, no one has

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

128th Legislative Day

June 22, 1982

ever said, 'You can't do that because you have an equal rights provision in your State Constitution.', because there is no link. They are separate issues. Canada, the only country in North America to put an equal rights provision in its Constitution, has just done so. It bans discrimination on the basis of sex, race, national origin, religious conviction, physical handicap. They are doing it, clearly feeling that it is the right thing to do, and I certainly salute them; And I urge that we, over two hundred years after we said to the world that we were going to guarantee equal rights for all of our people, follow their example and finally vote 'yes' on the Equal Rights Amendment. The world is waiting for us. Governor 'Nye' in Oklahoma and Governor Hunt in North Carolina have said that they will call their Legislatures back into Special Session, to consider the Equal Rights Amendment, if they have good reason to do so. Illinois should provide that good reason."

Speaker Ryan: "The Gentleman from Cook, Representative Levin. The clock is on, and you have ten minutes."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Joint Constitutional Amendment #1. I found the testimony presented during the Committee of the Whole debate to be most illuminating. We heard a lot of code words from the opponents of the Equal Rights Amendment, particularly from Phyllis Schlafly. We heard the words 'homosexuality', 'abortion', 'military service'. Not once, did she mention what I believe to be the real basis for the opposition; that of the inequality in wages experienced by women at the present time. That issue did come up in cross-examination, when Representative Macdonald asked Phyllis Schlafly about the issue and about the fact that women are paid approximately 59% as much as

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

128th Legislative Day

June 22, 1982

men, for equal work. Phyllis Schlafly's response was, 'Well, women are not usually in the work force as long as men, and that's to be expected'. I think that's the underlying issue. Women are not receiving the same economic remuneration for their services, and the opposition, the money that's coming from the large corporations and the big businesses, does not want to have to pay women the same salary as men for the same day's work. Otherwise, how can anybody oppose treating men and women the same way? The Illinois Constitution has an Equal Rights Amendment, and I would suggest, in closing, that all of the horror stories that we have heard - homosexuality, abortion, military service - have been found not to be valid. We've not had those problems in Illinois as a result of our Constitutional Amendment in 1970. I urge adoption of this Constitutional Amendment."

Speaker Ryan: "The Gentleman from DuPage, Representative Hudson."

Hudson: "Thank you, Mr. Chairman (sic - Speaker), Ladies and Gentlemen of the House. I rise in opposition to the Equal Rights Amendment, as I have risen in opposition to this Amendment over a period of ten years. I do this, not in a moment of pique, or of rancor or of ill will toward any of my colleagues here who differ with me on this issue, but I do this as a matter of conviction... conviction and a matter of conscience. I'm not going to, in the course of my remarks, dwell on some of the things that have taken past... taken place over the past few years - what I consider to be the unconstitutional extension given to this issue after seven years, when no prior Amendment has ever taken much more than four years. This had seven, was given another three, which I believe was done in an unconstitutional way by Congress. I'm not going to dwell on the inability of states, apparently, to change their

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

128th Legislative Day

June 22, 1982

votes from 'yes' to 'no' on this issue, but they're apparently permitted to go from a 'no' to a 'yes'. I'm not going to dwell on tactics which many of us have deplored over the past few weeks, if not years, but I'm going to base my opposition on two points. One is the fact that, in my opinion and the opinion of many others, this proposed Amendment is totally unnecessary to achieve the ends so many have in mind. There's not a thing, it seems to me, that the Equal Rights Amendment can give the women of this country, in the way of protection against invidious discrimination, that they do not now already have or that they do not have a way of getting. It can give them nothing in the way of protections, it seems to me, that are not already deeply embedded in our Federal Charter, the Fourteenth Amendment, and a host of federal laws, including the Equal Pay Act; and one could go on and on and on - Equal Protection Act, and so forth - a host of federal Acts and state laws that have been specifically designed to guard against discrimination where it was deemed unnecessary. Now, over the years, the women themselves, many of them, came to realize that this was true. Indeed, not only could the Amendment give them nothing additional in the way of protection, but it could take away from them some protections they felt they already had, for example... for example, the protection against being drafted. Now, the argument is always made that Congress could already draft the women. Well, Congress can draft the women. That is true, but Congress is not forced to draft the women; but, Congress would be forced or compelled to draft the women, if the Equal Rights Amendment is passed. And this seems to be one point - not seems to be, but is one point on which both the proponents and the opponents agree. If the Equal Rights Amendment is passed, and the draft is

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

128th Legislative Day

June 22, 1982

reinstated, it will mean, indeed, under existing law, that women would have to be drafted as well as men. Might be some exceptions, yes, but they would be the same exceptions that are offered to men, placing the women on the same basis as the men. Now, the women, many of them in this country, over the years, began to realize that there were these flaws and there were these things about this Amendment - these potential dangers - and they simply didn't want them. I have opposed this Amendment also, not only because I feel that it's totally unnecessary to achieve the desired ends, but also because it is potentially dangerous. And, I say that because it is blank-check legislation. The terms are ill-defined. Constitutional authorities simply do not agree on what they're talking about when they refer to 'equality of rights shall not be denied or abridged on account of sex'. They don't seem to agree on what they really mean by the term 'sex'. They don't seem to agree whether they mean they're talking about male or female or life styles in between, and we come to the conclusion that the only time we will know what this Amendment really means, as is after it becomes a part of the Federal Charter or the Federal Constitution; and Congress and the Federal Courts and the federal agencies begin to interpret this. Then we will find out what it means, and I will predict that even some of the proponents at that point will say, 'That isn't what we had in mind at all'. But, that is the way, perhaps, the courts will construe. We'll simply find out later what this means, blank-check legislation. We don't do this in business. We don't sign a check and turn it over to somebody and say, 'You fill in the amount', but that's what we're asked to be... asked to do... being asked to do, my friends, with this Amendment; to turn over a blank check to

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

128th Legislative Day

June 22, 1982

the Federal Government, bow out of this completely, as far as legislation affecting any differential between the sexes is concerned, as far as the State of Illinois is concerned, or any other state. Turn that vast amount of power over to the Federal Government, Courts and agencies, and let them have at it; and, then tell us what it means. Section 2 is what I'm talking about now, which surrenders the power of the State of Illinois and the other states across this country to the federal agencies; to legislate anywhere in this area, and I will say to you that legislation then will become litigation. And, we will have the federal agencies and courts deciding sensitive social issues for us and not the elected Representatives of the people. They will hand down the decisions that may have effect... the effect of restructuring the family - how the family is defined. They will decide what a family is. They will decide under what conditions children are adopted, and so forth and so on. Section 2, my friends, of this Amendment, which is not often... too often talked about, but Section 2 is a step in the direction of centralized power. We are turning over, I say again to you, the authority of our separate and sovereign states to a centralized area - the Federal Government. We are turning those powers that we rightfully should retain, those prerogatives of legislation in this area, to the feds. I don't think that's what we, as responsible State Legislators, should be about, but that's what we're being asked to do. Many of our women have said that they do not want to be forced into a unisex society, and I'm going to use that term cautiously and advisedly; but, in my opinion, the Equal Rights Amendment, looking down the years, will make this society of ours a unisex society. Rigidly enforced, it almost has to render us genderless. I can see it no other way if it's to be

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

128th Legislative Day

June 22, 1982

applied across the board, construed rigidly, as I believe it will be. Many of our women do not want to be cast, therefore, into a mold of doctrinaire sameness. I know this is a term not in favor with many, but I believe that this is what will happen. And our women will be cast into a mold of doctrinaire sameness, and they simply don't want to be so cast. Why, in good conscience, force these things on millions of women across this country who do not want them, and do this in the name of an ill-defined and an undefined equality? This is the basic question, and I believe from the bottom of my heart that, if the Equal Rights Amendment were something that the vast majority of the women in this country really wanted, it would have passed years ago. We wouldn't be debating this thing ten years after the fact, but we're facing a situation where countless women do not want to be forced..."

Speaker Ryan: "Would you bring your remarks to a close? Your time has expired."

Hudson: "Yes, Sir, I will. I urge you, my colleagues, to give this your deepest consideration and to vote 'no'."

Speaker Ryan: "Representative Friedrich, Dwight Friedrich."

Friedrich: "Mr. Speaker, Members of the House, I would like to raise the point of order, the parliamentary question, at least. Is this issue properly before us, in the first place? Specifically the United States Constitution, Article V says that Congress, with two-thirds vote of both Houses, shall deem it necessary..shall propose Amendments. They did. The time expired. What is before us today was not proposed by a two-thirds vote of both Houses. And I question very seriously, and I want to get it in the record, whether or not this is properly before us at all. I'm not going to ask you to rule on that, but I think it ought to be in the record, and I think it ought to be in

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

128th Legislative Day

June 22, 1982

the minds of you people who are voting here today. Now, a few short remarks. We do have an equal rights provision in the Illinois Constitution. I helped put it there. I was one of the delegates, and I..when the Governor was before us a few days ago, I asked him that if he knew of one single instance in his term of office, which is now almost six years, where there had been a case of discrimination against a woman that had not been adequately handled by the Department of Human Rights. And he said, no, that he couldn't honestly say he'd had any. Now, like Representative Hudson, I'm not willing to give up our sovereignty - I believe in sovereign states - on this vital issue and turn over to the Congress and the Supreme Court of the United States - and some of the Federal Judges have been making some absurd rulings - to further encroach on the rights of the people here in Illinois to make decisions of our own. I've been around a long time, and through the years I have consistently voted for legislation that would protect women in employment and so on because some of the abuses that were here in the past were bad. We've eliminated those, and we've eliminated them with the Equal Rights Amendment. But, finally, I would like to say I deeply resent the fact that this has been made a partisan issue. In the last two years the Speaker of this House, Speaker Ryan, has become the whipping boy for the pro-ERA women and the NOW, and the demonstrations are led by people from other states. Now, I believe again, that the people of this state are capable of deciding what's good for the people here. I don't know what your polls show, but I can tell you now that the polls in my district have become more, and more and more opposed to the ratification of this. The last one was 32 to 1. Before that, it had consistently run 2 to 1. I don't know if you've taken an

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

128th Legislative Day

June 22, 1982

honest poll in your district or not, but I think you have an obligation to the people in your district to vote for them, not for some woman from Virginia, not from some guy from Idaho, or something else. You have an obligation to your constituents. I hope you've asked them what they think. I have over and over again, and never one time in all this time have they said that they wanted me to support this. And I'm not going to. Thank you."

Speaker Ryan: "Representative Darrow."

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

Speaker Ryan: "The Gentleman moves the previous question. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Motion prevails. Representative...Who do you want to close, Representative Catania? Representative Matijevich to close? Representative Matijevich."

Matijevich: "Mr. Speaker and Ladies and Gentlemen of the House, our issue today is, shall the State of Illinois ratify the Equal Rights Amendment? Representative Catania gave us the wording of the Amendment, itself. And I..I want to start with that ...or close with that again, because the whole issue is this. 'The equality of rights under the law shall not be denied or abridged by the United States, or by any state on account of sex'. The reason I start with that is because I've heard, and I just heard again from the last speaker, regarding polls. All of us have been in public life a long time. I've served here a long time, and I haven't taken a poll yet. The reason I have never taken a poll is because I know, in my own heart, that I can have a poll produce any result that I want. Let's take this..this issue, for example. Think, if you will, if you had a poll in your district and the poll just said, 'Are you for ERA?'. Then have another poll and say...have the question,

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

128th Legislative Day

June 22, 1982

'Are you for the Equal Rights Amendment?'. Then have another poll and say, 'Do you believe that equality of rights under the law shall... should not be denied or abridged by the United States or by any state on account of sex?'. My guess is, based on my experience as a public official, that the first poll may not sound too good. The results may not be too good. The second one will be a little better. And the third one will be overwhelming, and my guess, probably 75% of the people would answer that they would believe that we should not deny anybody, man or woman, equality of rights under the law. That ought to be the only poll that we should ask our constituents. I think that the Equal Rights Amendment is needed more today than ever, needed more than when it was introduced in 1923. And the reason I say that is that we can't always rely on law. All of us serve in this Legislative Body. We know, for example - and we've done it this Session - in fact, we were called in a Special Session to eradicate a law that we passed erringly last Session, last year. I wasn't one of those that got caught and voted for it, but we did. We made a mistake. So we can't rely on law to protect one's rights. Laws change every day, and I think, when we're talking about one's rights, we shouldn't rely on law. And another reason I think that it's as important today as ever; there are some policy-makers right now who are attempting to repeal the few existing guarantees that women have. For example, under federal deregulation schemes, some right now are proposing to repeal equal..equal credit and affirmative action regulations. Those are important to women, and they should be - the removal of enforcement procedures for equal employment laws, and under block grant distribution plans, the dilution of equal education laws. And..And I reiterate, we need a constitutional guarantee of

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

128th Legislative Day

June 22, 1982

those rights. We..we need a constitutional guarantee so that one has economic independence and can feel that the National Charter guarantees a right that a woman has just as much as a right that ...that a man has. I think that if..if one person is denied the guarantee of equality of rights that no person's guarantee of equality of rights is safe. Now, I've said in the Committee of the Whole that I think at this time in our history, 207 years after we began as a country, that it's almost a national scandal that we are debating this issue of rights. Now those who are opposed, I recognize your strong feelings. I recognize the strong feelings of those who are proponents. You know, any time in the history of our country when we have argued the matter of rights, that has been a very emotional issue. And let me say, for example, I've heard a lot about what's going on in the Capitol Building. I've been very silent about that. Oh, as a Legislator, I guess I haven't liked some of the tactics that have gone on. But then I've thought back to my own lifetime, and I remember, as a kid and I lived just about across the street from the 'Fance Steel Corporation' in north Chicago. And I remember when I was a kid and they had those..those sit-down strikes. And I saw all the tactics that were used on the employees, and I saw the bloodshed as a little kid..."

Speaker Ryan: "Would you bring your remarks to a close, Representative?"

Matijevich: "That's ten minutes already? I don't care if the cameras are on or off. Doesn't make a bit of difference to me."

Speaker Ryan: "Proceed, Representative."

Matijevich: "But I saw that bloodshed as a little kid, and I thought back to those days because I knew those employees were fighting for rights. When you talk about one's rights

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

128th Legislative Day

June 22, 1982

that I think are something that all of us should fight for and be for, that's very important. And I can understand how some people could go to some extremes. Now, I...I feel in my heart that the only issue is, should Illinois be a state that believes in the protection of one's individual dignity? And I think every woman in this Body ought to say, like they said when ...when they brought up the issue of the right to vote, 'Am I a person?', because that's what it amounts to. If you don't have the full rights that I have, as a man, you are not a full person under the Constitution. Our Constitution starts out, 'We, the people'. It doesn't say, 'We, the gentlemen'. It doesn't say, 'We, the white people'. It says, 'We, the people'. Now, if you believe as I do that everybody belongs in that Constitution - all people belong there, everybody's right ought to be protected, men or women - then you should vote and adopt this Amendment as I will, and we appreciate...we appreciate your support."

Speaker Ryan: "The question is, 'Shall HJRCA 1 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Jones to explain his vote."

Jones: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I rise in support of this Amendment. It is an Amendment that should have passed quite some time ago and we are late doing it. I believe we, my ..you, my colleagues in the House, should join with those who are voting in the affirmative on this issue and wipe the shame off the face of this nation and off this state, who we call the Land of Lincoln, and pass this much due legislation. I know some of my colleagues were a little concerned about the recent events as to some of the supporters and the tactics that they used. But let me say this to each and every one of you. The women have suffered the

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

128th Legislative Day

June 22, 1982

unsufferable. They have tried everything they know possible within the law. They have petitioned their Legislators. They have voted for and against Legislators. They have lobbied. They have marched. What would you do? What would you have done if you were one of my people when they joined with us in the '60's for the sit-ins and the write-ins? You would have done..."

Speaker Ryan: "Do you want more time, Representative?"

Jones: "Yes, thank you, Mr. Speaker. What would you have done? Remember that sacred deed we call the Declaration of Independence. It dictates in there what you should do when you cannot have your grievances met by that governmental body. I didn't go along with all the tactics that they pulled, but I don't think any of us who are supporting the issue should let the tactics of a few keep us from voting in the affirmative for this much needed legislation. If you are for it, then you will vote for it. And don't talk about the Fourteenth Amendment. Senator Everett Dirksen can tell you about the Fourteenth Amendment. When the 1965 Civil Rights Act came up, he didn't..."

Speaker Ryan: "Just a minute, Representative. The rules of the House call for no cameras during explanation of votes. The camera light is off. You'll have to turn your cameras off. Proceed, Representative. Proceed."

Jones: "Yes, thank you, Mr. Speaker. So it's time that some of the men and women stand up here and become Statesmen, like Senator Everett Dirksen, and vote for the people of this state, vote for the people of this nation, and maybe you, too, Mr. Speaker. We would like to erect a statue for you out there for becoming a great Speaker for all the people of this great state. But this issue is long overdue, and we should not debate..debate its merits; because, as Representative Matijevich said, we, the people of this

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

128th Legislative Day

June 22, 1982

country is for all the people, and the only way we can be for all the people is to vote 'yea' on this particular issue."

Speaker Ryan: "The lady in the balcony, would you turn your camera off please? In the green striped shirt, would you leave the camera off? That's the rules of the House. You'll have to leave the camera off. Now, Representative Deuster to explain his vote."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House, I'm sorry Representative Darrow moved the previous question; because, although most Members of this House are sick and tired of this subject, having had it for ten years, still, for thousands and millions of women in this country, it's an important subject that ought to be aired. And anyone who is really tired of it could retire to their office. However, I would like to say this. One reason, to the ladies in the gallery who have worked so hard for this, is that it's failed is, I couldn't sell it. I don't think anybody could sell it. The mistake was not yours. The mistake was not yours. The mistake was made in this...by the United States Congress eleven years ago. I have in my hand the Judiciary Committee Report, and those of you who know the history of this know that the Judiciary Committee concluded that yes, we're for equality, but no, we're not for sending women into the military service and into combat service and treating boys and girls and men and women in the nation identically. And so this Committee Report said, 'We are for equality, but we're going to add an Amendment', which was called 'The Wiggins Amendment'. And this is the Amendment, ladies, who have worked so hard on this, that Congress in a mistake struck on the floor of the House. And let's read this Amendment. This is what it says. 'This Article shall not impair the validity of any law of

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

128th Legislative Day

June 22, 1982

the United States which exempts a person from compulsory military service or any other law of the United States or of any state' - any state law, Illinois law - 'which reasonably promotes the health and welfare, the health of the people'. This is the 'Wiggins Amendment' that was struck on the floor. It was adopted 19 to 16 by a very close in the Committee..vote in the Committee. When it got to the floor even the President..former President of the United States, Jerry Ford, couldn't take it. And he took a walk. He didn't vote for this Bill, because the people of Grand Rapids wouldn't want women drafted. And Representative Catania referred to this Report and said that that language is not in here. I'll read this language. It said, 'In your Committee's view, this would compel the courts to interpret the new Amendment as a mandate to sweep away all statutory sex distinctions per se.' But not only would women, including mothers, be subject to the draft, Representative Catania, but the military would be compelled to place them in combat units alongside of men. Now, the Judiciary Committee made an effort eleven years ago to cure this. But I was there, and that Capitol was filled with barefoot women sitting all over the Rayburn Building. We were in the middle of the Viet Nam War, and some of the pacifists thought and they said, and Representative McClory repeated their argument that we'll never have the old kind of war anymore. We'll never have women as infantry soldiers. That's too ridiculous to contemplate. And the girls from Kansas University said, 'We want to be drafted. We want no qualifications on our equality.' And so, the Congress made a mistake by rejecting that Committee Amendment. Now, some people say that a lot of these horror stories are the figment of Phyllis Schlafly's imagination. They're not.

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

128th Legislative Day

June 22, 1982

They're all rooted in documents. You go through this Committee Report. You'll see everything. You'll be...the mention of prisons, sex education in the prisons. The Virginia General Assembly made a study, Senate Document 500. How many of you read it? Do you want to pass a Constitutional Amendment that will require the State of Illinois to integrate men and women in our state..into our state institutions? No. And I would say, on the subject of toilets, the Department of Health, Education and Welfare, and showers, put it into bureaucratic regulations. It's not the figment of anybody's imagination. And let me say this, those of you who are concerned about a labor vote. I have the statement of Andrew B. Miller, the Legislative Director for the AFL-CIO, saying we oppose ERA because it would take away rights from women. Here's a list of all the Amendments that were rejected in Congress. These fears are not imaginations. They're real fears, and they are the reasons, ladies in the gallery, that after ten years this thing is still dead. And my prayer and my hope is that you'll take all your enthusiasm; and, whether it fails today in the House or we kill it in the Senate, it's not going to make it. And I hope that you don't hound politicians on the campaign trail trying to get your revenge and your ounce of blood. But...And I'm telling you this. You're going to be better off if you translate your vigor and enthusiasm into enforcing the..the current Constitution that guarantees the equal protection of the law to every person. And there's not anybody in the gallery that isn't a person and hasn't been construed to be a person by the United States Supreme Court. You are equal. You are not second-class citizens and about time that, if you had some problems in life, and that your husband's not making his child support payments, or

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

128th Legislative Day

June 22, 1982

whatever your problem might be, that you'll say you're equal under the Constitution. You're equal under the laws, and you don't want to strip the power of the Illinois General Assembly to implement laws or other states to implement laws to protect you and to help you. And I know that every Member here, whether they vote 'no' or 'yes', are for the concept of equal opportunity and equal protection for all. Thank you."

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

Stewart: "Thank you, Mr. Speaker, Members of the House. One hundred years before I was born, 'Sojourn Atrouth' stood before a convention in New York City and declared...to speak on behalf of women's right. She recognized the irony of this situation, because she was speaking for colored women who she said had been thrown down so low that nobody ever thought we'd get up again. We've been..But we've been downtrodden long enough. We will come up again, and so I am here. Thus, Ladies and Gentlemen, here it is one hundred and thirty years later that I am here in this House, and I rise on behalf of Black American women who are the descendants of slaves. I rise with 'Sojourn Atrouth', Harriet Tubman, for the 'Sally Hemmings', for Marie Stewart, for Zora Neale Hurston, for 'Fanny Lou Hamer', for 'Flo Clemmons', for these and hundreds and thousands of nameless, faceless women that most of you, who are in this White, male-dominated, privileged chamber have never recognized and certainly don't remember. I rise on behalf of women of color who have always had to fight for some modicum of self respect. I rise on behalf of Hispanic women who don't have a voice in this chamber. I rise on behalf of native American women who don't have a voice in this chamber. I rise on behalf of women who have never,

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

128th Legislative Day

June 22, 1982

ever been part of this protected class that some of the opponents speak so eloquently about, because I, Ladies and Gentlemen, am the product of slavery. I represent nothing that most of you have ever had to respect, namely the color of my skin and my gender. But I don't stand here to petition your 'yes' vote, because what is your Constitution to me? The Declaration of Independence was drafted by a man who, yes, was a founding father, who, yes, was a great economist, but yes, he was a slaveholder and yes, for 37 years he went into the bed of his slave who he thought was the perfect woman. Why? Because she was a slave. And so, Gentlemen, what is your Constitution to me? I don't come here begging you for your 'yes' vote, because those of us who are the lowest of the low find it very easy to accept that the men of this chamber, that is the White privileged men of this chamber, would deny women equal rights. For they..they would seek ...that same tradition would seek to deny me culture. It would seek to deny me intelligence. It would seek to deny me beauty. It seeks to deny me humanity. And I say, quite frankly, what I say I cannot say here, but enough is enough. I could give less than a damn what you think about me, my femininity, my humanity, my culture and my intelligence, because it is. It follows logically. So I stand only to present a truth, and that is you can vote this Amendment up or down. Quite frankly, it doesn't make any difference to me. I think that you are acting as people of your class and tradition have always acted. And you know what? It won't matter, because we've survived much worse than this, and back when I was in school, we had a saying that if things didn't go according to the way you'd like in the classroom, we'd meet you outside at 3:15. And so, White males of the world, it is now 3:15. I represent the majority of people on this

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

128th Legislative Day

June 22, 1982

planet who are women, the majority of people of this planet who are of color, and you cannot have your sovereignty any longer. Why? Because I say so. Thank you."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? The Gentleman from Cook, Representative Griffin."

Griffin: "Thank you very much, Mr. Speaker. This is one of the most painful decisions of my life. I come from a community in which our village president is a woman. Our village clerk is a woman. Our village trustee is a woman, and the heads of many of our organizations, foundations, corporations are women. It's a community that has prospered a great deal under the democracy that this society has enjoyed. But I also come from a community which has a great tradition of families, and churches and a concern about a way of life out of which we've produced Frank Lloyd Wright, Ernest Hemingway and many of the great writers and architects of our society. I'd like to just put on record for now that the...any allegation that anybody who opposes this Amendment is in any way opposed to women, opposed to equal rights among human beings, is doing a great disservice to people, like myself, who have spent our entire lives, our entire adult lives, fighting for these rights. I would like to say that the Equal Rights Amendment does not have to equate with women's rights or equal rights for other human beings, for all of us. It is one approach, and it's an approach that's been brought out that eleven years ago would have worked. It would have had the support of Phyllis Schlafly and Gloria Steinem. It would have had a united front that would have advanced the cause of women's rights far more than what's happened in the last eleven years. The polarization, the emotion, the anger, the rhetoric that we have heard, I believe, is a direct result of a failure in the democratic process in our

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

128th Legislative Day

June 22, 1982

society, a failure that we have seen repeated time and again in this General Assembly. I think the tragedy is not a defeat only for the loss of women's rights to be advanced a step forward, but the real tragedy is what's happened to democracy. Democracy is a balance. It's not a one-sided shouting against another. It's ability to compromise, ability to reach agreement in a rational atmosphere. That atmosphere has been lacking in this whole debate. If the people who wanted rights for women had wanted to do it in the democratic way eleven years ago, they would have accepted the Amendments of 'Wiggins', 'Irvin' and others who were concerned that they could get the mass support, the majority support they needed. The failure to do that is the reason that we are polarized today and the reason that this Amendment is in trouble. I have put on file a Resolution which addresses this concern. I'm prepared to introduce this Resolution tomorrow to deal with what I see as the lack in the current Amendment, but we, in this Body, are powerless to amend the Amendment. We are powerless to do anything more than express our concern that some very serious qualifications and specifications have been left out. Leaving those out has deprived us of a chance of standing up for the rights of women, for the rights of all our citizens. I have spoken to the Governor on several occasions. I have spoken to leaders of the ERA movement on both sides. I've talked to the citizens in my community at great length. I've studied this issue at great length. Two months ago I was prepared to support it, but I have found the deeper I have looked into it the more submerged the legislative history is. There are a lot of serious questions about that history. The means that are used are as important as the ends that are sought. I think to get back on the right track let's recommit ourselves to the

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

128th Legislative Day

June 22, 1982

democratic way, not only democratic goals. Let's try to see that we can do things in an atmosphere of understanding. I believe that, in this chamber, we learn tolerance for other people's views. Republicans and Democrats can get along together, conservatives and liberals, but in the outside world that kind of tolerance is not as prevalent as it ought to be. We need to teach the lessons of the best of the legislative process to the people out there, and I believe we in here need to learn better the public's distrust of power. I'd like to finish what I'm saying on that note. I distrust the concentration and centralization of decision-making about private aspects of our lives in governments far removed from us. 'Detuxal' warned of this in the 19th Century. This is a step in the wrong direction. The power of our government begins with us. It's given by nature or nature's God to use as we see fit. In the process of securing women's rights in the future, please, let's learn lessons from the last eleven years. Let's use democracy to work for us. Let's not have stridency. Let's not have division. Abraham Lincoln has been quoted many times in this debate as the champion of human rights, but I'd like to remind everybody here that Lincoln's concerns were twofold. He was concerned about slavery from the first time he saw it in New Orleans, and he said, 'Someday I'm going to hit that hard'. But he was also concerned with preservation of the Union. This debate, I think, needs to look at that issue. Let's be concerned about human rights, but let's not forget we've got to keep the family strong, the community strong. We've got to keep the decision-making powers closer to us. The people have to control the future of their culture, of their society in our nation. Thank you."

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

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

128th Legislative Day

June 22, 1982

Kelly, Dick: "Thank you, Mr. Speaker and Members of the House. I have somewhat of a similar comment to make that the last speaker had raised, because I, too, have been...made a request to the Legislative Reference Bureau to draft a Resolution requesting Congress to reintroduce the Equal Rights Amendment and to add some language. And I want to read the brief language that I feel is necessary and which will gather my support and the support of many others and it's, quote, 'The Amendment shall apply to persons of the female gender, guarantee equal pay for equal work, regardless of sex, and exempt women from the military draft unless the Congress of the United States deemed it necessary'. This, in my opinion, in these thirty-six words would avoid the issue of abortion, homosexuality and the military drafting of women. I have no doubt the Equal Rights Amendment will not become a reality in 1982. I hope the proponents can get together with the opponents and find some neutral ground which I would like to support, and I know my colleague across the aisle has also. Because of the vagueness of the Amendment, I will continue to vote as I have for ten consecutive years. I will vote 'no'."

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

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. We've heard a lot of nonsense, and balderdash and everything else on this floor this afternoon. I've been here for six years. Each year I've been a Sponsor of this Amendment. I've been a Sponsor because it's right. Each year we come here to the House, and we come very close; and, somehow, we don't seem to get that magic 107. But what I'd like to say is, this is not going to go away. Pe..Women..It took fifty years for them to get the right to vote. It's going...It's going to be here. So, I hope we

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

128th Legislative Day

June 22, 1982

can get enough votes to put it over, but it's not going to go away. But the thing I really want to say. We've been talking about women, but this is a human rights Amendment. This is for all people, not just women, but men also. And if..And if women don't have it, men don't have it either. So just keep that in mind. This is a human rights Amendment, and it's for everybody. I've got two sons, and I've got two daughters. And I want them to be treated equally and have the same rights. And the only way that all four of them are going to have it is if we pass this Amendment. So, let's here, in Illinois - we've got it, but other states are depriving citizens, both men and women, of those rights. So, let's pass it so that all of the country can show that this human rights - we're for everybody, and everybody is equal. Thank you."

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

Ewell: "Mr. Speaker, Ladies and Gentlemen, some have said that perhaps the methods, the tactics that have been used have been wrong or improper. But I should like to point out that most rights were not only gained, but secured, by such things known as war. I believe that women have a right to petition. They have a right to protest. They have a right to exert all of those activities which they feel can or possibly will help their cause. I rise in support of this Amendment, as I have in every Session, simply because, when I view the historical record, it was the women of America who stood with me when I was a slave. It was the women of America who were on the civil rights marches; and, yes, those marches took a little longer than a day. And it appears that the..that the rights of women may take a little longer, but it will not go away. I say to you, it will be a twenty-year struggle, because it will go back to Congress and back to the states. And I say to those of you

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

128th Legislative Day

June 22, 1982

who support the civil rights movement, I say to those of you who support human rights, that you've got to learn to do, as they used to say in the old biblical schools; you've got to learn to walk together, children, and not get weary, because you will reach the promised land. I say to you that there are all types of arguments that have been thrown up, and we were the victims of the same arguments. They told the slaves that you didn't want to be free, because you'll be cast into the unknown. They told them, you don't want to be free, because you'll have to go to military service. They said, you're going to lose the love of your faithful master if you ask for your freedom. They said, you're going to lose his protection, but I say to you that these are all false arguments. We must rise together; and, in this twenty-year struggle, I shall be with you today, tomorrow and each day of the next twenty years, because I know that we, as a people, you and I together, we will reach that mountain top and we will see the promised land. And I'm proud to cast my vote for the ERA; and, if it takes another twenty years, I'll be there with you."

Speaker Ryan: "Representative Miller, from Vermilion."

Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Section 2 of this Amendment is a very important portion of it. It transfers authority from the states to the Congress to make laws, to implement the Amendment. And experience has taught us that Congress legislatively delegates their authority rather routinely to a department, a bureau or an agency which is run by Civil Service bureaucrats who would then promulgate rules and regulations to implement the laws. And our states and our local units of government would have to abide by these laws, and rules and regulations or lose their federal funds. Should a state or a unit of local government choose to take issue

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

128th Legislative Day

June 22, 1982

with any of these laws, rules or regulations, it would be forced to do so in the Federal Courts, before Judges appointed for a lifetime and thoroughly insulated from public pressure. Our Federal Congress, our federal bureaucracy, our Federal Courts do not need more to do. They have helped us too much already. We, at the state level, particularly in Illinois, have acted responsibly in removing sex bias laws from our statutes and rightfully so. We should not be rewarded by forfeiting our jurisdiction in the matters of marriage, divorce, property rights and other private matters. In my district, I've had two polls in the last year. In each instance the negative vote was over 70% to ERA. My mail has consistently been heavily against ERA. The majority in my district fear, as I do, that ERA will do more harm than good for women. Therefore, out of personal conviction that the Federal Government does not need more to do, and that sex-related issues should be decided by the elected Representatives of the people who are closest to the people, and out of respect for the majority opinion in my Legislative District, I must vote against ERA. Thank you, very much."

Speaker Ryan: "Representative Balanoff."

Balanoff: "I have never, in my years in the General Assembly, voted on a Bill because I thought that I, or my family, would gain personally. However, today I'm going to vote for my daughter and for my granddaughter. So, to you, dear daughter, Jane, and to you, dear granddaughter, Ann, I vote 'aye'."

Speaker Ryan: "Representative Robbins."

Robbins: "Mr. Speaker and Ladies and Gentlemen of the House, I know a little bit about what you are speaking. I only have six daughters and a daughter-in-law. They have studied the issue. They have informed me how they wish I would vote."

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

128th Legislative Day

June 22, 1982

It's on the board. I know a little bit about history, because my grandmother lived in Georgia. Her father was killed in Georgia while leading Sherman's armies through Georgia and burning their own home. They were scouts for the rights of the colored. In our county, we were one of the first counties to elect a woman to the courthouse in our area. You look around and you will see that there are more women sitting on the Republican side of the aisle than they are on the Democrat side of the aisle, because we have kept the doors open for them and worked for women as well as men. We believe in equality. We believe in your rights, but we don't believe that your rights should be obtained whenever you take a case in Arkansas. And I have a sister that lives in Arkansas, and she and her husband have equal rights in Arkansas. The statement here is wrong. They can own property in their own. They can do as they wish in operating on their own, and I am sorry that I must vote and have voted 'no' on this issue. I will always work for, not necessarily equal rights for women, but preferential rights for ladies. I think that we should... I think that we should, as I do, respect my daughters, and my wife and my family, and I feel like that, when you sit down and you talk things over and you go ahead and do things as a family together, that you have the rights that you should have as a family. I want to thank you for working so hard in your way for the women, because I think that we should be proud, very proud to always recognize our helpmate, our daughter, our friends, as ladies, and help them to have, not only equal rights, but to give them the preference that they deserve by having the loving husband, the loving son, the loving father to help in your family. When you have taken these away in the broken homes of the United States today, you have added

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

128th Legislative Day

June 22, 1982

greatly to the number of juveniles that are in prison. And it could be your son. It could be your daughter. So think very strongly and work, not only for equal rights for women, but to give them the preferential rights that they deserve."

Speaker Ryan: "Now, have all voted who wish? Have all voted who wish? Representative Chapman."

Chapman: "Mr. Speaker, I have a suggestion to make to one of the red lights and to seven of the blue lights up there. I know that there are this many people prepared to be the 107th vote. I know there are people who are committed, if we have 106, to make it 107. I ask you now, as the Speaker closes the board, to all of you put your green lights on at once and be that 107th vote."

Speaker Ryan: "Now, have all voted who wish? Representative Macdonald."

Macdonald: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This, indeed, is a day of history and about 12 years ago, maybe 13, I also was a part of another day of history, which was appropriate for the State of Illinois, the Land of Lincoln, when it was that we signed, as delegates to the Constitutional Convention, a Constitution which had within its contents the right..the equal right for women, which we are seeking now for all women in the United States. As the only woman Member of the Bill of Rights Committee, I was, indeed, most proud. I was hoping today, as we called for this vote, that my colleagues in this Body in the General Assembly would join me, as the delegates of the Constitutional Convention joined me, in putting into the United States Constitution the same rights that we have given all people of Illinois, not just the women of Illinois. These are mobile times. This is a mobile society, and what we have here in Illinois is not

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

128th Legislative Day

June 22, 1982

enjoyed by other states. And I would like to read to you just a few of the inequities of other states and why it is so important for us to extend to all people those rights, and particularly to women throughout this nation, rather than just to enjoy, selfishly, for ourselves what our Constitution offers to us. For instance, in the State of Virginia, during a marriage a husband is presumed to be the owner of all real property that the wife possesses. This is in their statutes. In Missouri, a married woman cannot sell, rent or convey to another, interest in, income from, or product from real estate that she owns without a deed signed by both her husband and her. Her husband can sell, rent and convey interest income and products from real estate that he owns without a deed signed by his wife. This can all be documented. In Minnesota, if a married woman or a single woman have extra-marital... that each is guilty; but, if a married woman and a single man have such an affair with each other, each is guilty of adultery and may be sentenced to imprisonment. But not so if it would be the husband. In Alabama, fathers have the priority over mothers as plaintiffs in action of a wrongful death or injury of a child. In Louisiana, in the case there is the difference between parents regarding their minor child. The authority of the father prevails. These inequities in state after state go on and on. Fortunately, in Illinois we are protected by the Illinois Constitution of 1970. I implore all of you to think carefully. This is a historic moment in, not only the State of Illinois, but in the United States of America, and I implore you and urge you to be fair and to give freedom and equality to all people in this country by adding the constitutional assurance of equality and vote 'yes' on this measure."

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

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

128th Legislative Day

June 22, 1982

Representative Preston."

Preston: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. It is by what amount of incredible arrogance that we sit here to pass judgment on whether or not men and women will be treated equally under the law. That is not our judgment to make, and it is not our decision. Equality is an inalienable right. It's God given. It is a disgrace that, over the past ten years, Illinois has failed to ratify the Equal Rights Amendment to the United States Constitution. That Equal Rights Amendment, that Equal Rights Amendment does not state that men and women will have to share a single washroom. That Equal Rights Amendment does not state that men will be permitted...permitted to marry men, or women permitted to marry women. It does not state that women must be drafted if men are drafted. It does not state that men and women have to be treated the same. It states merely that men and women must be treated equally under the laws of this land. Where, in all of our statute books, is there stated a more basic principle of liberty or a more basic principle of justice than the Equal Rights Amendment? The time is now. I solicit your 'aye' vote. It's long overdue. Let's put it over the top today."

Speaker Ryan: "Representative Henry."

Henry: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of this Amendment, because I believe we were sent here to this august Body to legislate and not to exterminate. I believe by voting red on the board that we are exterminating millions of American dreams for equality. We have a chance to motivate other states in these United States, and I'm begging you, the Members of this House, to not to exterminate, but motivate and legislate equality. And, Mr. Speaker, you can start off by

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

128th Legislative Day

June 22, 1982

leading the way, by changing from red to green for the ERA."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Representative Younge. Everybody will get their chance."

Younge: "Thank you, Mr. Speaker. I feel..."

Speaker Ryan: "Just a minute, Representative Younge. Let me get a little order in this chamber for you. A little order in the chamber, please. Proceed, Representative."

Younge: "Thank you. I think that it is a great privilege to speak on this Amendment, and I think that we are here at a very historical moment. And I think, to a very great degree, each of us is speaking about what we believe we are heirs of or heiress to. I am voting green, because I believe that I am the heir of a great democracy, a democracy that was paid for out of the sweat and blood and tears by many people who came to this land wishing new freedom, wishing justice, and equality, and human rights. I believe that it is my duty, as a Legislature (sic, Legislator), to not be a weak and babbling person, but to stand up for the liberty, and the justice and equality that I am an heir of. Oliver Wendel Holmes said that the life of the law has not been logic, but the felt needs of the time. Women have struggled for an Equal Rights Amendment for many, many years. There should not be any question in anybody's mind that there is a great need for an affirmation, for a statement of equality of rights under the law. I believe that the affirmation that is asked for in the Constitution is an affirmation that really is a statement of principle based on our feelings that we are all creatures of God; that the right of equality that we ask for here to be put in the Constitution is a God-given right. And I believe that the Constitution is a document which puts, basically, limitations on government. And, in

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

128th Legislative Day

June 22, 1982

1982 there is no question in my mind that most of us feel that under the law in...that we are a nation of laws, first of all, and that we believe in the basic human equality of both men and women. We should ratify this Amendment today, because we, by doing so, say that we understood the Boston Tea Party. We understood why people came over on the Mayflower. We understood the great push westward. We understood the sacrifices that many men and many women made yearning to be free. We should ratify this Amendment; because, by doing so, we ...we say that we understand what these basic freedoms and basic liberties that we talk about really mean. I do not believe that we are a weak and insecure people. I believe that we are a strong nation and that we can show that by the ratification of the Equal Rights Amendment. In voting 'yes' on this Amendment, I merely say that I understand that, not only am I a citizen of the State of Illinois, but I am a citizen of the United States and, therefore, have a right to ...for there to be not only an Equal Rights Amendment in the Illinois State Constitution, but in the Constitution of the United States of America. I want my daughters, I want all people, all women, to develop to the fullest extent of their potential. That is what our Constitution is about, and I want that to be a written law, because it would say to everyone that administers the law as a Judge, or as a Legislator, or as a member of the Executive Branch, that we are one people. We are one people together, and that each person is equal under the law."

Speaker Ryan: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, this is one of the few times that we, as State Legislators, have the legitimate right to be voting on a federal issue. We've heard comments today indicating that perhaps it's not right

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

128th Legislative Day

June 22, 1982

that people from other states should come into Illinois to lobby for the passage of this issue. But I say to you that this is one of the times when they very much have that right, to influence you, and me and every Member of this State Legislature, because it is in this capacity as a State Legislator that we, finally, have the ultimate right to decide on the federal issue of equality of rights under the law. For those on the opposing side of the issue, who have said today that we really do, as women, have rights under the law already, I say to you, then they should have absolutely no fear of passing this ratification of the Equal Rights Amendment, because it says only that the rights that are available to the citizens of the United States will not be denied a kind... on account of sex. The very fact that we needed to have an Amendment allowing women to vote indicates that, in fact, the Constitution has not been uniformly interpreted to give the rights to women. I believe that the Equal Rights Amendment will benefit both men and women. I think even the discussion of the Equal Rights Amendment has benefited both men and women. Unfortunately, there is no guarantee that those benefits will continue unless, in fact, we put the language into the Constitution and keep that there as a lasting yardstick upon which our laws will be measured. As a final word, let me say that really what women have accomplished through their efforts toward equality have resulted only in that Amendment that now assures the right to vote, regardless of sex. And I say that, if this Amendment is not ratified by June 30th, that is the right that we all should remember, and those of us who want equality should use the one guarantee that is now available and make their wishes known in the ballot box in November."

Speaker Ryan: "Now, are there any other explanation of votes

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

128th Legislative Day

June 22, 1982

other than Representative Catania? Representative Catania, you'll be the last to explain your vote. Proceed."

Catania: "Thank you, Mr. Speaker and Members of the House. As I said in my opening remarks, we have waited for over 200 years for this Amendment to become part of our Constitution, and I do want the record to show that an extraordinary majority of the Members of this House are voting for it today. Unfortunately, not quite the extraordinary majority that we need. And, Mr. Speaker, if we don't have 107 votes when you shut off the Board, I request a Poll of the Absentees."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 103 voting 'aye', 72 voting 'no' and 1 voting 'present'. Poll the absentees. Do you still want to poll the absentees?"

Catania: "Postponed Consideration."

Speaker Ryan: "Postponed Consideration. Mr. Doorkeeper, clear the floor of all unauthorized personnel. All unauthorized personnel from the floor, Mr. Doorman. Clear the floor. Would you take your press conference to the hall, please, so we can get some sanity back in the chamber? Clear the chambers here. Messages from the Senate."

Clerk Leone: "A Message from the Senate by Mr. Wright, Secretary, 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has concurred with the House in the passage of Bills the following title, to wit; House Bills 2088, 2102, 2167, 2250, 2263, 2277, 2278, 2303, 2335, passed by the Senate June 22, 1982. Kenneth Wright, Secretary.' A Message from the Senate by Mr. Wright, Secretary, 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their Amendment to a Bill of the following title, to wit; Senate Bill 1621, together with

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

128th Legislative Day

June 22, 1982

House Amendment #4, action taken by the Senate June 22, 1982. Kenneth Wright, Secretary.' A Message from the Senate by Mr. Wright, Secretary, 'Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has concurred in the House in passage of Bills the following titles, to wit; House Bills 2181, 2242, 2284, 2340, 2359, together with attached Amendments hereto, and adoption of which I'm instructed to ask concurrence of the House of Representatives, to wit; passed by the Senate, as amended, June 22, 1982. Kenneth Wright, Secretary.'" "

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

Clerk Leone: "House Bill 2654, Satterthwaite, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. Senate Bill 2655, (sic, House Bill 2655), Satterthwaite, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill."

Speaker Ryan: "Representative Collins."

Collins: "Mr. Speaker, I move the House now stand adjourned until tomorrow, Wednesday, June 23rd, at the hour of 10:00 a.m."

Speaker Ryan: "The Gentleman moves that the House stand adjourned until 10:00 a.m. tomorrow morning. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the House now stands adjourned until 10:00 a.m. tomorrow morning."

09/09/82
14:47

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

PAGE 1

JUNE 22, 1982

HB-2654	FIRST READING	PAGE	119
HB-2655	FIRST READING	PAGE	119
SB-1242	THIRD READING	PAGE	15
SB-1251	SECOND READING	PAGE	70
SB-1259	THIRD READING	PAGE	32
SB-1260	THIRD READING	PAGE	33
SB-1305	THIRD READING	PAGE	46
SB-1358	THIRD READING	PAGE	53
SB-1367	THIRD READING	PAGE	53
SB-1384	THIRD READING	PAGE	62
SB-1452	RECALLED	PAGE	8
SB-1487	RECALLED	PAGE	79
SB-1519	THIRD READING	PAGE	56
SB-1532	THIRD READING	PAGE	59
SB-1562	SECOND READING	PAGE	68
SB-1566	THIRD READING	PAGE	59
SB-1593	RECALLED	PAGE	13
SB-1654	SECOND READING	PAGE	79
SB-1670	THIRD READING	PAGE	66
*HJR-0001	THIRD READING	PAGE	82

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER RYAN	PAGE	1
PRAYER - REVEREND PETER THOMPSON	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
MESSAGES FROM SENATE	PAGE	1
REPRESENTATIVE DEUCHLER IN THE CHAIR	PAGE	2
SPEAKER RYAN IN CHAIR	PAGE	8
COLLINS IN CHAIR	PAGE	66
MESSAGES FROM SENATE	PAGE	118
ADJOURNMENT	PAGE	119