

STATE OF ILLINOIS
88th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE
FIRST SPECIAL SESSION

4th Legislative Day

September 10, 1993

Speaker McPike: "The House will come to order. Chaplain for today is Reverend Gary McCants of the Bethel African Methodist Episcopal Church in Kewanee, Illinois. The guests in the balcony may wish to rise and join us for the invocation."

Reverend McCants: "May we pray? I will bless the Lord at all times. His name shall continually be on my lips. Oh Lord, we ask that You bless this House today, that you would be with each Member who serves in this House, that You would give them peace and happiness, joy and understanding as they attend to the duties that have been set before them today. Lord, bless their families and their loved ones and we ask that You will give them safe passage to their several abodes. We ask for these things in thy dear Son Jesus' name. Amen."

Speaker McPike: "We'll be led in the Pledge of Allegiance by Representative Saviano."

Saviano - 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 McPike: "Roll Call for Attendance. Kubik."

Kubik: "Thank you, Mr. Speaker. Boy! Representative Saviano's voice was so booming, I couldn't tell whether he was using a microphone or not."

Speaker McPike: "He was standing right next to you."

Kubik: "Yeah, I guess so. Let the record reflect that Representative Ryder is excused today."

Speaker McPike: "Representative Currie? No excused absences. Mr. Clerk, take the record. One hundred seventeen Members answer in Roll Call, quorum is present. Good morning Mr. Black. Good morning."

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Black: "Good morning, good morning, Mr. Majority Leaders. It's good to see you."

Speaker McPike: "Thank you."

Black: "Are we just at ease for awhile?"

Speaker McPike: "Oh, no. We're actively involved."

Black: "I see. Are we in Perfunctory Session?"

Speaker McPike: "No, no."

Black: "There was no Perfunctory Session? Because I filed a Bill yesterday in Special Session and I was wondering when it might be read into the record that critically important first time."

Speaker McPike: "Well, as soon as we get to Introductions and First Readings, I bet your Bill is one of the first ones we read."

Black: "And I would agree to have you Co-Sponsor with me. It's a very good concept that we've talked about for the last two or three years and I know you have an open-mind on it."

Speaker McPike: "You're going to move Danville into Indiana."

Black: "Well, there are some people who would certainly favor that concept. I, on the other hand, would have to keep an open-mind on that."

Speaker McPike: "Constitutional Amendments, page 2 of the Calendar, HJRCA#1. It's been read a second time previously. Mr. Clerk, are there any Amendments?"

Clerk Rossi: "Floor Amendment #1, offered by Representative Wennlund."

Speaker McPike: "Mr. Wennlund."

Wennlund: "Withdraw."

Speaker McPike: "The Gentlemen withdraws it. Further Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Daniels."

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Speaker McPike: "Mr. Wennlund withdraws that. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Churchill."

Speaker McPike: "Representative Churchill withdraws Amendment #3. Further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Wennlund."

Speaker McPike: "Withdraws that Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Daniels."

Speaker McPike: "Withdraws that Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #6, offered by Representative Wennlund."

Speaker McPike: "Withdraws Amendment 6. Further Amendments? This could be real quick."

Clerk Rossi: "Floor Amendment #7, offered by Representative Churchill."

Speaker McPike: "Representative Churchill withdraws that Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #8, offered by Representative Churchill."

Speaker McPike: "Representative Churchill withdraws that Amendment. Well, I'll tell you, good luck in getting that fixed, Mr. Skinner. Which one are we on, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #9, offered by Representative Skinner."

Speaker McPike: "Mr. Skinner."

Skinner: "Mr. Speaker, I withdraw my truth in advertizing Amendment."

Speaker McPike: "Withdraws that Amendment. Further Amendments?"

Clerk Rossi: "Floor Amendment #10, offered by Speaker Madigan"

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Speaker McPike: "Representative Currie."

Currie: "Withdraw Amendment 10, please."

Speaker McPike: "Withdraws that. Further Amendments?"

Clerk Rossi: "Floor Amendment #11, offered by Representative Daniels."

Speaker McPike: "Withdraw...Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Withdraw...if the House would permit, 11 through 24."

Speaker McPike: "Alright. Representative Wennlund withdraws Amendments 11 through 24."

Wennlund: "Correct."

Speaker McPike: "Okay. Those Amendments are withdrawn."

Wennlund: "You thought we're going to have something to do today."

Speaker McPike: "Right. Too bad I wasn't here yesterday, it would have moved quicker. Further Amendments?"

Clerk Rossi: "Floor Amendment #25 offered by Speaker Madigan and Representative Currie."

Speaker McPike: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This Amendment would make a few changes in the wording of the proposed Constitutional change wording...changes that were requested by those who supported passage of the Constitutional Amendment last year. The idea is just to avoid some red herrings in the debate and discussion that preceded the vote on that Amendment in November of 1992. Let me just go through the proposed changes that we make. The intent of the change was to make high quality education a fundamental right of each person in the State of Illinois and so, we would change the heading to read 'a fundamental right high quality education', rather than free schools. Secondly, there was a question whether the educational

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development of all persons to the limits of their capacities might engage the opportunity for people to argue that individual expansion of their abilities was intended and thus lawsuits asking for substantial sums for named individuals might result. We never thought that was an issue but, just to avoid the question, we would make the change of it as proposed in this Amendment. Third, we had this whole issue about whether...if education is the paramount duty, what does that mean about our responsibilities to feed the hungry and care for the mentally ill. Again, we never thought that this was to preclude the state's responsibilities in other areas. But in order to clarify that, the new language, would just specify by taking out the word paramount in respect to education as our responsibility. Finally, there was a question about the meaning of the word 'citizen' rather than the word 'person' in this article and while, always was intended person to be the real meaning just to clarify this Amendment proposes that we change the word 'citizen' in the original language to the word 'person' so that the responsibility applies to all youngsters in the State of Illinois, not just those who happen to have attained citizenship status. I'd appreciate your support for the Amendment and I'd be happy to answer your questions."

Speaker McPike: "On the Amendment, Representative Black."

Black: "Thank you very much, Mr. Speaker. I'm sorry, I should have turned off my light. She answered the question I had on page 2, line 5. You've substituted 'person' for the word 'citizen'. That's all I wanted to know. Thank you."

Speaker McPike: "Representative Skinner."

Skinner: "I appreciate the clarification in this Amendment. It certainly does seem to be a little bit more clear until we

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get down to line 7 where you still use the word 'preponderant' without defining it. Would you care to define the word 'preponderant'?"

Currie: "I invite you to check with Websters. I think we all have a fairly clear idea of what preponderant means. I think it means most."

Skinner: "Most? That means more than any other source?"

Currie: "Again I would invite you to check with Webster but, preponderant does tend to mean most, means more than..."

Skinner: "...any other source."

Currie: "Now, whether that means more than all other sources added together or more than any other single source, is obviously a question for discussion."

Skinner: "Well, please tell us. You're the Sponsor."

Currie: "What was the Sponsor..."

Skinner: "...Legislative intent? We don't want lawyers to have lifetime incomes out of this Amendment. Why not, say the lawyers on the floor."

Currie: "The...my intent would be that it means most. It means more than other sources."

Skinner: "Well, that's fine. That means it doesn't..."

Currie: "The majority..."

Skinner: "That means it doesn't have to be 51% then. If you have three sources..."

Currie: "I don't think you need to have a specific percentage in this Amendment, that's why there isn't one. A preponderant, I think, does have a fully clear meaning and I think you know what it means as well as I do."

Skinner: "Boy! If I did, I wouldn't be asking these questions. There are three primary sources for funding education in the State of Illinois. Property taxes, state assistance and federal assistance. Now, if preponderant means it has

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to be larger than the other two, I understand what you're saying. Is that what you mean?"

Currie: "That would be my understanding of the meaning but I think, you know, as with any legislative intent issue, there may be other intentions than that of the Sponsor or in that which is stated in the record. My intention, my understanding of the meaning of the word is that most of the financing of public education would come from the state."

Skinner: "Well, as one of the lawyers sitting next to me has remarked, let it go. It means...the Amendment means nothing. Thank you."

Speaker McPike: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker McPike: "Yes."

Kubik: "Representative, in your explanation of the Amendment, you sighted some discussion that took place on the previous referendum. And you discussed the issue of paramount and perhaps it was addressed in Representative Skinner's remarks. But, I guess what I'm trying to get at is, does this Amendment essentially, with respect to the discussion, there was a lot of discussion in the last campaign on this issue about whether this Amendment would preclude...would be the most...would be the top priority, our top priority would be to fund education to the exclusion of all other services and I guess you are stating in this Amendment that by having this Amendment, that that definition is being changed?"

Currie: "Representative, I think it was not the intent of the Sponsors of the Amendment two years ago to set up a dichotomy between the state's responsibility for caring for poor people or mentally ill people or what have you, to set

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up a dichotomy between that responsibility and our responsibilities to finance public education. I think the debate over whether that language said, that it we're broke, we still have to finance public education to the exclusion of all else. I think that wasn't a real issue but because it became an issue, we thought that this time it made sense not even to create the possibility that we were suggesting that the state doesn't have other responsibilities and education is the only one. So, the point of the change is to avoid the debate over whether, if we pass this Amendment, it means we're going to cancel the Department of Mental Health, we're going to stop funding poor people through the Department of Public Aid."

Kubik: "And so, what we're saying is that according to your definition of this Amendment, that education is the most important responsibility of State Government but not to the exclusion of other responsibilities. Would that be a correct..."

Currie: "I think this is clarifying language to exactly make that point."

Kubik: "Okay. Thank you, for responding to the question."

Speaker McPike: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Will the Sponsor yield for a brief question?"

Speaker McPike: "Yes."

Hannig: "Yes. I have a question that was asked of me on the debate during the last referendum and perhaps you could tell me how that might apply to this and that is, does this or what does this do, as far as, college education, public college education. Does this do anything for guaranteeing people that or could you explain what it does and does not do?"

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Currie: "It doesn't do anything about the college education. This Amendment has to do with the article that deals with elementary and secondary education."

Hannig: "So, it's limited to K through 12?"

Currie: "Yes."

Hannig: "Thank you."

Speaker McPike: "Representative Hawkins."

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

Speaker McPike: "Yes."

Hawkins: "Okay, does this Amendment 25 replace the original proposed Amendment?"

Currie: "Yes, and it does so at the behest of the groups that proposed the Amendment that we voted on two years ago."

Hawkins: "Okay...and I don't want to belabor this issue at this time but I'm confused about the word 'preponderance' and how that effects what we're trying to do here and I have talked to a lot of Legislators and it seems like there is a lot of confusion about what this actually means and I'm a proponent of this Amendment. But in order to get it passed, we're going to have to, I think, explain this and come to an agreement on exactly what the effect of this Amendment is going to do to education in Illinois. Otherwise, a lot of people are not going to be wanting to vote on something that they don't know what's going to happen. For example, does this mean that the State of Illinois will take all of the...add up all of the dollars that personal property taxes in the State of Illinois are going for education and then provide that money plus a dollar, just as an example?"

Currie: "Let me remind you that this language in this Amendment is identical to the language that we voted on two years ago. And the idea is that the state should play a major

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role, some might argue that the word means 51% or something more than 50%. I think that that issue was not one that caused major confusion in the minds of the voters and that's why the proponents recommend that we retain the word 'preponderant' as a way of saying that the state has a majority role, should have a majority role in financing public education. Many argued, two years ago, that it did mean something more than 50%."

Hawkins: "Okay well, I just...I guess I disagree a little bit about...there was a lot of confusion two years ago and I think there is now. And my point is, is that the less confusion that we can make out of this, I think the better our chance of passage and with that I'll just close."

Speaker McPike: "Representative Lawfer."

Lawfer: "Speaker yield?"

Speaker McPike: "Yes, yes he will."

Lawfer: "The Sponsor. In referring to the definition of 'preponderance', you use the word 'most'. I have here a definition from the Seventh Legit Webster Dictionary Data of copy right 1970 and it says, 'a superiority in weight or in power, importance or strength'. Would you agree to that definition of 'preponderance' as it's used in this Amendment?"

Currie: "Could you repeat it Representative?"

Lawfer: "A superiority in weight or in power, importance or strength."

Currie: "Sounds good."

Lawfer: "Thank you very much."

Speaker McPike: "Representative Moseley. Representative Moseley."

Moseley: "Will the Speaker yield?"

Speaker McPike: "Yes, she will."

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Moseley: "Will the Sponsor yield? Earlier, Representative Currie...you said that you wanted to avoid using paramount because you felt it would create turf wars between other agencies and education. Did you mean to imply that paramount would have precluded us from having any other responsibilities?"

Currie: "No, no, no, no. I...the reference was to debate red herrings in that debate over the meaning of this constitutional change, the one that was proposed two years ago. The issue was that many...many argue that if we said education was paramount, then you could imagine a situation in which the state with very limited resources then cancelled all other responsibilities. That was never the intent of using the word 'paramount'. But in order to avoid that debate, we are proposing not to use the word 'paramount' and yet maintain a clear responsibility on the part of the state to financing the system of education that is adequate and equitable."

Moseley: "Well, I'd like to argue for a moment on the value of the word 'paramount'. I think part of the problem we have in this state and at least one of the comments been made to me by my constituents is that we don't have any priorities in this state. We don't have a list of priorities. In essence, I felt that what the Amendment did with the use of the word 'paramount' was make the education of all the citizens of the State of Illinois, the number one priority of this state. And I have found many people in agreement with that. Now, it seems that we're backing off from that. I feel that we've already had that situation for the last seventeen years. We've created the turf wars that have been occurring between corrections, mental health, education and actually, it's come down to a point where

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it's education and human services that are fighting for dollars that are being stolen by other agencies. So, that...I'm just very hesitant to cross 'paramount' off so quickly."

Currie: "I appreciate your point but I think there was an argument to be made that said that, if the state were financially strapped, the meaning of saying 'paramount' would be the meaning that says, 'close down mental health'. That was never our intent. I'm sure it would not have been your intent. I think the remaining language...it is the duty of the state to provide for a thorough and efficient system of high quality public education and to guarantee a quality of educational opportunity amounts to the same thing in terms of a clarification of the state's responsibility without raising the specter that education is the only thing we do. This language change came from the proponents of the Amendment as a way of avoiding a red herring that many felt clouded the debate over what the state's real responsibility to education might be."

Moseley: "I'm a supporter of this Amendment. I was a supporter of it during my campaign, I just hope that what we end up doing is nothing more than 'lip service' to what we've already done already."

Speaker McPike: "The question is, 'Shall Amendment #25 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Third Reading. Mr. Clerk, read the Amendment in full. Third time as amended, First Day."

Clerk Rossi: "House Joint Resolution Constitutional Amendment #1." RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE

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EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS,
THE SENATE CONCURRING HEREIN, That there shall be submitted
to the electors of the state for adoption or rejection at
the general election next occurring at least 6 months after
the adoption of this resolution a proposition to amend
Section 1 of Article X of the Illinois Constitution as
follows: ARTICLE X EDUCATION SECTION 1. FUNDAMENTAL RIGHT
GOAL - FREE SCHOOLS A fundamental right goal of the
People of the State is the educational development of all
persons to the limits of their capacities. It
is the paramount duty of the State to shall provide for a
an thorough and efficient system of high quality public
educational institutions and services and to guarantee
equality of educational opportunity as a fundamental right
of each citizen. Education in public schools through the
secondary level shall be free. The State has the
preponderant financial responsibility for financing the
system of public education. There may be such other
free education as the General Assembly provides by law.
~~The State has the primary responsibility for financing the~~
~~system of public education.~~ (Source: Illinois
Constitution.) SCHEDULE This Constitutional Amendment
takes effect upon approval by the electors of this State.
Third Reading of this House Joint Resolution Constitutional
Amendment #1, First Day."

Speaker McPike: "The House will stand at ease. The Chair doesn't
know for how long, but it's going to be awhile. So, we're
at ease and if you want to go to lunch, I would suggest you
go on and go to lunch."

Speaker McPike: "The House will come to order. Mr. Clerk, do you
have the Adjournment Resolution? Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. I know everybody

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in the chamber on both sides of the aisle want to join with me in wishing Chief of Staff, Tim Mapes a Happy Birthday today. We did have a birthday cake here for him, but while we were at ease for four and half hours, somebody ate it. So, I apologize for that."

Speaker McPike: "Mr. Clerk, read the Adjournment Resolution."

Clerk McLennand: "Adjournment Resolution. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, AT THE FIRST SPECIAL SESSION THEREOF, THE SENATE CONCURRING HEREIN, that when both Houses adjourn on Friday, September 10, 1993, they stand adjourned until Monday, September 13, 1993 at 12:00 o'clock noon; and when they adjourn on that day, they stand adjourned until Wednesday, September 15, 1993 at 12:00 o'clock noon; and when they adjourn on that day, they stand adjourned until Friday, September 17, 1993 at 12:00 o'clock noon; and when they adjourn on that day, they stand adjourned until Monday, September 20, 1993 at 12:00 o'clock noon; and when they adjourn on that day, they stand adjourned until Wednesday, September 22, 1993 at 12:00 o'clock noon; and when they adjourn on that day, they stand adjourned until Friday, September 24, 1993 at 12:00 o'clock noon; and when they adjourn on that day, they stand adjourned until Monday, September 27, 1993 at 12:00 o'clock noon; and when they adjourn on that day, they stand adjourned until Wednesday, September 29, 1993, at 12:00 o'clock noon; and when they adjourn on that day, they stand adjourned until Friday, October 1, 1993, at 12:00 o'clock noon."

Speaker McPike: "Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen, the Resolution reflects a plan which has been fashioned by the Governor

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and the Legislative Leaders which would provide, that the Legislature will adjourn today. The Legislature will go on a schedule of Perfunctory days every week, Monday, Wednesday and Friday. The Members will be advised to go to their district, to stand ready to return to Springfield on a one-day notice. Since we put ourselves on a Perfunctory schedule of Monday, Wednesday and Friday of each week, we can get you here on a one-day notice. In the meantime, the Governor and the Leaders will continue to meet both formally and informally. The next scheduled meeting of the Governor and the Leaders will be Sunday at 7:00 p.m. here in Springfield. And with that, I would move, Mr. Speaker, that we would adjourn and the plan is to have Party Caucus' immediately."

Speaker McPike: "The question is, 'Shall Adjournment Resolution be adopted?' All in favor say 'aye', opposed, 'no'. The Adjournment Resolution is adopted. Speaker Madigan moves that the House now stand adjourned until next Monday at 12:00 noon, Perfunctory. All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The House stands adjourned. The Republican Caucus will meet immediately in Room 118. The Democratic Caucus will meet immediately in Room 114."

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