

81st GENERAL ASSEMBLY

REGULAR SESSION

APRIL 23, 1980

1. PRESIDENT:

2. The Senate will please come to order. Will the members
3. please be at their desks; will our guests in the gallery please
4. rise. Our prayer this afternoon by Father Joseph Havey, St.
5. Agnes Church, Springfield, Illinois. Father.

6. FATHER JOSEPH HAVEY:

7. (Prayer given by Father Joseph Havey)

8. PRESIDENT:

9. Thank you, Father. Reading of the Journal. Senator Johns.

10. SENATOR JOHNS:

11. Thank you, Mr. President. I move that reading and approval
12. of the Journals of Wednesday, April the 16th, Thursday, April
13. the 17th and Tuesday, April the 22nd, in the year 1980 be post-
14. poned pending arrival of the printed Journals.

15. PRESIDENT:

16. You have heard Senator Johns' motion. Is there any discussion?
17. If not, all in favor signify by saying Aye. All opposed. The
18. Ayes have it. So ordered. Committee Reports.

19. SECRETARY:

20. Senator Sangmeister...Chairman of...Judiciary II Committee,
21. reports out the following Senate Bills: 1524, 1706 and 1707, with
22. the recommendation Do Pass.

23. Senator Demuzio, Chairman of Finance and Credit Regulations
24. Committee reports out the following Senate Bills: 2024 with the
25. recommendation Do Pass, 1720 and 1844 with the recommendation Do
26. Pass as Amended.

27. Senator Chew, Chairman of Transportation Committee reports
28. out the following Senate Bills: 1509, 1760 and 1818 with the
29. recommendation Do Pass. 1668 with the recommendation Do Pass as
30. Amended.

31. PRESIDENT:

32. Senator Vadalabene, for what purpose do you arise?

33. SENATOR VADALABENE:

1. Yes, on a point of personal privilege.

2. PRESIDENT:

3. Yes, Sir.

4. SENATOR VADALABENE:

5. Yes, thank you, Mr. President and members of the Senate. The

6. Cadet Girl Scout Troop 383 of Edwardsville are working on an

7. Active Citizens Challenge, and to prepare their challenge they are

8. working on badges, "My Country and My Government." They have

9. visited the Madison County areas; they have taken over the city

10. council at Edwardsville, and today we are honored to have them

11. here with us; and they have been given permission to be on the

12. Floor of the Senate for one hour to complete their project as

13. Honorary Pages. I would like, at this time, to have their leaders

14. Mary Lou McDermott, Helen Holbert, Phyllis Hendricks and the

15. Honorary Pages please stand and be recognized; and the Pages, then,

16. can come down to the Floor.

17. PRESIDENT:

18. Will our guests please stand and be recognized. Welcome.

19. Senator Philip, for what purpose do you arise?

20. SENATOR PHILIP:

21. On a point of personal privilege, Mr. President.

22. PRESIDENT:

23. Yes, sir.

24. SENATOR PHILIP:

25. Mr. President and Ladies and Gentlemen of the Senate, I would

26. like to introduce in the south gallery, St. John's Lutheran School

27. from Lombard, Illinois; along with the students are Steve Steck,

28. the teacher and the chaperone Judy Markwart. Would they please

29. rise and be recognized by the Senate.

30. PRESIDENT:

31. Will our guests please rise and be recognized. Welcome.

32. Messages from the House.

33. SECRETARY:

1. A message from the House by Mr. O'Brien, Clerk.
2. Mr. President - I am directed to inform the Senate
3. that the House of Representatives has passed bills with the following
4. titles and the passage of which I am instructed to ask concurrence
5. of the Senate to-wit:
6. House Bills 582, 550...750, 1381, 1407, 1673...1736,
7. 2318, 2621, 1563, 1980, 2883 and 2847.
8. PRESIDENT:
9. Rules Committee. Resolutions.
10. SECRETARY:
11. Senate Resolution 646 introduced by Senator Keats.
12. PRESIDENT:
13. Executive. Senator Gitz, for what purpose do you arise?
14. SENATOR GITZ:
15. Mr. President, with leave of the Body, I would like to be
16. added as a co-sponsor to Senate Bill 1726.
17. PRESIDENT:
18. All right, Senator Gitz has asked leave to be shown as a
19. co-sponsor of Senate Bill 1726; is leave granted? Leave is
20. granted. So ordered. Turn to page three on the Calendar,
21. House Bills 1st reading.
22. SECRETARY:
23. House Bill 1115, Senator Rupp is the Senate sponsor.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. House Bill 1747, Senator Knuppel is the Senate sponsor.
27. (Secretary reads title of bill)
28. 1st reading of the bill.
29. House Bill 2612, Senators Nash and D'Arco are the Senate
30. sponsors.
31. (Secretary reads title of bill)
32. 1st reading of the bill.
33. House Bill 2924, Senators Egan and Rock are the Senate
34. sponsors.

1. (Secretary reads title of bill)
2. 1st reading of the bill.
3. House Bill 3031, Senator Bloom is the Senate sponsor.
4. (Secretary reads title of bill)
5. 1st reading of the bill.
6. House Bill...House Bill 3032, Senator Rhoads is the
7. Senate sponsor.
8. (Secretary reads title of bill)
9. 1st reading of the bill.
10. House Bill 3033, Senator Rhoads is the Senate sponsor.
11. (Secretary reads title of bill)
12. 1st reading of the bill.
13. House Bill 3042, Senator De Angelis is the Senate sponsor.
14. (Secretary reads title of bill)
15. 1st reading of the bill.
16. House Bill 3047, Senator Rhoads is the Senate sponsor.
17. (Secretary reads title of bill)
18. 1st reading of the bill.
19. House Bill 3050, Senators Grotberg and Walsh are the Senate
20. sponsors.
21. (Secretary reads title of bill)
22. 1st reading of the bill.
23. House Bill 3058, Senator Schaffer is the Senate sponsor.
24. (Secretary reads title of bill)
25. 1st reading of the bill.
26. House Bill 3060, Senators Grotberg and Walsh are the Senate
27. sponsors.
28. (Secretary reads title of bill)
29. 1st reading of the bill.
30. House Bill 3061, Senator Rhoads is the Senate sponsor.
31. (Secretary reads title of bill)
32. 1st reading of the bill.
33. PRESIDENT:

1. Those House Bills that were just read will be assigned to
2. Rules Committee. If you will turn to page two on the Calendar,
3. we will move to the order, with leave of the Body, to Senate Bills
4. 2nd reading. 1605, Senator Savickas, read the bill, Mr. Secretary.
5. SECRETARY:
6. Senate Bill 1605.
7. (Secretary reads title of bill)
8. 2nd reading of the bill. No committee amendments.
9. PRESIDENT:
10. Any amendments from the Floor?
11. SECRETARY:
12. No Floor amendments.
13. PRESIDENT:
14. 3rd reading. Senator Bloom, 1615. On the Order of Senate
15. Bills 2nd reading, Senate Bill 1615; read the bill, Mr. Secretary.
16. SECRETARY:
17. Senate Bill 1615.
18. (Secretary reads title of bill)
19. 2nd reading of the bill. The Committee on Appropriations I offers
20. one amendment.
21. PRESIDENT:
22. Senator Carroll.
23. SENATOR CARROLL:
24. Thank you, Mr. President, and Ladies and Gentlemen of the
25. Senate. This is, I guess, the first of our Pay Plan Amendments
26. for this fiscal year...we are suggesting by amendment an
27. eight percent solution, as you will recall last year we had a
28. seven percent solution. In order to realistically deal with the
29. inflationary times, we have increased that to eight percent, which
30. is still less than what the Governor has recommended to many of
31. his agencies. It takes into account hiring dates, turnover in
32. hiring lags, how many are merit and how many fall within union
33. contract. This particular eight percent solution...is a modest

1. reduction to this agency, and I would move adoption of Amendment
2. No. 1, without explaining all the rest of them in as great a
3. detail as I have spent on this, so we can speed up the rest of
4. them.

5. PRESIDENT:

6. All right, Senator Carroll has moved the adoption of Committee
7. Amendment No. 1 to Senate Bill 1615. Is there any further dis-
8. cussion? If not, all in favor signify by saying Aye. All opposed.
9. The Ayes have it. The amendment is adopted. Further amendments?

10. SECRETARY:

11. No further committee amendments.

12. PRESIDENT:

13. Any amendments from the Floor?

14. SECRETARY:

15. No Floor amendments.

16. PRESIDENT:

17. 3rd reading. Senator Schaffer, 1646. On the Order of Senate
18. Bills 2nd reading, Senate Bill 1646. Read the bill, Mr. Secretary.

19. SECRETARY:

20. Senate Bill 1646.

21. (Secretary reads title of bill)

22. 2nd reading of the bill. The Committee on Appropriations I offers
23. one amendment.

24. PRESIDENT:

25. Senator Carroll.

26. SENATOR CARROLL:

27. Thank you, Mr. President and Ladies and Gentlemen of the
28. Senate. This is a Transfer Bill; however, we have deleted their
29. ability to buy some additional cars and to buy some of the word
30. processing equipment. I would move adoption of Amendment No. 1.

31. PRESIDENT:

32. Senator Carroll has moved the adoption of Committee Amendment
33. No. 1 to Senate Bill 1646. Is there any discussion? If not, all

1. in favor signify by saying Aye. All opposed. The Ayes have it.
2. The amendment is adopted. Any further amendments?
3. SECRETARY:
4. No further committee amendments.
5. PRESIDENT:
6. Any amendments from the Floor?
7. SECRETARY:
8. No Floor amendments.
9. PRESIDENT:
10. 3rd reading. 1652. On the Order of Senate Bills 2nd reading,
11. Senate Bill 1652. Read the bill, Mr. Secretary.
12. SECRETARY:
13. Senate Bill 1652.
14. (Secretary reads title of bill)
15. 2nd reading of the bill. No committee amendments.
16. PRESIDENT:
17. Any amendments from the Floor?
18. SECRETARY:
19. Amendment No. 1, offered by Senator Geo-Karis.
20. PRESIDENT:
21. Senator Geo-Karis.
22. SENATOR GEO-KARIS:
23. Mr. President and Ladies and Gentlemen of the Senate, I...
24. my amendment would delete the payback requirement for the
25. Department of Transportation...Administrative Services Cash
26. Transfer. The Department of Administrative Services Revolving
27. Funds are the last priority for payment by their customers.
28. Often the payment of line items, such as operation of auto
29. equipments are depleted through transfers or through payments
30. to outside venders, and unlike these outside venders, the Department
31. of Administrative Services cannot go to the Court of Claims. So,
32. frankly, I think this department is being penalized by requirement
33. to have it paid back when other departments don't have to pay it back;

1. and...I think that this amendment should pass to make it fair to
2. the Department of Administrative Services.

3. PRESIDENT:

4. Senator Geo-Karis has moved the adoption of Amendment No. 1
5. to Senate Bill 1652. Is there any discussion? Senator Regner.

6. SENATOR REGNER:

7. Yes, Mr. President and members...

8. PRESIDENT:

9. ...Wait just a minute, Senator, will you? All right, will
10. the members please be in their seats, and will those not entitled
11. to the Floor please vacate. Senator Regner.

12. SENATOR REGNER:

13. Mr. President and members I rise in opposition to this
14. amendment. The payback requirement is based on the position that
15. the revolving...funds should be self-sustaining. All costs should
16. be captured in the pricing of the goods and services to the user
17. agencies. Partial payback allows recognition of this concept,
18. while also recognizing the burden placed on the fund, the Revolving
19. Fund, by rising prices and agency bad debts...The reason...the other
20. reason I am opposed to this, is to drop the payback requirement,
21. this would create the precedence of subsidizing Revolving Fund
22. operations from other funds, removing the incentive for the Depart-
23. ment of Administrative Services to operate those funds on a
24. self-sustaining basis; and for those reasons, I am in opposition
25. and I would urge the defeat of this amendment.

26. PRESIDENT:

27. Any further discussion? Senator Carroll.

28. SENATOR CARROLL:

29. Thank you, Mr. President. Joey, please.

30. PRESIDENT:

31. Mr. Sergeant-at-Arms, will you clear the center aisle. Thank
32. you.

33. SENATOR CARROLL:

1. Thank you, Mr. President and Ladies and Gentlemen of the
2. Senate. I, too, rise in opposition. And I do so because of a letter
3. from Dr. Bob, the Director of the Bureau of the Budget, who has
4. indicated the opposition of the administration, and I guess I am
5. now their spokesman, to this amendment and what he basically says,
6. is that if we pass this we are allowing departments to "stiff"
7. using his words, in quotes to "stiff" the government by using their
8. money for other purposes, and really, nobody ever has to worry
9. about paying them back. The Bureau is opposed to this amendment
10. to drop the payback, because it would create the precedent of
11. subsidizing a Revolving Fund from other funds, and thereby remove
12. any incentive on the Department of Administrative Services of
13. seeking the monies back; and I don't think we want to subsidize
14. all the departments through General Revenue Funds by not requiring
15. an actual payback when they use cars. To Senator Geo-Karis, let
16. me merely state that we have identified all these old bills which
17. go back some ten years. We are advising the departments, as we
18. did today, one by one, that if at the end of any fiscal...at the end
19. of any fiscal year they have "stiffed" Administrative Services for
20. the use of autos, et cetera, we will pull dollar for dollar an
21. amount out of that department's individual budget...

22. PRESIDENT:

23. Yes...

24. SENATOR CARROLL:

25. It's hard to hear.

26. PRESIDENT:

27. All right, will the members please be in their seats. Will
28. those not entitled to the Floor please vacate.

29. SENATOR CARROLL:

30. Basically what we are doing, is we are now telling the
31. departments that if they want to take the chance of "stiffing"
32. the government and using the money elsewhere, we will pull it
33. out of their next years' budget. So, this amendment I think is

1. counterproductive; and following the advice of Dr. Bob, I would
2. urge opposition to the amendment.

3. PRESIDENT:

4. All right, Senator Geo-Karis has moved the adoption of
5. Amendment No. 1. Is there any further discussion? Senator
6. Geo-Karis may close.

7. SENATOR GEO-KARIS:

8. Thank you, Mr. President and Ladies and Gentlemen of the
9. Senate. I well appreciate Senator Carroll's defense of Dr.
10. Bob; however...it seems that the Administrative Services is the
11. only one that has to pay back; other agencies do not, and that
12. is why I am filing this amendment, and I ask for a favorable
13. vote.

14. PRESIDENT:

15. All right, Senator Geo-Karis has moved the adoption of
16. Amendment No. 1 to Senate Bill 1652. Those in favor of the
17. adoption, indicate by saying Aye. Those opposed. In the
18. opinion of the Chair the Noes have it. The amendment fails.
19. Further amendments?

20. SECRETARY:

21. No further amendments.

22. PRESIDENT:

23. 3rd reading. Senator McMillan on 1793. On the Order of
24. Senate Bills 2nd reading, Senate Bill 1793. Read the bill, Mr.
25. Secretary.

26. SECRETARY:

27. Senate Bill 1793.

28. (Secretary reads title of bill)

29. 2nd reading of the bill. No committee amendments.

30. PRESIDENT:

31. Any amendments from the Floor?

32. SECRETARY:

33. No Floor amendments.

AS
1978
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- 1. PRESIDENT:
- 2. 3rd reading. 1978. On the Order of Senate Bills 2nd reading,
- 3. Senate Bill 1978. Read the bill, Mr. Secretary.
- 4. SECRETARY:
- 5. Senate Bill...1978.
- 6. (Secretary reads title of bill)
- 7. 2nd reading of the bill. The Committee on Public Health, Welfare
- 8. and Corrections offers one amendment.
- 9. PRESIDENT:
- 10. Senator Moore.
- 11. SENATOR MOORE:
- 12. Thank you, Mr. President and members of the Senate. There
- 13. was a technical error in the committee amendment that was adopted.
- 14. It did not delete the word the, t-h-e. I have a corrected amend-
- 15. ment on the Secretary's Desk, and at this time I would move to
- 16. Table Committee Amendment No. 1 and then we will go ahead with
- 17. No. 2, which is identical, correcting the technical error. I'd
- 18. move to Table Committee Amendment No. 1 to Senate Bill 1978.
- 19. PRESIDENT:
- 20. All right, Senator Moore has moved to Table Committee Amend-
- 21. ment No. 1 to Senate Bill 1978. Is there any discussion? If not,
- 22. all in favor signify by saying Aye. All opposed. The Ayes have
- 23. it. Amendment No. 1 is Tabled. Further amendments?
- 24. SECRETARY:
- 25. No further committee amendments.
- 26. PRESIDENT:
- 27. Any amendments from the Floor?
- 28. SECRETARY:
- 29. Amendment No. 2 offered by Senator Moore.
- 30. PRESIDENT:
- 31. Senator Moore.
- 32. SENATOR MOORE:
- 33. Thank you, Mr. President. This is the identical amendment

1. to the committee amendment, other than deleting the word "the"
2. which was not taken out. It's a technical change. I would move
3. for the adoption of Amendment No. 2 to Senate Bill 1978.

4. PRESIDENT:

5. All right, Senator Moore has moved the adoption of Amendment
6. No. 2 to Senate Bill 1978. Is there any discussion? If not, all
7. in favor signify by saying Aye. All opposed. The Ayes have it.
8. The amendment is adopted. Further amendments?

9. SECRETARY:

10. No further amendments.

11. PRESIDENT:

12. 3rd reading. 1981, Senator Schaffer. On the Order of Senate
13. Bills 2nd reading, Senate Bill 1981. Read the...read the bill,
14. Mr. Secretary.

15. SECRETARY:

16. Senate Bill 1981.

17. (Secretary reads title of bill)

18. 2nd reading of the bill. Committee on Appropriations II offers
19. one amendment.

20. PRESIDENT:

21. Senator Buzbee.

22. SENATOR BUZBEE:

23. Thank you, Mr. President. This amendment eliminates the
24. one hundred and fifty thousand dollar supplemental request for
25. Contractual Services, and transfers one hundred and one thousand
26. into Contractual Services...from Personal Services, Retirement
27. Social Security and Telecommunications, and I would move it's
28. adoption.

29. PRESIDENT:

30. Senator Buzbee has moved the adoption of Committee Amendment
31. No. 1 to Senate Bill 1981. Is there any discussion? If not, all
32. in favor signify by saying Aye. All opposed. The Ayes have it.
33. The amendment is adopted. Further amendments?

1. SECRETARY:
2. No further committee amendments.

3. PRESIDENT:
4. Any amendments from the Floor?

5. SECRETARY:
6. No...Floor amendments.

7. PRESIDENT:
8. 3rd reading. On the Order of Senate Bills 2nd reading,
9. Senate Bill...2005. Read the bill, Mr. Secretary.

10. SECRETARY:
11. Senate Bill 2005.
12. (Secretary reads title of bill)
13. 2nd reading of the bill. Committee on Executive offers one
14. amendment.

15. PRESIDENT:
16. Senator Moore.

17. SENATOR MOORE:
18. Thank you, Mr. President and members of the Senate. This
19. amendment was adopted in committee; I would move for the adoption
20. of Committee Amendment No. 1 to Senate Bill 2005.

21. PRESIDENT:
22. Senator Moore has moved the adoption of Committee Amendment
23. No. 1 to Senate Bill 2005. Is there any discussion? If not, all
24. in favor signify by saying Aye. All opposed. The Ayes have it..
25. The amendment is adopted. Further amendments?

26. SECRETARY:
27. No further committee amendments.

28. PRESIDENT:
29. Any amendments from the Floor?

30. SECRETARY:
31. Amendment No. 2 offered by Senator Moore.

32. PRESIDENT:
33. Senator Moore.

1. SENATOR MOORE:
2. Thank you, Mr. President. All this amendment does is
3. states that the Act shall take effect upon its becoming law.
4. It's an immediate effective clause. I would move for the adoption
5. of Amendment No. 2.
6. PRESIDENT:
7. Senator Moore has moved the adoption of Amendment No. 2 to
8. Senate Bill 2005. Is there any discussion? Senator Rhoads.
9. SENATOR RHOADS:
10. A question of the sponsor of the amendment?
11. PRESIDENT:
12. He indicates he will yield. Senator Rhoads.
13. SENATOR RHOADS:
14. Senator Moore, I understand this amendment deals only with
15. the effective date. Do either of these amendments...take away
16. the necessity of coming to the General Assembly for a bill to
17. dispose of property?
18. PRESIDENT:
19. Senator Moore.
20. SENATOR MOORE:
21. No, they don't, Senator. Amendment No. 1 changed the entire
22. concept of the bill, and language was put in...in addition, the
23. department may make studies of the water terminal lands to aid the
24. General Assembly in making a determination relative to the dis-
25. position of this land.
26. PRESIDENT:
27. Any further discussion? Senator Moore has moved the adoption
28. of Amendment No. 2 to Senate Bill 2005...If there is no further
29. discussion, all in favor signify by saying Aye. All opposed. The
30. Ayes have it. The amendment is adopted. Further amendments?
31. SECRETARY:
32. No further amendments.
33. PRESIDENT:
34. 3rd reading. With leave of the Body, we will move to the

1. Order of Senate Bills 3rd reading. Senator Regner. On the Order
2. of Senate Bills 3rd reading, Senate Bill 1484. Senator Regner.

3. SENATOR REGNER:

4. Mr. President and members, I would like leave to return
5. Senate Bill 1484 to the Order of 2nd reading for the purpose of
6. an amendment.

7. PRESIDENT:

8. Senator Regner has moved to return Senate Bill 1484 to the
9. Order of 2nd reading for purposes of an amendment. Is leave
10. granted? Leave is granted. On the Order of Senate Bills 2nd
11. reading, Senate Bill 1484, Mr. Secretary.

12. SECRETARY:

13. Amendment No. 2 offered by Senator Buzbee.

14. PRESIDENT:

15. Senator Buzbee.

16. SENATOR BUZBEE:

17. Thank you, Mr. President. This amendment...has an interesting
18. history...the Department of Law Enforcement has a very bad problem,
19. in that the State Police and the other law enforcement officials
20. that work in that department...have not been able to adequately
21. do their job because of the tremendous increases in the price of
22. gasoline. They are soon not going to be able to do their job,
23. I guess would be a better way of saying it. So, the department
24. found themselves in the position of needing additional monies
25. for the...for gasoline...and there was nine hundred thousand
26. dollars listed as a supplemental request in this year's Budget
27. Book. However, by the time the book came out, the director was
28. aware that nine hundred thousand dollars would not be sufficient;
29. so, he increased that amount to one million three hundred thousand,
30. an increase of four hundred thousand over that shown in the
31. Budget Book. However, the...Dr. Mandeville refused to...sign a
32. letter to the effect that one million three hundred thousand
33. dollars was needed; and finally after much haranguing and...

1. and arguing and discussion, he did sign a letter to the amount
2. of one million one hundred thousand. So that's the amount we
3. are going with...with the...with this amendment...we are...
4. reducing the amount of the appropriation request by two hundred
5. thousand dollars with this amendment, and I would ask for its
6. adoption.

7. PRESIDENT:

8. Senator Buzbee has moved the adoption of Amendment No. 2
9. to Senate Bill 1484, is there any discussion? Senator Regner.
10. SENATOR REGNER:

11. Yes, Mr. President and members, I am going to support the
12. amendment...reluctantly, and Senator Buzbee knows this; and it's
13. not the amendment that I have the problem with, it's the way
14. that it was arrived at...by the discretion of...Mr. Mandeville.
15. We are here in a very very funny situation in the General...
16. in the Senate right now. The Budget Book, as Senator Buzbee said,
17. had nine hundred thousand dollars allowed in it; I am firmly
18. convinced that they are going to need a million three. A year
19. ago when we predicted what would happen with the gas prices,
20. Mr. Mandeville disputed us; and by the time June came, the Senate
21. was right in a vote of fifty something to two or three on a
22. particular bill; but if we don't accept this reduction now to
23. 1...what is it, 1...1.1, it cuts two hundred thousand out; then
24. the Governor and Mr. Mandeville can easily say the big spending
25. Senate again. They spend more money than we approved. But I'll
26. tell you some of the things that's going to happen with this
27. amendment; the remaining portion for the FY-80 Illinois State
28. Police Radar Replacement Program will be cancelled. This will
29. involve approximately forty-two, two-way radios and associated
30. equipment which has been earmarked to replace State Police radio
31. units in excess of twelve years old. The current cut...cutback
32. in patrol...patrol mileage will be continued through the remainder
33. of FY-80. They had hoped to pick up the mileage in the patrol

1. mileage. Unobligated funds that would be utilized to meet unfore-
2. seen emergencies that could occur prior to the end of the current
3. fiscal year, ...would drop to the lowest level in history; two-
4. tenths of one percent of the budget. And due to fiscal constraints,
5. the department reduced...last State Police Training Class by seven
6. classes...seven candidates, and it had planned to pick up this
7. shortfall in the May class. They will not do it now. Thank you,
8. Mr. Mandeville, so that you don't put out bad press releases for
9. us.

10. PRESIDENT:

11. Senator Buzbee has moved the adoption of Amendment No. 2 to
12. Senate Bill 1484, is there any further discussion? If not, all
13. in favor signify by saying Aye. All opposed. The Ayes have it.
14. The amendment is adopted. Any further amendments?

15. SECRETARY:

16. No further amendments.

17. PRESIDENT:

18. 3rd reading. 1983, Senator Regner, do you wish to continue
19. to hold that one? All right, if I can have the attention of the
20. membership, we will move to page four on the Calendar. Constitutional
21. Amendments, 3rd reading. Senator Rhoads. Read...read SJR 1...CA 1.
22. Read the amendment, Mr. Secretary.

23. SECRETARY:

24. Senate Joint Resolution No. 1, Constitutional Amendment.

25. (Secretary reads SJR No. 1, CA)

26. 3rd reading of constitutional...of Senate Joint Resolution No. 1,
27. Constitutional Amendment.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Rhoads.

30. SENATOR RHOADS:

31. Thank you, Mr. President and members of the Senate. SJR 1
32. as originally introduced was practically identical to SJR CA-34
33. of the 80th General Assembly, sponsored by Senator Sommer. That

1. particular resolution amended Section 11, which dealt with the
2. compensation and allowances of members of the General Assembly;
3. and simply provided that no vote could be taken on any change
4. in that compensation or allowances during the period between a
5. General...Election and the January next ensuing. It was my
6. purpose to...tighten up what I felt was a loophole in Section
7. 11. From reading the debates of the Constitutional...Convention,
8. it was my belief that the intent of the framers was, to prohibit
9. members who were sitting in a specific seat, knowing that they
10. would be present and personally benefiting from a pay raise in
11. the ensuing General Assembly from voting on that question,
12. because of the inherent conflict of interest. When this re-
13. solution came up...on 2nd reading, an amendment was offered
14. to change the scope of this...resolution to amend Section
15. 8, dealing with the procedure for the passage of bills. The
16. intent of the sponsor was to include pay raises on judges and
17. constitutional officers and members of the Executive Branch,
18. and that is what the resolution now does by adding a new
19. Section E...a new...subparagraph E to Section 8 of Article IV.
20. I think the intent is clear in the three pay raises that have
21. been enacted since the Constitutional Convention of 1969; all
22. three have been held in Lame Duck Sessions, and I think that is...
23. an inappropriate way to proceed, regardless of what the merits
24. of the pay raise might be. It is my hope that, if, as and when
25. SJR 1 reaches the House that perhaps a companion piece of
26. legislation could be worked out to provide for a pay raise
27. commission or some other statutory resolution of this continuing
28. problem that we have with pay raises. I would be happy to answer
29. any questions, and I ask for a favorable vote.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Is there discussion? Senator Knuppel.

32. SENATOR KNUPPEL:

33. Well, probably with the exception of Governor Thompson, I took

1. more heat over the pay raise than any other person. My district
2. runs into the area served by the Peoria Journal-Star, and they
3. have been like a mad dog in a meathouse over this pay raise; and
4. about reducing the size of the House. I think this is a good
5. provision. It will make those people who want to enjoy a pay
6. raise vote for it, where they have been relying on those who
7. were going out of the Senate; who were not going to run again to
8. carry the weight for them, and then they all walk right up to the
9. pay window and you have to fight to get there for those that voted
10. against it. Now, if a pay raise is justified, and it was, and the
11. economics of this nation and the time involved has clearly illus-
12. trated that the quality of men we need in the Illinois General
13. Assembly, men and women, that a salary of twenty-eight thousand,
14. when you take off the unreimbursed mileage, is not an excessive
15. amount for a person of the quality who ought to be here and
16. the time he has to put in. We have a bunch of people who have
17. never voted for a pay raise, but who have never refused a check.
18. I think this amendment, and I think likewise with the judges, we
19. were had, we were jobbed with respect to the judges who had been
20. beaten and...those who had retired by one day; and I have said
21. this on the Floor before and sponsored legislation to correct
22. this; I think this corrects it; that there is no way that those
23. judges can get this without having had it voted in a Regular
24. Session ending about July the 1st, and...before a General Election.
25. I think the amended legislation is excellent; I think that, as I
26. say, it will make those people who think they deserve a pay raise
27. vote for it themselves, and they should have the courage of their
28. convictions if it is justified. I will support you, Senator
29. Rhoads.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Berning.

32. SENATOR BERNING:

33. Thank you, Mr. President. My observation is somewhat similiar

1. to...Senator Knuppel's, the previous speaker, with the exception...
2. that...my reservation stems from impinging on the legislative
3. prerogative in this fashion, at this time only with compensation.
4. What appears to me to be somewhat of a precedent...unfortunate
5. precedent, is the curtailment of the legislative prerogative
6. to initiate and pass...legislation, which in the opinion of the
7. General Assembly, is needed. If we are going to go this route,
8. it would appear that perhaps we ought to go even further and
9. set a deadline for the consideration of all legislative proposals;
10. not...at that period between a General Election and the following
11. January, Wednesday, 1st; but...a realistic date, something like
12. the 1st of July and terminate all legislative activity at that
13. point. We would be serving the public vastly better and would
14. be justifying a rigid enactment curtailing the activity of the
15. General Assembly on a much more realistic basis than in this
16. narrow...narrow avenue that we are confronting right now.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Further discussion? Senator Rock.

19. SENATOR ROCK:

20. Senator Netsch, I am going to be opposed to yours, too. I'll
21. get to you later. Let me say, Ladies and Gentlemen, that there
22. are six proposed Constitutional Amendments on the Calendar today;
23. I intend to oppose five of them, some more...violently and
24. vehemently than others. But this one, it just seems to me...smacks
25. of a little bit of inconsistency. The next two in line will call
26. for limited sessions, so that on one hand we have provided our-
27. selves, and I think rightfully so, a much deserved increase in
28. pay; and because of the public reaction, particularly from the
29. media, we are now proposing by Constitutional Amendment to limit
30. the elected members of the Assembly to what they can or can't do
31. during a stated specific period of time. And my question, I
32. guess, fundamentally is why are we doing this to ourselves? We
33. have each been duly elected by districts that comprise a hundred

1. and eighty-eight thousand citizens. If the citizens don't like
2. what we are doing, then they have a perfect right to vote us out
3. of office; but to sit here and propose constitutionally or
4. statutorily that we somehow limit our right to represent, somehow
5. it's philosophically basically wrong. I urge a No vote.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Further discussion? Senator Rhoads may close.

8. SENATOR RHOADS:

9. Thank you, Mr. President. In brief response to Senator
10. Berning and Senator Rock, I think it's important to read Section
11. 11, which already is in the Constitution, and already says that
12. changes in the salary of a member shall not take effect during
13. the term for which he has been elected. It was a very common-
14. sense type of provision to put in. Further, if you read the
15. debates of the Constitution, it's clear from those debates that
16. their intent was to prevent members who were sitting in a seat
17. from voting on that change. I quote from the debates; "The final
18. clause of Section 10 should prove sufficient protection against
19. the danger that they may run wild with their own salaries because
20. it needs an intervening election to become effective." It is not
21. my intention to limit the powers of the General Assembly; it's
22. simply my intention to close what I think is a loophole in what
23. the Constitutional Convention intended, and I ask for a favorable
24. vote.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. The question is on the adoption of Senate Joint Resolution 1.
27. Those in favor will vote Aye. Those opposed will vote Nay. The
28. voting is opened, it will require a vote of three-fifths of the
29. members elected. Have all voted who wish? Have all voted who
30. wish? Have all voted who wish? Take the record. On that question,
31. the Ayes are 47, the Nays are 12, none Voting Present. Senate
32. Joint Resolution 1 having received the affirmative votes of three-
33. fifths of the members elected is deemed passed. Senate Joint

1. Resolution 12, Senator Nimrod. Mr. Secretary, read it, a third
2. time...

3. SECRETARY:

4. Senate Joint Resolution...No. 12, Constitutional Amendment
5. had a 3rd reading on 4-22-80.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Nimrod.

8. SENATOR NIMROD:

9. Thank you, Mr. President and Ladies and Gentlemen of the
10. Senate. Senate Joint Resolution 12 calls for a biennium budget.
11. At the same time, however, it does provide that during the second
12. year that we will be here for appropriation bills and revenue bills
13. only...It certainly gives...will then give us a chance to hear
14. budgets that, in fact, where we can evaluate programs...it's estimated
15. by those that have been involved with this...proposals of this
16. type that...especially with this bill that we can save approximately
17. a hundred million dollars and have a better chance to understand
18. and evaluate the programs that are being handled by the depart-
19. ments. We find that this...this concept of coming in our second
20. year since we have done this somewhat by ourselves...trying to
21. limit these areas, we find that we would still probably be here the
22. second year anywhere from thirty to forty or fifty days. We find
23. that the Illinois Association of Realtors and the Taxpayers Fed-
24. eration of Illinois...the Illinois Retail Merchants Association,
25. and Chamber of Commerce...have supported this concept in the past.
26. We find also that, past President Bill Harris, was one who was
27. pushing this...presented this proposal, and it has been before
28. this Senate in other cases, and we have discussed it extensively.
29. The Secretary of State, Alan Dixon also is in support of the bill
30. and the concept...what...in addition to the biennium budget and
31. having the second year for which we would be here for revenue
32. and appropriation bills only, it does also one other thing, and
33. that is...it provides for...the State...the Governor to make

1. a...prepare a biennium budget, and...it also will require the
2. Governor...to return bills...that were passes...appropriation within
3. thirty days...so that State revenue bills, however, presented to
4. the Governor will be returned within the fifteen calendar days...
5. calendar day period. I think all in all that this bill does
6. embrace the concept...of saying that we ought to be at least here
7. to be able to make proper decisions; I think it affords us that
8. opportunity to do that and that certainly it does prepare a
9. biennium budget which, in my estimation, gives us a chance to
10. plan properly and certainly be able to evaluate programs and
11. be able to interpret intelligently budget proposals that we
12. have no opportunity to do today. I would be happy to answer
13. any questions.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is there...is there discussion? Senator Buzbee.

16. SENATOR BUZBEE:

17. Thank you, Mr. President. Question of the sponsor.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. He indicates he will yield. Senator Buzbee.

20. SENATOR BUZBEE:

21. ...The...the Senator kept referring to the fact that...that
22. the Governor would present a biennial budget...but yet, we would
23. go in through the appropriations process...as I understand the
24. definition of a biennial budget, that is a budget that takes you
25. through two...fiscal years; and so, I don't understand why you
26. would go through the appropriations process the second year if
27. you had a biennial budget. So my question is...explain that part
28. to me.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Nimrod.

31. SENATOR NIMROD:

32. Senator Buzbee, what happened is in our even numbered years
33. we would be in Regular or General Session. In the odd numbered

1. years, we would be in holding Appropriation Session and revenue
2. bills. Then, in the even numbered years, we would be here for...
3. in our General Session we would be able to hear and adjust any
4. appropriation bills that needed adjusting on the...on the
5. biennium budget. So, we would have a biennium budget and we
6. would be making any adjustments in our...in our regular year,
7. but the appropriation bills as such, are being presented for
8. the biennium, would be in the even...in the odd numbered year,
9. which would be the appropriation year.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Buzbee.

12. SENATOR BUZBEE:

13. Thank you, Mr. President. Well, I stand in opposition to
14. this concept. I would point out to you that the budget-making
15. process that we go through in this State takes two years to
16. complete for any one given fiscal year. When you consider
17. that we are coming into Fiscal Year 1981, starting July 1 of
18. this year; those agencies that get funds from the State of
19. Illinois, whether they be State agencies, universities' or whatever,
20. they start their budget request process for Fiscal Year '81...they
21. start their budget request process in July, August and September
22. of 1979. It is then submitted to the Bureau of the Budget, some-
23. time like in December or January; at that time it is all compiled
24. and put into the Governor's Budget Book and Budget Address in
25. March, at which time the appropriations process starts and we
26. make the bills effective one July at the beginning of the fiscal
27. year, and then, of course, it takes the balance of that fiscal
28. year for the two year process to play out. Now, given the
29. state of the economy that we are in today, and if you read any
30. of the financial press, you know that you can get as many economic
31. opinions as there are economists in this country. None of them
32. know what's going to happen, as a matter of fact. They can't
33. even predict any way close anymore; and now, with a fourteen

1. billion dollar budget for FY-81, fourteen billion dollars; that's
2. about the tenth largest government in the world...in the world.
3. A fourteen billion dollar budget, which is going to take two years
4. to prepare...plan, prepare and spend; and now you are going to
5. ask us that you ought to appropriate twenty-eight billion dollars
6. for three years in an economy that nobody knows what's going to
7. happen. The prime interest rate was dropped by the Chase this
8. morning to nineteen percent. There are some predictions that
9. it may go down to as low as eight or nine by the end of this
10. year; but nobody knows...nobody knows. How in the world can we
11. ever possibly do a better job of appropriating for two years than
12. we do for one? We don't do a good enough job now, in my opinion.
13. We don't have adequate time now to address the agencies; to look
14. at the spending patterns of the Executive and the...of the Executive
15. Branch of government. We've got some three months from the time
16. the appropriation bills are submitted until the time comes to get
17. them all passed; and for us to start in and try to appropriate
18. twenty-eight billion or whatever...it may be for a biennium, is
19. just beyond any realm of...of the possible and doesn't make sense
20. to me. I think we ought to oppose this resolution.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion? Senator Wooten.

23. SENATOR WOOTEN:

24. Thank you, Mr. President. I rise in opposition to Senate
25. Resolution 12. The first thing this does is flip flop the...
26. schedule that we go through right now; and I merely want to
27. point out to the members that that means that we'll be dealing
28. with substantive legislation in an election year. Now there is
29. nothing wrong with dealing with substantive matters under that
30. kind of close scrutiny; but I believe that the procedure we
31. follow now is just a little bit better. We deal with substantive
32. matters immediately after an election, and we have time for things
33. to settle down and to be judged in some kind of perspective by the

1. time the next election rolls around. This would delay dealing
2. with substantive matters for a full year; and I think it places
3. it in perhaps not the best posture for objective law-making.
4. I think the language is vague. In trying to limit this to
5. appropriations, it says "or relating to State revenue." I ask
6. you what does not relate to State revenue? For example, lowering
7. or raising the drinking age relates to State revenue; and yet
8. that is something I think that we would commonly consider sub-
9. stantive legislation. So you would find that in attempting to
10. limit, you're actually using language that in effect does not
11. limit at all. Senator Buzbee has gone through some of the problems
12. with biennial budgeting. It simply is unrealistic. I do not
13. quarrel with people who want to go back to simpler days; it
14. would be nice if we'd all stay at the Leland Hotel...and the
15. St. Nick and come here by train and all the rest of it, but those
16. days are gone. We simply have to face the realities of the world
17. we live in; and biennial budgeting is something you're just not
18. going to be able to get away with. So with those three reasons,
19. I think this amendment is seriously flawed and I would urge its
20. defeat.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Carroll.

23. SENATOR CARROLL:

24. Thank you, Mr. President and Ladies and Gentlemen of the
25. Senate. When Senator Nimrod and I had talked earlier about it,
26. and I indicated there might be some potential for the concept...
27. either I was mistaken in what I heard him say, or he was mis-
28. taken in what he had said to me that...which ultimately means
29. that even if you could do a biennial budget; if you could, in
30. fact, appropriate twenty-eight billion dollars and do it adequately
31. and successfully, the time to do it is not the first year. You
32. are going to have an executive take office in January and present
33. to us in March a two year budget. I had thought that the...budgeting

1. year was to be the even numbered year, or the second year; not
2. the odd numbered or first year; and if you can do it at all,
3. you would have to at least give a new executive a year to provide
4. for a twenty-eight billion dollar budget. I think it's...it's
5. just impractical to expect us to even receive the budget in time
6. to work on it the first year. If you can go to two years at all,
7. we have to have at least the first year to start meeting with
8. departments as the General Assembly, let alone let the executive
9. meet with the departments to find out how much they would need to
10. run government for that length of time. So, as it stands now,
11. I think it clearly would be a step backwards...and...and make
12. government less effective not more effective, and I think it
13. should be defeated.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Knuppel.

16. SENATOR KNUPPEL:

17. Well, I hadn't really intended to talk on every amendment
18. today; but I...I'll tell you one thing, I opposed the annual
19. Sessions in the Constitutional Convention; it was a slogan that
20. had caught fire with the media and some of the dc-gooders. I
21. can't see where it's helped anything economically in this ody,
22. we have gone from figures we could understand to figures we can't
23. understand and now we are talking about twenty-eight billion dollars
24. in two years and that we can't handle it. Well, we've still got
25. the same numbers, you know...you're...you're just dealing with
26. bigger gobs that's all, it's like chunk style peanut butter.
27. I'll tell you what it is, it's those people here and the media
28. who want to have a full time General Assembly. The media can
29. sit there and we make their stories everyday; they don't have
30. to go out and look for them, they don't have to work. I'll
31. tell you one thing this State doesn't need and that's a full
32. time Legislature, and I'll just refer you to Congress and see
33. what in the hell is happening down there. Are you happy with

1. your interest rates? Are you happy with your utility rates?
2. There's an old saying, you know, that...that nobody is safe
3. even your wife when the General Assembly is in Springfield.
4. We don't need them here all the time. The people don't want
5. them here; they want contact with them back in the district.
6. Now this may not be the best concept or in the best form as
7. far as which year you go on. I am going to support it because
8. whenever you get a full time General Assembly, and I'm telling
9. you people that think you're great because you're not lawyers
10. from downstate, these young lawyers from Chicago down here where
11. they doubledip and they are going to steal your britches right
12. off your backs, we got to have some...some lawyers from downstate
13. in this General Assembly to just...just to counter the number
14. of bright young men that Chicago sends down here; and I'm paying
15. that as a compliment to people like Carroll and Daley and Rock
16. and Hynes, but we better have some lawyers in here; and you
17. won't have them...you won't have them when you go to a full
18. time General Assembly in downstate Illinois; and that's the
19. day downstate Illinois won't be able to keep up and they are
20. going to get their britches stolen.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion? Senator Berman.

23. SENATOR BERMAN:

24. Will the sponsor yield?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. He indicates he will yield. Senator Berman.

27. SENATOR BERMAN:

28. In addressing the comments of Senator Buzbee...if you are
29. having a biennial budget, and we are in a fluid economy, how
30. will those problems be addressed under...if your amendment is
31. adopted?

32.

33.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Nimrod.

3. SENATOR NIMROD:

4. Senator Berman, I believe that we would be better prepared
5. than we are today to address those subjects, in fact, Senator
6. Buzbee's comments have made the point of why we need a biennium
7. budget. What we need to do, is to have programs that can be
8. evaluated over a two year period, that we can interpret properly,
9. that we can have departments without having every member of that
10. department that's involved in budgetary action one year working
11. and preparing all twelve months and then starting right over again
12. the next twelve months without knowing what the effect was the
13. first twelve. There's no way of knowing what kind of effect
14. we're having on programs, and, in fact, during the changing
15. time in the economy you're here during that second year, to
16. make what adjustments that might be necessary, if, in fact,
17. there has to be some change due to economy changes or others. So,
18. it would be...we would be better equipped, more intelligently
19. informed, and certainly a far better process of having some
20. of the pressures that are presently on us today, by...by outside
21. groups, by pressure groups within our area, and certainly by the
22. whole process of having the Calendar overweigh us without any
23. chance to make any evaluations.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? Senator...Senator Rock. Okay...Further
26. discussion? Senator Nimrod may close.

27. SENATOR NIMROD:

28. Thank you, Mr. President. I might just remind you that
29. it's certainly proven in many other states in their budgets of
30. why there are various advantages to having a biennium budgeting.
31. I think what we would have to remember is not only would there
32. be less opportunity for pressure groups to push the Legislators
33. and administrations into increasing appropriations, but certainly

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1. local governments and agencies that receive State funds would
2. know farther in advance what to expect. They would have to
3. make longer programs, and be able to stand up and justify
4. their increases, or their adjustments. Directors of departments
5. and other State officials would have to spend less time on
6. budgeting and they'd have to prepare them, they'd have to stay...
7. spend a little more time justifying their programs and evaluations.
8. We, as Legislators, would be better informed and be able to make
9. more intelligent decisions. I think that the fact is, that the
10. time has come, we have seen from the past experiences that we
11. have been unable to cope with the annual budget as presented to
12. us, and that it is time that we return to a program which does
13. have its roots, the State has experienced this before, and there
14. have been intelligent decisions made in this process. I would
15. urge an Aye vote, and a chance to get these bills over to the
16. House...these resolutions over to the House, so that we can
17. get a concept of this type on the ballot for this year. I would
18. ask for a favorable vote.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. The question is, shall Senate Joint Resolution 12 be passed
21. and approved. Those in favor vote Aye. Those opposed vote Nay.
22. The voting is open. Have all voted who wish? Have all voted who
23. wish? Take the record. On that question, the Ayes are 34, the
24. Nays are 24. None Voting Present. Senate Joint Resolution 12,
25. having failed to receive a three-fifths constitutional majority
26. is declared...the sponsor has asked that further consideration
27. of Senate Joint Resolution 12 be postponed. Will be placed on
28. the Order of Postponed Consideration. Channel 20 has requested
29. permission to film the proceedings. Is there leave? Leave is
30. granted. Senate Joint Resolution 16, Senators Bower and Sang-
31. meister. Senator Bowers.

32. SECRETARY:

33. Senate Joint Resolution 16, Constitutional Amendment, was

1. read a 3rd time on April the 22nd, 1980.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Bowers is recognized.

4. SENATOR BOWERS:

5. Thank you, Mr. President. You've heard the debate basically
6. on Senator Nimrod's proposal. This one is similar, and some of
7. the same points are to be made, certainly I'm not going to rehash
8. all of the...all the decision that we've been through on that
9. particular aspect of the bill. This proposal however does take
10. us back to the straight biennial Sessions that we had prior to
11. the adoption of 1970 Constitution. It does provide for bi-
12. ennial budgeting. I see no problem with biennial budgeting,
13. I think, as a matter of fact, having been in the Administrative
14. Department of the State of Illinois, that biennial budgeting is
15. easier from the stand point of the department heads. I think
16. Senator Nimrod made the point very well. Over and beyond that
17. point are the...this particular proposal does as I say, pick up
18. the old Constitution, itleaves in it, however the provision that
19. was adopted in the new Constitution that permits Special Sessions
20. to be called by the Leadership of both houses. As I recall that
21. was not in the old Constitution, it's a concept that we've left
22. in this one. My idea in supporting and sponsoring this particular
23. piece of legislation was...arose from the fact that I did serve
24. on the General Assembly in...in the 1960's when we had the biennial
25. Sessions. I then was out for awhile, I came back and my observation
26. is that the end product, after all that's why we're here, the end
27. product is no better today than it was in the 1960's when we had
28. biennial Sessions. So, what we've done here really, is simply
29. eliminate the provision that says we have to come in the...in the
30. off year. We do not have to, it doesn't limit us, of course, to
31. the extent that we can't, but we don't have to, and I observed
32. down here the...the fact that since we are mandated to be here,
33. somehow we feel we have to fill the vacuum. So, a lot of bills are

1. introduced, a lot of time is taken, if you look over that
2. Calendar very carefully, I'm sure you'll agree with me that
3. there isn't anything there that can't wait until the next...till
4. next year. So, I might also add that the Illinois State Bar
5. Association did endorse this principle in committee. Their
6. idea is, of course, that we ought to retain the so-called citizen's
7. Legislature, that point was made earlier, and I certainly agree
8. with it, I don't think we want a full-time Legislature and that's
9. what we're going to have, that's practically what we do have. I
10. think one other point I would like to make has to do with
11. the salaries. Now I know there's going to be discussion of the
12. fact that, yes, they just raised their salary, now we want to
13. cut the work back in half. We obviously cannot aggress the
14. salary issue in the Constitution and I didn't try to do that,
15. but when I listened to the debate on the salary raise itself,
16. I found those opposed talking about a part-time Legislature and
17. those for it talking about a full-time Legislature, and the
18. simple fact is, we don't know what we are. I think we ought
19. to be a part-time Legislature and that's why I submitted it, and
20. I ask for your favorable consideration.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Sangmeister.

23. SENATOR SANGMEISTER:

24. Mr. President, and members of the Senate. I rise in
25. support of this as a co-sponsor in a by-partisan effort with
26. Senator Bowers. I think he has made all the arguments, and I'm
27. not going to reiterate them either, although I would just like
28. to go back to something that is as basic, I think, as when we were
29. in fourth grade, we were told that the government that governs
30. least governs best, and that little simple phrase, I think we
31. seem to ignore when we're down here, and on that basis alone, I
32. think this is justified. Also, Senator Knuppel alluded to it,
33. and that is people say jokingly, of course, that neither your life

1. nor property is safe when the General Assembly is in Session,
2. and, of course, we all laugh about that, and it is a laughable
3. thing, but if you think about it, once in a while we do pass
4. too many laws. We establish too many commissions down here, we
5. can save on our per diem, we can save on travel allowance, we
6. can save on a number of items. I think, as Senator Bowers
7. has said, we need to be and retain the citizen Legislature
8. concept, and I know in your hearts you know well too, that if
9. we're not down here we're going to be doing an awful lot for
10. the people, and, of course, the obvious thing is, is when
11. emergencies come up, there's no problem at all, we saw that last
12. year. The Governor can call us down here any time he wants to, if
13. there has to be some transfers of funds made because we will be
14. planning our budget on a two year basis, or additional funds have
15. to be appropriated, we can do that by coming down here just a
16. few days, it will save an awful lot of bills being rehashed every
17. two years. There's just a hundred and one reasons why we ought to support
18. this, and I ask for your favorable vote.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Berning.

21. SENATOR BERNING:

22. Well, Mr. Chairman, and members of the Senate. It's el-
23. emental, of course, that the electorate ought to have the right
24. to make a determination on the basic organic law, and I have no
25. problem with that whatsoever, but I just want to remind all of the
26. members of this Body, and particularly those who served in the
27. Constitutional Convention, that Section 5 under Article IV was
28. deliberately included and it says the General Assembly shall
29. convene each year on the second Wednesday of January. The
30. General Assembly shall be a continuous Body during a term for
31. which members of the House of Representatives are elected. Perhaps
32. it is appropriate that we bring this back before the electorate,
33. and give them a second shot at it, but I want you to remember that

1. the electorate gave us this Constitution which was drafted by
2. that great Body the Con-Con Convention itself. We've all
3. rustled and struggled and worried over the provisions of this
4. Constitution, I'm still pleased to say that I opposed this Con-
5. stitution when it was first presented. There is then, the question
6. now, that we are undoubtedly going to have to have a concrete answer
7. for, if this goes on the ballot, obviously the voters will give
8. it careful attention, but the question of the compensation has
9. to be addressed at the same time and, in my opinion, Mr. President, and
10. members of the Senate, there should be a firm position taken
11. to unequivocally state to the electorate, yes, we want to cut
12. our time in half, but we are not going to cut our compensation
13. in half or yes, we want to cut our time in half and we guarantee
14. our compensation is going to be cut either in half or in some
15. degree. That, it appears to me, is an integral part of the pro-
16. position once we refer it to the voters.

17. PRESIDING OFFICER: (SENATOR SAVICKAS)

18. Further discussion? Senator Wooten.

19. SENATOR WOOTEN:

20. Thank you, Mr. President. I rise in opposition to this,
21. I think we ought to look carefully at motivation. Any time you
22. undertake anything, the reason for that action is a medley of
23. motives, some pretty good, some not so good, some obvious,
24. some less obvious. I'd like you to look at what this amendment
25. does, and think about it carefully. This says, in effect, that
26. we're going to be meeting for four months every two years, we'll
27. come down in January, we'll get done by June, we'll get really
28. started after the Budget Message in March, we'll be here March,
29. April, May, June, four months, come back for the Veto Session,
30. take a year off, and then come back the next year. For that we'll
31. get twenty-eight thousand dollars. Well not for long, we, at
32. least, ought to cut it in half. Why do we want this? Well, all
33. of us have other things to do, and being down here can get in the

1. way of those other things, and I understand that lawyers find
2. this particularly onerous, and so this is a bill to accommodate
3. lawyers' problems with serving in the General Assembly. Well,
4. I don't think it does either, Senator Netsch, but that's the
5. mood I get from this, because I hear everybody complaining about
6. the time it takes away from other things, from home and family
7. and job, but I think the impetus is principally from the legal
8. profession. Now, I'm not going to suggest on the other hand that
9. we eliminate lawyers from the General Assembly, it saves us
10. hiring legal aid from time to time, but I suggest that it isn't
11. that big a problem. If you have your priorities straight you
12. know where you ought to be when the job has to be done. I suggest
13. to you that in a modern world you can't serve down here four
14. months every two years, and think in anywise you represent the
15. people you serve. You can't go back folks, you can't go back
16. home, you can't roll back the calendar, you can't pretend the
17. world is less complex than it is. It would be nice, but it
18. isn't the case, and I suggest to you that a Constitutional Amend-
19. ment suggesting that we work four months every two years is just
20. not something we ought to seriously tell the people of this
21. State we want.

22. PRESIDING OFFICER: (SENATOR SAVICKAS)

23. Senator Sommer.

24. SENATOR SOMMER:

25. Mr. President, in response to the previous speaker, I do
26. not detect that this was a lawyer's amendment. I favor it for
27. a variety of reasons. I suppose one is the fact that the longer
28. we're down here, the more the special interests can get at
29. us, and the more money we spend, and that doesn't count then the
30. staffing and the per diems and all of the other things that we
31. will spend because we're here all the time. I think if you put it
32. to the people they would probably say...they would say they're
33. happy when we're not here. They're not pleased with all the

1. product, Senator Wooten, they're not pleased when we're here
2. all of the time turning out laws endlessly, ballooning our budgets end-
3. lessly, and this is our one last chance to run a rational shop here to
4. do it reasonably and rationally, or else as Senator Knuppel says
5. we'll be like Congress. This is our one last chance.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Kenneth Hall.

8. SENATOR HALL:

9. Thank you, Mr. President, and Ladies and Gentlemen of the
10. Senate. I would suggest to the members of the Legislature who
11. feel that we should have biennial Sessions, you knew what you
12. were running for when you ran for office. Now, if you don't
13. want to serve, if you don't want to work, if you want to stay
14. at home and draw your salary then you should not have run for the
15. Legislature. No one forced you to do this, you knew what it was
16. when you ran, I voted for a pay raise for...and I don't get it
17. along with nineteen others, and yet no one, as Senator Knuppel has
18. said, has ever turned it back. Now, my suggestion to all of you,
19. who want to have annual Sessions you're not pleased with what's
20. going on here in Springfield, it's very simple, resign from your
21. office, there's somebody there to fill your spot, no one's
22. invincible, if you don't want to accept the charge that's given
23. by the Constitution, step out.

24. PRESIDING OFFICER: (SENATOR SAVICKAS)

25. Senator Johns.

26. SENATOR JOHNS:

27. Mr. President, I want to make a special request. Would the
28. non-lawyers in this Senate please stand. Well, wait a minute,
29. wait a minute. Now, I'm not talking about some who call themselves
30. non-lawyers, but would the people that are not attorneys please
31. stand? Would you do it again, please? No. How are we going?
32. You see the comparison, Mr. President, you're a non-lawyer. There's
33. several that didn't even attempt to stand that are not lawyers, and

1. I don't know why, maybe they're...got political ambitions for
2. the future or something like that, but how are we going to stay
3. in touch with the growth of government that continues to take
4. place? How are we going to bridle the bureaucracies that are...
5. that are gaining by leaps and bounds in the number of employees
6. in four months, I consider the bill a real fiasco. I
7. don't think it's worthwhile, I think it's something
8. that is not in tune with what's happening. A lot of the lawyers
9. don't want to come down, it's been said, because they've got
10. cases to try, some that are here are off and absent, because they've
11. got cases in court, and that means more to them than being here
12. representing the people. I take...I take disfavor with those
13. people that criticize people like myself who truly want to serve.
14. I don't care whether you call it full-time or whatever you call
15. it, but my...my phone rings seven days a week, Sunday morning
16. no exclusion, and people need help, and I'm there to try to help
17. them, and I will vote against this particular bill, this amend-
18. ment.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. Senator Bloom.

21. SENATOR BLOOM:

22. Well, thank you, Mr. President. I rise in support of the measure,
23. I think some of the speakers that are speaking against it mis-
24. perceive our roles. When we're not in Session, if you're doing
25. your job as you're supposed to, you have a district office and
26. you're trying to help your constituents, we're on various legis-
27. lative support operations, to state that we are only down here four
28. months of the year is to misstate our role. You will find that
29. the work we do on this Floor is probably at best forty percent
30. of our work, the fact of the matter is, yes, we knew what we were
31. running for, as one of the previous speakers said, and one of the
32. issues we said was that maybe perhaps we ought to go back to
33. biennial Sessions. This is...this is a good measure, and it de-
serves the support of everyone in this Body, and I think probably

1. the points that were best made were made by the two sponsors
2. originally. Thank you.

3. PRESIDING OFFICER: (SENATOR SAVICKAS)

4. Senator Knuppel.

5. SENATOR KNUPPEL:

6. Well, I've been observing very closely here, and those people
7. generally who have spoken against this are people who consider
8. themselves full-time Legislators and who feel imperiled. I say
9. to you I challenge you, put it on the ballot and let's see
10. what the people say. I'll bet anybody a thousand dollars in this
11. Body that the people, the voters of this State would gladly pay
12. you twenty-eight thousand dollars to get the hell out of here for
13. a year and go home. Let the people decide, vote for it, put it
14. on the ballot and then let the people say whether they want you
15. here full-time, you drone, and Kenny Hall let me say this, I'll
16. put my hours of the Legislature up against yours any damn day
17. in the year and I'm a lawyer. I start at four-thirty in the morning
18. and I work till 10:00 o'clock at night, and it doesn't matter
19. that I'm a lawyer, and let me say to Senator Wooten that there's
20. a difference between an elected lawyer who's here serving a hundred
21. and eighty-eight thousand people, and a lawyer who's here who's
22. serving a bunch of people who are Legislators who're going to do
23. what they tell him to do. One thing you will to avoid as a lawyer
24. and that's the single client. He tells you what to do, and he
25. compromises your judgment, and that's what happens between lawyers
26. you can hire who are young and just out of law school and who
27. watch your approbation, and the lawyer who's here serving a hundred
28. and eighty-eight thousand people and telling you what he thinks,
29. voting the way he feels. Now, those of you who think it's such
30. a hell of a good idea, you talk, people talk, let's let the people
31. decide. Let's vote for it, let's put it on the ballot, and let's
32. see if the people won't give you twenty-eight thousand dollars
33. to get the hell out of here for a year.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Following that show, Senator Gitz. Could we have a little
3. order here for Senator Gitz.

4. SENATOR GITZ:

5. Well, Mr. President, we probably had a superior amendment
6. to this one that we just defeated. You know, Senator Knuppel is
7. a hard act to follow, but I would like to speak to what the amend-
8. ment does. I think there are some problems with it, and some
9. things that we ought to think very hard about. One of the difficulties
10. of a Constitutional Amendment is that once it's in place, once
11. it's done, it's extremely difficult to change. Now, if you want
12. to meet every other year, fine, but I don't think we should collect
13. the money. I'll bet you the same amount of money that Senator
14. Knuppel is willing to bet that you aren't going to cut that salary
15. even though that nobody's going to be meeting in the second year.
16. But more importantly, unlike Senator Nimrod's amendment, at
17. least under his proposal, you could make changes in the revenue
18. and appropriations, now look at the number of bills on the
19. Calendar that deal with appropriations and changes between items,
20. trying to plan this big of business, on that kind of a basis, I
21. don't think is going to work when you really look at it realistically.
22. Now, Senator Sangmeister rightfully alluded to the proliferation
23. of commissions and committees, but the thing that I have so much
24. difficulty with, is that I don't understand...I don't understand
25. why we don't seem to be able to remember the word restraint. You
26. don't like the number of commissions, eliminate them, cut them
27. down. You don't like the number of bills on the Calendar, hold
28. more of them in committee. I've personally never filed a motion
29. to discharge once, and some legislation that I felt
30. was near and dear to me, well it got bottled up, fine, the
31. world goes on. The point that I don't understand is you
32. seem to want to say, the more we're here the more the special
33. interests can get to you, well you know, there was a General Assembly
speaker in California, by the name of Jess Unruh, and to

1. paraphrase and clean it up a little bit, he said you
2. can't date their women, go to their receptions, vote No on the
3. bills, you don't deserve to be here, and I think that it is
4. really impractical to try to plan on a two year basis, and to
5. hide behind a structural provision for own lack of restraint.
6. The biennial Session, the citizen Legislature, made a lot of
7. sense, a hundred years ago, maybe fifty years ago, but the
8. world is quite different today, and it is probably a tribute
9. to our structure of government that even though our economy is
10. completely different, even though the world is completely changed,
11. that we are able to make within that structure sophisticated
12. changes to make it work, and I believe the biennial Sessions will
13. ultimately openly prove to be a mistake, and if you dislike the last amend-
14. ment, then I think that you would find this one even more un-
15. workable. Thank you.

16. PRESIDING OFFICER: (SENATOR SAVICKAS)

17. Senator Buzbee.

18. SENATOR BUZBEE:

19. Thank you, Mr. President. I would like to make a few points
20. in opposition to this amendment, to this proposed Constitutional
21. Amendment. One is if you'll read the language of the amend-
22. ment, it says it provides for biennial Legislative Sessions, and
23. biennial budgeting, referendum following adoption of resolution,
24. effective on the second Wednesday in January next after its
25. adoption by the electors. Now, let's assume that this were elected
26. ...or whether this were passed, this coming November, when it would
27. be on the ballot. That would give us, or rather give the Chief
28. Executive of this State, the Governor, and his budget-making
29. people about two months to come up with a budget for the next
30. biennium. So, the Governor's Office, if this were to pass, would
31. have two months to determine how to best appropriate and spend
32. some twenty-eight to thirty-five billion dollars, because you
33. saw the rate of increase in the appropriation requests this year,
from...from some eleven billion to fourteen billion. So, we can

1. only assume that it would be a minimum of fourteen billion the
2. following fiscal year, and probably much higher, and then with
3. the second fiscal year added in, it would be somewhere
4. probably in the neighborhood of thirty-five billion dollars
5. that would be the request for the biennium. So, it gives them
6. two months to make those kinds of decisions as to...as to how
7. to best spend those dollars and what programs to fund, what
8. programs not to fund. Senator Wooten, made reference earlier,
9. both in addressing this resolution and the earlier one, to it
10. would be not...be nice if we could go back in time, and...and
11. I see that Senator Bowers is interested in trying to do that, in
12. going back in time. He made reference to the fact that when he
13. served in the General Assembly in the early '60's, that we had
14. a biennial budget, and I would point out to you that things were
15. much simpler then for the State of Illinois. I don't recall the
16. exact figures, Senator Bowers, but it was something like three
17. billion dollars for the biennium. Now, we would be talking about
18. in excess of thirty billion for the biennium, an increase of ten-
19. fold, that we would see a tenfold increase from the days when...the
20. good old days when you had those kinds of budgets, to vote on
21. the last year that a biennium...biennial budget was adopted. I
22. would like to point out also...I would like to point out also,
23. that as has already been stated by other members here, that the
24. time that we actually spend in Session as a Legislator, is a
25. minority of our time. I know in my district office, if...if I
26. allowed myself to, I could be in the office from seven in the
27. morning until seven at night, six or seven days a week, and still
28. not get all of the things read that I feel that I need to read,
29. still not get all of the mail answered that I feel I need to answer,
30. still not get all of the phone calls returned, and at the same
31. time address the legislative business that I know is...is necessary
32. such as preparing and working on budget requests and working on
33. other areas where I have a legislative interest. So, the time
that we actually spend in Session is a minority of our time, but

1. I would submit to you that that's part of our job. Now, I'm
2. not going to attack the lawyers in this General Assembly, they
3. make a most significant contribution, I personally am glad they're
4. here, I don't...I don't have a law degree, and I know there are
5. some lawyers here who are going to vote No on this proposition,
6. however, I would point out that it is a bill which...or a proposition,
7. which lawyers have tended to express an extreme interest in,
8. because they have some problems of not being able to contribute
9. time to their profession, because their time is taken up here.
10. Again, I would point out that we are the tenth largest...the State
11. of Illinois is the tenth largest government in the world. So,
12. can you imagine, can you imagine some country say, any...any country
13. outside of the top three or four or five in size where their
14. Parliament or their Legislative Body would say we're going to
15. restrict ourselves to being in Session only four months out of
16. twenty-four. Now, I...I know that, in fact, we would, with the
17. passage of this, we would be in...in Session a little bit more
18. than four months, but not a whole lot so unless the Governor
19. or the President, or the Speaker, were to continually call Special
20. Sessions. So, the world's tenth largest government would restrict
21. itself to doing the peoples' business of that government to four
22. months or say four months plus out of any twenty-four month
23. period. My final point is on the salary question, it has been
24. raised previously, I think it is absolutely correct to say, that
25. if this passes, we will have to reduce our salaries, even though
26. my time spent as a Legislator would still remain the same, because
27. of that work I do in my district office, the work I do in my
28. district itself, the work I do as members of commissions, and
29. committees, that would still have to continue meeting, the
30. people would not perceive it as that, they think that the only
31. thing that we do, and the only thing we should be paid for is the
32. time that we spend here in Session. So, if this should pass, we are
33. going to have to reduce our salaries by at least half. Now, I

1. don't know if you do that by paying a Legislator twenty-eight
2. thousand dollars for that year that they are actually in Session
3. and then not pay them anything for the year they're not in
4. Session, or if you would do it by paying them fourteen thousand
5. dollars a year. If you chose the latter, I'm sure at some point
6. some bright whiteknight type like Pat Quinn would come up and
7. say, if the salary is fourteen thousand dollars a year, but
8. they're only in Session one year, we ought to cut out that other
9. year's salary. So, I think that that...that's a possibility that
10. we will...will have to face. So, I think it's...it's an idea
11. that has been tried before, it has not succeeded in the past,
12. things are much more complicated in today's world than...than
13. they were of the early '60's. Senator Bowers...

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Just a moment, Senator. For what purpose does Senator
16. D'Arco arise?

17. SENATOR D'ARCO:

18. A point of personal privilege. I've been reading this news-
19. paper for about twenty minutes, and he's been talking for that
20. entire period of time.

21. PRESIDING OFFICER: (SENATOR SAVICKAS)

22. His time has run out, Senator.

23. SENATOR D'ARCO:

24. I can't believe this.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. His time is running out.

27. SENATOR D'ARCO:

28. I really can't, it's unbelievable.

29. SENATOR BUZBEE:

30. I hope, Mr...I noticed you had the light on me, Mr. President,
31. and it was still yellow when Senator D'Arco started and when he...
32. and when he seated. So, I'm assuming that I'm abiding by the
33. time procedures as you've established up there.

1. PRESIDING OFFICER: (SENATOR SAVICKAS)

2. Yes, Senator, you have about thirty seconds.

3. SENATOR BUZBEE:

4. If all of you folks who are willing to yield your time
5. would only vote No on the proposition, I'll shut up right
6. now. I think it's a...it's a bad concept, it's a concept
7. that was effective and good in the early '60's, but in the
8. '80's it has no place in our world today, and I would urge
9. opposition.

10. PRESIDING OFFICER: (SENATOR SAVICKAS)

11. Senator Geo-Karis.

12. SENATOR GEO-KARIS:

13. Mr. President, and Ladies and Gentlemen of the Senate.
14. After listening to some of the debate against this amendment
15. three things are very clear to me. One is self-interest for
16. the full-time Legislators who think that lawyers are just bums,
17. and we're not. Two, I continue my cases at great sacrifice to
18. myself so I'll be there, and I've never missed a day in almost
19. eight years in the House or the Senate. Three, the next thing
20. is we worry about salaries, well I'll tell you something Ladies
21. and Gentlemen, let the people be served for a change, what are
22. you afraid of, let the people vote on this amendment, they want
23. it, they're tired of us being here making law after law after
24. law where they can't get straighter...them out anyhow. So, I think
25. we should be considerate of all of us and stop picking at the
26. lawyers, because I'll tell you, those...some of you who are picking
27. on the lawyers, you know what your whole problem is, as we said
28. in the Navy you're sealawyers. You know it all, you want to know
29. it all, you don't have the degree and the license, you weren't
30. willing to sacrifice to get it like some of us who worked for it.
31. So, please stop picking on us, let the people decide. Let the
32. people decide, they really don't want us in Session that often,
33. what about the AP story that said we've tripled in our cost here.

1. So, please, let's be fair and let the people decide.

2. PRESIDING OFFICER: (SENATOR SAVICKAS)

3. Senator Maragos.

4. SENATOR MARAGOS:

5. Mr. President, and members of the Senate. I rise in
6. support of this resolution, for one major reason, is that we
7. tried...we've tried it for ten years, and at the time that the
8. Constitutional Convention adopted this, I was in favor of it, but
9. after twelve years serving in this Legislature I find that the
10. budget process, and I'm surprised at Senator Buzbee, who was the
11. Chairman of Appropriations, is against this particular resolution,
12. because the budget process has become a farce on an annual basis,
13. because we only...do not have four months to really study these
14. budgets as they come on an annual basis. I think this will allow
15. us to become more discriminatory in our passage of appropriations,
16. it will give us an opportunity to study all other aspects without
17. trying to meet annual deadlines, in fact, now they've become
18. monthly deadlines, the way we have these Special Sessions coming
19. in, and in the past, let's not forget, Ladies and Gentlemen, even
20. though we had the biennial Sessions, the Governor and the Leader-
21. ship of the Houses would get together and call Special Sessions
22. when there's information...emergency legislation to be passed. We
23. had many effective commissions working in the meantime under
24. the old system. I think we...we now have...I just happened to
25. finish my term as Chairman of the Economic Fiscal Commission,
26. and even after that particular organization tried to make a
27. thorough study of annual budgets, we were found remiss, and
28. now we're going in the Capitol Debt Studies and everything
29. of that nature. I say to you, we could do a better job with
30. less time, if we have it on a biennial basis. And what also
31. concerns me as an individual who's leaving the Legislature at
32. the end of this Session, is that we are going to become just
33. like Congress, and that is going to be another legislative
bureaucracy, because I find more and more, our Congressional

1. Delegations, throughout the country are spending less time at
2. home because they are full-time Legislators. I think this approach
3. would give us time to go back to the grassroots, to confer
4. with our...with our constituents, and therefore come back and
5. have a more imput and a more just imput as to what we are going
6. to do for our...for our constituents, and I don't know whether
7. it's the chicken or the egg approach but it's ironical, the minute
8. that we went into annual Sessions, our budget doubled, and this
9. will continue to increase and I think we can find more reasons
10. to pass legislation and the old adage which many of us know, no
11. body's property, life, or liberties at stake as long as the
12. Legislature in Session. Therefore, I vote that we support this
13. amendment.

14. PRESIDING OFFICER: (SENATOR SAVICKAS)

15. Senator Bruce.

16. SENATOR BRUCE:

17. Thank you, Mr. President, and members of the Senate. I'd
18. just like to make six brief points I hope that have not been
19. made in this debate before. First of all, I think we've got
20. to realize that Illinois went a hundred and sixty-two years to
21. date and existed with the General Assembly in effect. We've
22. only had ten years worth of annual Sessions, and I don't think
23. of a hundred and sixty-two that to take ten and use that as the
24. marker of what we ought to do in the future is probably a very
25. good idea. Secondly, I would say that all of you who say that this
26. is going to mean that we're going to continue with the citizen
27. Legislature, I just disagree with you. If you go to biennial
28. Sessions I can tell you that there are a lot of lawyers in this
29. Body, if you're all worried about getting rid of lawyers, and
30. having part-time Legislators, they're going to leave, because
31. the upshot of this is not what Senator Wooten said, I don't
32. believe you'll be here four months. I believe you're going to
33. be coming in here in January and you're going to be staying through

1. December 31st and we're going to be trying to get out of here
2. for our New Year's parties, because I don't think you're going
3. to be able to do the work of the State of Illinois in a very short
4. four month period of time, and so rather than being part-time
5. over two years, you're going to be full-time in one year, and
6. for those of you who work for a living your bosses are not going
7. to allow you, and your law firms, and your clients are not
8. going to allow you to be down here twelve months, five days a
9. week, and then come back a year later and catch up. It won't be
10. done. Third, I think all of us are looking at today...and you say
11. the joint Leadership problem is in here, if we have anything
12. that we want to do, all we have to do is ask the joint Leadership
13. and gee whiz, we can come down here, and whip off a bill to
14. correct the problems of usury, we can change the SO2 standards
15. so we can burn Illinois coal, we can take a look at the economic
16. indicators yesterday on housing starts in Illinois and say
17. yeah, we ought to pass a bill that has something to do with giving interest
18. credits to people so we'll have housing starts this year. All
19. we've got to do is call a joint Leadership, Rock and Redmond will
20. go along, but what if it's something like Rock and Ryan, and Ryan
21. doesn't want to go along, or Rock doesn't want to go along, what
22. if it's Shapiro- Redmond, and Redmond doesn't want to go along,
23. and what if it's Shapiro- Ryan, and the Governor doesn't want
24. to go along. We all seem to think of today that well, it's all
25. right, that's because the Houses are controlled by one party, and
26. you have a Governor of an opposing party, but you can mix that all
27. around in the next fifty, sixty years and you may not be able
28. to answer all those problems of interest and SO2 standards, be-
29. cause the Leadership may not want you to. That brings me to my
30. fourth point, I think each individual member here ought to realize
31. that what you're doing is giving to the Leadership the power
32. to control these bodies, by biennial Sessions you say to Leadership
33. you determine when we're going to be here, you determine what
our work load is going to be, and you decide the issues that are

1. going to be addressed by this General Assembly, and I don't
2. think that's a very good idea. I, frankly, think that the
3. general membership ought to have a good say and a solid say
4. in what goes on here. Finally...fifth, introduction of bills
5. keeps coming up again and again. Who introduces these bills,
6. at four thirty when all of the secretaries leave does someone
7. slip in here with a master key, commandeer all of the typewriters,
8. type these bills up and slip them into Kenny Wright's office in
9. the dead of night? We all go down there and put them in, because
10. we all represent a hundred and eighty-eight thousand people, and
11. they have demands and wishes and desires that we try to address
12. through legislative action, and we put those bills in, and let
13. me tell you, you have biennial Sessions, you think that we're
14. going to change, I don't believe so. We're going to find a way
15. to put in everyone of those bills, for everyone of our constituents
16. on every day we can, and we're going to try to figure out some
17. way, we're going to call Rock and Redmond, and say hey, I've got
18. a bill here that's going to change the whole question of coal
19. mining, and we're going to want to have a hearing on it, and
20. it's going to continue to happen, only it's all going to happen
21. in one year, because on December 31st you can't tell the coal
22. miners, and you can't tell all of the people who have utility rate
23. problems, hey, lay it over till next year, we're going to have
24. special hearings in January, the Energy Commission is going to
25. report in March, we'll work all this out. There isn't any January,
26. February or March of next year. It's got to be done before December
27. 31st. And finally, the power of pressure groups. Everyone keeps
28. talking about the organized pressure that's on these bodies because
29. we have annual Sessions. Let me just conclude by saying that if you
30. think the pressure won't be here, when you're only going to be
31. here one year, you are actually compressing the pressure into one
32. year rather than allowing it be spread over twenty-four months,
33. and the pressure of those groups, they won't go back to their

1. bodies and say look, we couldn't get it this year, we'll get
2. it next year. Next year is an election year, you're going to
3. have to do it this year. You think the pressures is bad now, wait
4. until you have biennial Sessions, and only down here one year,
5. and every pressure group knows they've got to get their pound of
6. flesh for their membership in that one year, and it'll be a lot
7. tougher on you. I think this is a bad proposition for the six
8. reasons I just named.

9. PRESIDING OFFICER: (SENATOR SAVICKAS)

10. Senator Vadalabene.

11. SENATOR VADALABENE:

12. Thank you, Mr. President, and members of the Senate. It
13. seems to me that this has gotten to be a very, very serious issue,
14. and having an Honorary Degree in Jurisprudence, when Senator
15. Johns called for the non-lawyers to stand up, I stood up, and
16. when he called for the lawyers to stand up, I stood up again,
17. and when Senator Geo-Karis said stop picking on the lawyers, I
18. felt bad again. I would like the record to show that I'm confused.

19. PRESIDING OFFICER: (SENATOR SAVICKAS)

20. That was entered in the beginning of the Session, Sam.
21. Senator Egan.

22. SENATOR EGAN:

23. Yes, thank you, Mr. President, and members of the Senate.
24. I...I rise to ask leave to be recorded Aye...I got to run over
25. to the court house.

26. PRESIDING OFFICER: (SENATOR SAVICKAS)

27. Senator Davidson.

28. SENATOR DAVIDSON:

29. I move the previous question.

30. PRESIDING OFFICER: (SENATOR SAVICKAS)

31. Well, that's in order. You are the last speaker that sought
32. recognition. Is there further discussion? Senator Bowers may
33. close debate.

1. SENATOR BOWERS:

2. Thank you, Mr. President, at least we got your attention. I think that
3. everything has probably been said, there are a couple of rebuttal
4. remarks I suppose I could make, but I think under the circumstances,
5. let's just call for a vote.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. The question is, shall Senate Joint Resolution 16 be passed
8. and approved. Those in favor vote Aye. Those opposed vote Nay.
9. The voting is open. Have all voted who wish? Have all voted
10. who wish? Have all voted who wish? Take the record. On that
11. question, the Ayes are 40, the Nays are 17, and Senate Joint
12. Resolution No. 16, having received a three-fifths constitutional
13. majority is declared passed and approved.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senate Joint Resolution 24, Senator Philip. Secretary will
16. read Senate Joint Resolution 24 in its entirety a 3rd time.

17. SECRETARY:

18. Senate Joint Resolution 24, Constitutional Amendment as
19. Amended.

20. (Secretary reads SJR 24, CA)

21. 3rd reading of Constitutional Amendment No. 24...Senate Joint
22. Resolution, Constitutional Amendment 24, as amended.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Philip on Senate Joint Resolution 24.

25. SENATOR PHILIP:

26. Thank you, Mr. President, and Ladies and Gentlemen of the
27. Senate. Senate Joint Resolution Constitutional Amendment 24,
28. changes the Legislative Article of the Constitution in three
29. ways. First of all it cuts the House down to a hundred and
30. eighteen members. Secondly, it does away with accumulated voting,
31. and thirdly it creates one district for those three legislative
32. members. Also, it provides that it would be put on the
33. ballot this November, it would have to carry the State of Illinois

1. and would be available for the 1981, the reapportionments for
2. the State, and I think the reason behind it is to improve the
3. quality of work in the General Assembly. In my sixteen years
4. down here, every year we come down here, we have more bills,
5. more resolutions, and they keep piling up, and quite frankly
6. the way to get better work, to get better quality work, is to
7. limit the amount of bills. We haven't been able to do that, and
8. we should do it by rules, I've made that suggestion to the Rules
9. Committee, but it never happens, and the other way to stop the
10. large amount of bills is by cutting down the size of the Body
11. across the Rotunda. I think it's a reasonable suggestion. If
12. Pat Quinn's political honesty gets enough signatures, and he gets
13. it on the ballot for November, I will assure you it's going to
14. pass. I'll be happy to answer any questions.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Is there discussion? Senator Donnewald.

17. SENATOR DONNEWALD:

18. A question of the Chair: Can we vote...can we have a secret
19. ballot on this?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. According to our Constitution, as it presently is drafted, I
22. believe this will require a recorded vote. Is there discussion?
23. Senator Martin.

24. SENATOR MARTIN:

25. It's a difficult bill to vote on, because of personal friend-
26. ships and because of the knowledge that were this to pass and
27. be put on the ballot, and were the people to vote on it, both
28. parties could lose some of its more outstanding members. The
29. cumulative voting system, although adopted by no other State, has
30. in some ways, served Illinois well, but I don't think you have
31. to argue, single member districts and I don't think you even have
32. to argue whether or not the people will vote Yes or No. What is
33. equally important after this last year, is that the General Assembly

1. both House and Senate, could move to put this on the ballot.
2. Some of us are less than pleased that some the things that are
3. being said by the Coalition for Political Honesty, and the
4. base of that is that the General Assembly will never act, the
5. Senate will not do..the Senate will not act. The House will
6. not act. I think by moving this bill we are saying, yes we
7. are responsible. If this is the will of the people we will let
8. the people decide, and I think a Yes vote even with the friend-
9. ships and the concerns we might have for our friends on the other
10. side of the rotunda...rotunda, is the...he made me say it too,
11. is the only possible vote and the right vote for all of us re-
12. gardless of party.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Further discussion? Senator Wooten.

15. SENATOR WOOTEN:

16. Thank you, Mr. President. This is another one that we
17. talked about in Senate Executive Committee. We have been
18. dealing with these suggestions off and on and I've had a couple
19. in myself. There are good things and bad things about this, and
20. I'd like to be clear about them. It is good in that it limits
21. size, I have put forward Constitutional Amendments for the
22. last three General Assemblys suggesting that we limit the size
23. of the General Assembly. It eliminates cumulative voting. I
24. think cumulative voting has the effect of fuzzing responsibility.
25. It's better to be directly answerable to the people as we are in
26. the Senate. There are two bad things about it though, the cut
27. is restricted to the House. I think if there is to be a cut in
28. the size of the General Assembly, it ought to be shared. We ought
29. to have a reduction in legislative districts, and keep the three
30. to one ratio, but just cut from both Houses. Also, this does
31. not divide a legislative district into two separate geographical
32. areas. I think that would a desirable thing to do. Another thing
33. is because the Coalition for Political Chicanery is breathing



1. down the House's neck right now, it makes me reluctant to
2. ...to do anything that even slightly resembles what they're up to,
3. But I think on balance I think I will vote against this. It
4. would be an attractive thing to vote for, considering this
5. ✓ November's selection, but I think the fact that it does two good
6. things and two bad things, puts it in somewhat bad posture. If
7. we're going to limit the size, and make no mistake about it,
8. as Senator Martin said, if this goes on the ballot, it passes,
9. and that's just accepted. I would prefer that an amendment like
10. this arise in the House itself, not that we generously give
11. them one. I believe the more prudent thing to do, would be for
12. us to...suggest in a brotherly spirit that both Chambers be
13. reduced in size, and because this doesn't do that I think I
14. will vote against it, and urge others to do likewise.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Further discussion? Senator Collins.

17. SENATOR COLLINS:

18. Thank you, Mr. President. I rise in opposition to this
19. resolution for several reasons. I think, Senator Wooten has articulated
20. my chief concerns, but there's one concern I think I would like
21. to reiterate, and that is the fact of the cumulative voting. If
22. we had a more equitable, a more fair political process, just
23. maybe in some sections of us...of our State, then I would not be
24. concerned about getting competent representation in the House
25. of Representatives across the Rotunda there, but through our
26. cumulative voting system, we probably have elected some of the
27. best Representatives, the most responsible, competent Representatives
28. that this...in the history of this State through the cumulative
29. voting system, because I think if we look back and we assess
30. the membership in that Body, and we look at the quality of
31. representation over a number of years, we will find among those
32. those who were elected in a Primary through the cumulative
33. voting system who did not have the good graces of the nomination

1. or enjoyed the nomination of the regular two parties. I think
2. it would be a tragedy for us to eliminate cumulative voting
3. particularly at this time. I think few of us can argue with
4. the concept or even the need to talk about reducing the size
5. of this Chamber. I agree with Senator Wooten. It is not our
6. responsibility, and I think it is a little unfair and lopsided
7. for us to sit over here and talk about reducing the size of the
8. House and not talking about reducing the size of the Senate,
9. because if the House, in fact, can be reduced, then there are many
10. who feel that the Senate could be reduced also. I think this is
11. an issue that should be voted on in the House first and then give
12. us an opportunity to have some input in it, but it most certainly
13. should not come from this side of the Rotunda, and I urge all of
14. you to vote No.

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(END OF REEL)

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Rhoads.

3. SENATOR RHOADS:

4. Very briefly, Mr. President. On practically every one
5. of these Constitutional Amendments today, I hear a tone of
6. debate which seems to indicate that this is debate on final
7. passage. Well, I suppose it is in a sense, but in another
8. sense it is not debate on final passage. All we are attempting
9. to do with any of these Constitutional Amendments is as Senator
10. Knuppel stated on another resolution, give the voters an
11. opportunity to express their will. And I'm really surprised
12. that we seem to be so reluctant to give the voters that
13. opportunity. We haven't had a great glut of Constitutional
14. Amendments at the elections since 1969. These are pretty
15. important questions, ones that have generated a great deal
16. of controversy, and I think that the voters are entitled to
17. express their...express themselves on a question of this
18. importance.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further discussion? Senator Knuppel.

21. SENATOR KNUPPEL:

22. Well, we are confronted with a people's petition. In
23. the Constitutional Convention we realized that there was
24. one area that maybe the people ought to be allowed the...the
25. right to speak even if the Legislature couldn't untangle itself
26. to put a proposition in front of the people. And I always think
27. if somebody's wrong or somebody has made a mistake or somebody's
28. in a position, he ought to have an opportunity to explain it
29. himself. He ought to have an opportunity to correct whatever
30. his shortcomings are. Now, we're not...as Senator Rhoads has
31. said, this isn't final passage. Final passage is going to be
32. over in the House and I assume this...this Constitutional Resolution
33. can be changed or a different one introduced, if the House wants

1. to address itself to what appears to be a grave concern of a
2. great member...a great number of our populous. They should
3. have the first opportunity to correct mistakes or errors or
4. inadequacies if such exist in this General Assembly, or at
5. least to offer that to the people. They should have first
6. opportunity to suggest how they want it changed, how they
7. want the field plowed or cultivated and if we don't put
8. resolutions over there or they don't initiate themselves,
9. they will get them from the people and they may not like
10. what they get. And all this does, and that's the thing
11. that seems to me so strange in this Body. I won't be back
12. here next year, but what seems so strange to me, we talk
13. about the people, we are not disposing or making the final
14. vote, let's let the people decide what kind of government
15. they want in some of these areas where disputes exist. Let
16. the...let the House then bespeak itself to this problem, let
17. them propose how they think that some of their shortcomings,
18. if they exist, and they must because there's a great debate
19. about it, how they may be corrected. Give them first chance
20. to offer a solution and if they don't, I can assure you, whether
21. the...whether the petition is adequate this time or next time.
22. The people are going to speak through the initiative that they
23. have, under the Constitution, sooner or later, to correct what
24. many people believe are shortcomings in this Body. And as the
25. ...and as has been pointed out, if you count the number of bills
26. that are introduced, they are geometrically in proportion to the
27. size of the Bodies. I've been here ten years, the House regularly
28. introduces from two to three times as many bills, look at the
29. numbers, as the Senate. Now, let's give them a chance, if they
30. don't want to pass it out, they don't have to, but they will
31. at least have had it put to them so that they have a chance to
32. answer for themselves and if they have inadequacies or changes
33. to make, they will have first opportunity to have made those.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Geo-Karis.

3. SENATOR GEO-KARIS:

4. Mr. President and Ladies and Gentlemen of the Senate.

5. I think if the amendment were drafted to include cutting
6. down the size of the Senate, then I could fairly vote on
7. this thing. But I don't think it's fair to others when
8. we're not taking care of our own house and therefore I'm
9. going to have to avoid supporting the bill...the amendment.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Further discussion? Further discussion? Senator
12. Philip may close.

13. SENATOR PHILIP:

14. Thank you, Mr. President and Ladies and Gentlemen of the
15. Senate. I...I kind of have to laugh when they say the word
16. about cutting down the Senate. You know that's got to be the
17. weakest excuse I've heard on the Floor of the Senate against
18. this proposition. If we'd have cut down the Senate, it probably
19. wouldn't have got out of the Senate Executive Committee, you
20. know that and I know that. Now I would favor cutting down
21. the Senate. I think realistically it's impossible. But anyway I...
22. my judgment and in the judgment of the people in November, if
23. it ever gets on the ballot, they will tell you that they want
24. smaller government, they will tell you they want less taxes
25. and they'll tell you at the ballot box, I assure you of that.
26. Now let's get it out and let's give the citizens of Illinois
27. an opportunity to tell us what they want and what they expect
28. of our government.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. The question is shall Senate Joint Resolution 24 be
31. passed and approved. Those in favor vote Aye. Those opposed
32. vote Nay. The voting is open. Have all voted who wish? Have
33. all voted who wish? Have all voted who wish? Take the record.

*20825-CA
3rd Reading
4-23-80*

1. On that question the Ayes are 23, the Nays are 35, none Voting
2. Present. Senate Joint Resolution 24 having failed to receive
3. a three-fifths...for what purpose does Senator Philip arise?

4. SENATOR PHILIP:

5. Ask leave for postponed consideration.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. The sponsor has asked leave that further consideration
8. of Senate Joint Resolution be postponed. Is there leave?

9. Leave is granted. For what purpose does Senator Wooten arise?

10. SENATOR WOOTEN:

11. Mr. President, a personal announcement. Point of personal
12. privilege. On the Floor today is a senior student of the
13. Jacksonville School for the Deaf from my district. He has
14. long been interested in politics. He has been very active
15. visiting the State Capitol on many occasions and I was pleased to ask him
16. to serve as an Honorary Page today and tomorrow. I'd like
17. for the Senate to acknowledge Leon Debean, back here.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Leon. Senate Joint Resolution 25, Senator Netsch, did
20. you wish to call that today? Mr. Secretary.

21. SECRETARY:

22. Senate Joint Resolution No. 25 Constitutional Amendment as
23. Amended was read a 3rd time on April 22nd, 1980.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Netsch. It has been read a third time on 4-22-80
26. according to the Secretary. Senator Netsch.

27. SENATOR NETSCH:

28. Thank you, Mr. President. SJRCA25 is merit selection of
29. judges and before Senator Rock arises to a point of order, may
30. I openly acknowledge that it is essentially an appointive system
31. in contrast to the purely elective system that exists now in
32. the State of Illinois. I will, however, refer to it as merit
33. selection because that is the name by which it has come to be

1. known and in my judgment, of course, properly so. Let me spend
2. my time briefly explaining what is in SJRCA25. As the amendment
3. is before you, it mandates merit selection for Supreme Court
4. and Appellate Court judges throughout the State. With respect
5. to Circuit Court judges, that is the trial level, there is no
6. mandated merit selection. Rather the decision to adopt a merit
7. selection is one to be made by a subsequent referendum in
8. the particular circuit. In other words, merit selection only
9. at the Supreme and Appellate Court level, a matter of local
10. option for the Circuit Court judges. In addition, with the
11. amendment that Senator Regner successfully proposed the other
12. day, the retention component is eliminated from the proposal.
13. That means that in the future, if the amendment should be
14. finally adopted by the voters, the merit appointed judges
15. would at the conclusion of their full term, go back through
16. the merit process, the Merit Selection Commission process.
17. The...the elected judges, which very likely would include
18. most of the Circuit Court judges downstate, at least in the
19. circuits that did not adopt merit selection, would go back
20. to what we call head to head elections, partisan elections,
21. if you will. Now, this is not the way we had originally
22. proposed it and I suppose given my druthers, it is not the
23. way I would have the proposal right now. I would point out,
24. however, that in this form, with the Regner amendment, SJRCA25
25. gives everyone in this State the option that I have often been
26. told and most particularly by downstaters, that they seek.
27. That is, a choice between merit selection and head to head
28. elections for their Circuit Court judges. That is precisely
29. the way that the amendment reads right now and in my judgment
30. it is from the downstate point of view, a good deal more palatable
31. even than it was in the form in which we had originally proposed
32. it. The commissions that do nominate the nominees for judicial
33. vacancies are composed in every case of both lawyers and nonlawyers

1. and in every case there is a majority of one more nonlawyer
2. than lawyers. In other words, the...thank you, Senator Knuppel.
3. In other words, if...if you will, the people rather than the
4. lawyers, have a majority on the nominating commissions. The
5. public members of the commission are appointed by the Governor
6. for fairly long staggered terms so that no one Governor can
7. control the entire...public member part of the nominating
8. commission process. A very significant difference between
9. now and the proposition that was voted on in past years, is
10. that all of the public members are subject to advice and
11. consent of this Senate. The lawyer members are elected by
12. every lawyer who is authorized to practice law in the particular
13. Circuit or Judicial district as the case might be. Again, in...in
14. the case of the nonlawyers as well as the...I'm sorry, in the
15. case of the lawyers as well as the nonlawyers, the terms are
16. staggered. So that there is a...a continuum of membership, but
17. no opportunity for the membership to be, if you will, dominated
18. for any long period of time. In all cases, the Nominating
19. Commission when convened, recommends three persons to fill
20. each Judicial vacancy. The three names are to be submitted to
21. the Governor and the Governor has only a limited period of
22. time within which to act. That is done so that a Governor
23. cannot sit on the nominations for a long period and, in effect,
24. force the Nominating Commission to go back and give him some
25. choices that would better satisfy him. The Governor is limited
26. to the names submitted to him and given a limited amount of
27. time in which to act. If the Governor does not act within
28. that time, the appointment is to be made by the Supreme Court.
29. I think probably those are the major provisions of...the proposal.
30. I would point out that it is a very different proposal in...in
31. very important respects from that which was voted on at the
32. time the new Constitution was adopted in 1970. And as you recall,
33. so-called Proposition 2B, which was merit selection of judges, was

1. defeated State-wide at that time. But let me point out just
2. three of the significant differences. The first and foremost
3. is that there is, I will conclude, thank you...

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. You may...

6. SENATOR NETSCH:

7. ...that there is local option for...

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Just a minute...just a minute, Senator, I didn't mean
10. to interrupt at all...I...I merely wanted consent of the Body
11. for the TV cameras upstairs and then you can continue.

12. SENATOR NETSCH:

13. Thank you. The...I will conclude. I've done it on
14. television before, Mr. President, I don't have to...do it that
15. way. The...the most significant differences between now and
16. 1970 are, first of all, the local option feature, merit
17. selection is not mandated State-wide. Secondly, Senate consent
18. for the public members of the commission and the staggering of
19. their terms, so that they are, in fact, freed considerably
20. more from Gubernatorial domination, which is a point that others
21. have...that many people have been concerned about. And finally,
22. the elimination of the retention election as a result of Senator
23. Regner's amendment. I am not going to make the heart rending
24. arguments that I can and have often made on behalf of merit
25. selection. I think it is absolutely right for the State of
26. Illinois. I think this is the right time. I will be happy
27. to answer questions about it.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Collins.

30. SENATOR COLLINS:

31. Thank you, Mr. President. I rise in support of SJR25.
32. I think it's an issue that is long overdue to be resolved by
33. this Body and...not by this Body, it will give the electors

1. again an opportunity to vote on this issue. I think the...due
2. to the...the nature and complexity of our Judicial system today,
3. complicated by the many problems that we have in society as a
4. whole, it is incumbent upon...upon us to insure that we have
5. the best qualified people represented and serving in the
6. Judicial bodies of the State. I think this HJR25 gives an
7. opportunity for us to make the first step toward insuring
8. competent judges to...to represent us in our Judicial system,
9. there's no question about it. If, in fact, people or judges
10. are elected, the...the voters respond to them as they do any
11. other elected officials. In most cases the voters don't know
12. anything about the judges and even that little that they do
13. know, it is just common practice for anyone to go to the polls
14. and vote for people that they feel express their views and
15. their philosophy. That is in itself, a reason why we should
16. not subject judges to the electoral process. I feel that Senator
17. Netsch should be complimented for her long...and her commitment
18. and...and the many years that she stuck to working on coming up with
19. the system, by which I feel all of us can be proud of and should
20. vote for. And I'd ask all of you to support us in this effort.
21. Thank you.

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Senator Lemke.

24. SENATOR LEMKE:

25. Mr. President, fellow members of the Senate. I think
26. I want to make two points today, and only two points in
27. regards to this bill that's so-called merit selection. Number
28. one is the point that it's again a system of an elitist class
29. of people trying to take the power of the voter and the democracy
30. of this United States away from them. If the present system of
31. electing judges on a partisan basis is wrong, fine, but then
32. let's have a special Judicial election on a nonpartisan basis
33. to elect those judges. But let's not take the voice away from

1. the people because that's the true merit selection. The job
2. you do here in the General Assembly, if you're reelected, you are
3. your merits here in the General Assembly and in the Senate.
4. The job that these judges do on the bench, if they run for
5. reelection, would be the same, they would be elected on their
6. merits. And if you...anytime the college professors...are so...are
7. so...and as few people are so much for a position, it's because
8. they cannot get their way in a democracy of this country and
9. in the process that we have gone on and that's the matter of
10. election. The other point, I just want to make a point. And
11. we hear criticism from everybody in the Senate about the Federal
12. judges. What do...what can the people do to change the feeling
13. of Federal judges...that care less about what the people feel
14. and think of their own way of doing things. When I was out in
15. California we looked at a system of redistricting, we looked at the
16. appointments of five Supreme Court judges by the Governor of
17. the State of California. The Legislators came up with a re-
18. apportionment plan. That plan was set aside by the Supreme
19. Court and the Governor who causes the appointments of the
20. commission who also appointed the Supreme Court, reached out
21. to get these five Supreme Court judges to draw the map of the
22. State of California for redistricting. The Judicial Branch
23. has gone into the Legislative Branch and since they have, I
24. think the Judicial Branch should run for election. If they
25. don't want to run as partisan then let them run nonpartisan.
26. But I think that the press, if we have a nonpartisan Judicial
27. election in limiting terms to a set year, you're either in
28. for six or eight years and then you got to run for reelection,
29. I think this is the system that's best for the people. It's
30. not a system of elitists, of college professors and lawyers
31. appointing judges, because it's going to work just like the
32. elitist society in the Bar Associations, the large law firms
33. control who the president is, of the Bar Association, and they'll

1. control who the commissioners are, who to be judges. And if you
2. want the people to say something, then let's put a Constitutional
3. Amendment. I was against the '64 thing that called for retention
4. of judges and I'm against it still because I don't think...I think
5. if we have to run for election, we should run for election, so
6. should judges, so should the Executive Branch. Otherwise, let's
7. draw up a commission today that says we'll set up and give the
8. Governor the power to set up a commission and say we're going
9. to say who's going to be the Senator from this district and that
10. district and the Representative and the Governor, we'll give
11. the Executive Branch everything, and we'll break down our whole
12. Constitutional idea of separation of powers. That's what
13. we're talking about here. Our Constitutional idea of a separation
14. of powers. Powers that each citizen has to elect, make sure that
15. they have checks and balances. To make sure that they vote for
16. the Executor Branch of government...Executive Branch of government,
17. make sure they vote for the Legislative Branch of government and
18. let the people vote for the Judicial Branch of government and
19. they can set up three systems to check and balance the other ones,
20. and that's what it's about. So if you want to vote for this,
21. for an elitist system, that's what you're doing, you vote for
22. an elitist system. But if you want to vote for the people, and
23. I suggest that you vote No, and against merit selection and let
24. the press come up with another solution to this problem of
25. Judiciary. Either run them by districts, run them on a special
26. election, but let them run nonpartisan and let's see who wins.
27. And see who's retained...

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator...

30. SENATOR LEMKE:

31. ...after that fixed term. Right now the people...

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator...

34. SENATOR LEMKE:

1. ...have the say of who's retained on the Supreme Court
2. and who isn't retained on the Supreme Court by the choice of
3. election, there's no retention for Supreme Court judges.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Senator Geo-Karis.

6. SENATOR GEO-KARIS:

7. Will the sponsor yield for a question?

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. She indicates that she will.

10. SENATOR GEO-KARIS:

11. I...I've been going through the amendment and I...do I understand
12. correctly that under Section 12.1, the appointed of judges
13. of Supreme Court and Appellate Court and Circuit Court judges
14. will only be taking place if there is a local referendum in
15. the particular Judicial district to have it by appointment rather
16. than by election?

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Netsch.

19. SENATOR NETSCH:

20. No, if the amendment were, well yes and no is the actual...
21. accurate answer to your question. If the amendment were adopted,
22. merit selection would apply by operation of the amendment to
23. Supreme Court and Appellate Court judges, although not until the
24. expiration of their terms. With respect to the Circuit Court,
25. that is where the local option feature comes into play and at
26. the Circuit Court level, the Trial Court level, which, as a
27. matter of fact, is the court of last resort for most people
28. who get into the court system at all, that, at that stage, there
29. would be local option, no merit unless it were adopted pursuant
30. to a subsequent referendum.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator Geo-Karis.

33. SENATOR GEO-KARIS:

1. In reading Section 12.1A, it says the provisions of
2. Section shall govern the selection of all judges of Supreme
3. and Appellate Courts and selection of Circuit judges, et cetera,
4. which adopt this Section and Section 12.3 by a local option
5. referendum. Wouldn't that also mean that your Supreme Court
6. and Appellate Court judges would still be elected, unless there
7. was a referendum in a particular...particular Judicial district?
8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Netsch.

10. SENATOR NETSCH:

11. No, when you read it in context, you have to sort of take a...
12. a breath between the two parts of the sentence and what it is
13. saying is that it will apply to all Supreme Court and Appellate
14. Court, breath, and those of the Circuit Court where it is adopted
15. in a subsequent referendum. And if you read the whole amendment
16. together, that becomes clearer.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Geo-Karis.

19. SENATOR GEO-KARIS:

20. If I were to support this resolution for a Constitutional
21. Amendment then, one thing I have to make absolutely clear, at
22. least in my district, unless we pass a referendum to have judges
23. ...appointed, they will still be elected by the people. Is that
24. correct?

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Netsch.

27. SENATOR NETSCH:

28. All of your Circuit Court judges will continue to be elected
29. as they are at the present time without retention unless five
30. percent of the people sign a petition, put the proposition on
31. the ballot at a later time and it is approved by the people of
32. your district...of your circuit, that is correct.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator Coffey.

2. SENATOR COFFEY:

3. Yes, I have a question of the sponsor.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Indicates she will yield.

6. SENATOR COFFEY:

7. If this amendment...is accepted by the General Assembly

8. and goes on the ballot, who would set forth the wording in that

9. amendment? For the ballot procedure?

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Netsch.

12. SENATOR NETSCH:

13. You mean who would describe...the...put the words on

14. the ballot itself, do you approve of the et cetera? Is that

15. the question? As I recall, it is the Secretary of State and...

16. no, I think it is the State Board of Elections that makes that

17. determination. If I am incorrect, I will be happy to stand

18. corrected on that, but I believe they are authorized by Statute

19. to phrase the way in which the proposition will be put on the

20. ballot.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator Coffey.

23. SENATOR COFFEY:

24. Well, I've been told that and I've also been told that

25. it's a special committee made up of the House and the Senate

26. which would draft this up with approval of the...of this Body.

27. I think the wording could be very important in...in a...

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Netsch.

30. SENATOR NETSCH:

31. I know that there are committees of the Legislature

32. which write the arguments for and against, which are then

33. submitted to the...the voters at large by requirement of

1. Statute. What I am trying to recall is whether, and I would
2. be happy to be helped by someone else who is more familiar
3. with that, whether the...we actually write the wording on
4. the ballot or not. And I'm reflecting back to a Session ago
5. when we did have the...the Veterans Exemption Amendment and
6. one other and I think maybe we did write the...the wording
7. on the ballot as well as the arguments for or against, Senator
8. Coffey. I'm not trying to be evasive, I'm just trying to
9. remember an accurate answer to your question.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Coffey.

12. SENATOR COFFEY:

13. Well, I...I just think it's...it's very important how
14. that wording is put forth on that ballot and I know at...at
15. some time in...in the past, there's been a...some amendments
16. on the ballot and they're quite misleading and you got to
17. vote No if you want to vote Yes and reverse and I would hope
18. that...that this Body has an opportunity to at least look
19. over that.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator Netsch.

22. SENATOR NETSCH:

23. I am being reminded by...messages passed to me from some
24. other members who recall, as I do, the experience a Session ago,
25. and I believe it is correct, Senator Coffey, that we do have
26. control of the wording on the ballot as well as the argument
27. for and against that goes out to the voters.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Davidson.

30. SENATOR DAVIDSON:

31. Mr. President and members of the Senate. Been one who
32. was opposed to Judicial Article in '64 and said, I want judges
33. to run for election like the rest of us. I guess this is a

1. case where I have to take a half a loaf when I can't get a
2. whole loaf. Or in John Knuppel phrase, this is a case where
3. I guess half pregnant counts. I've been against this so-called
4. merit, let's put it...correct terminology, appointed judges.
5. The fact that with the Regner amendment the Circuit judges
6. are now going to be subject to election as they should be,
7. though I'm going to lose the appointment of the Supreme
8. Court and Appellate judges. It's a fairly equal trade and
9. whenever I can get Dave Regner and the League of Women
10. Voters and Senator Netsch and Governor Thompson, all agreeing
11. on one subject, I know I've got to reconsider my position.
12. And I, for one, are going to say to my constituents who have
13. said I want those judges to run, I'm going to get half of
14. them to run if you vote to make this a Constitutional change.
15. And I'm going to vote Aye when it comes time to taking a vote.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Maragos. Senator D'Arco.

18. SENATOR D'ARCO:

19. Thank you. Will the sponsor yield for a question?

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. She indicates she will.

22. SENATOR D'ARCO:

23. Dawn, the...the commission is made up of...it's a bipartisan
24. Nominating Commission made up of lay persons and lawyers from
25. the judges' circuit. Is that correct? The district?

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Netsch.

28. SENATOR NETSCH:

29. Yes, each Nominating Commission is made up in part of
30. lawyers and part of nonlawyers and there is a separate
31. Nominating Commission for each Judicial district of which
32. there are five in the State and there will be, if the circuit
33. adopts merit selection, a Nominating Commission for each circuit

1. that does adopt merit selection. So there would be potentially
2. twenty-one Circuit Nominating Commissions, except I don't think
3. anyone realistically expects all twenty-one circuits to adopt
4. it.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. Senator D'Arco.

7. SENATOR D'ARCO:

8. Who appoints the members of the Nominating Commission?

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Netsch.

11. SENATOR NETSCH:

12. I...I reviewed that in my opening comments. The public
13. members, the nonlawyer members if you will, are appointed
14. by the Governor, by and with the advice and consent of the
15. Senate for six year staggered terms. The lawyer members are
16. elected by every lawyer who is authorized to practice law
17. with a principal...place of business in the particular Circuit
18. or Judicial district under rules to be determined by the
19. Supreme Court.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. Senator D'Arco.

22. SENATOR D'ARCO:

23. Who determines what criteria is used to decide who gets
24. to be nominated to the Governor's Desk as to who's going to
25. fill these vacancies or newly created offices?

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Netsch.

28. SENATOR NETSCH:

29. The members of the Nominating Commission are the ones
30. who review anyone who is either interested or solicited to
31. be a Judicial candidate and...determine the...those who are
32. best qualified and submit the three names to the Governor.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Senator D'Arco.

2. SENATOR D'ARCO:

3. I know they make the determination, but what criteria,
4. what standard do they use, to make this...do they use color?
5. I mean what if a man...what if a man is black? Could that
6. enter into their decision as to whether he's qualified or not?
7. Do they use a prior background as to how many cases the guy
8. tried, what type of cases he tried, how much money he made
9. as a lawyer, how much he didn't make as a lawyer? I mean
10. how are they going to decide who's best qualified?

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Netsch.

13. SENATOR NETSCH:

14. They will decide on the basis of merit according to their
15. best judgment without Constitutional standards being written
16. in.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator D'Arco. Senator Buzbee is reading his newspaper.

19. Senator D'Arco.

20. SENATOR D'ARCO:

21. I'm glad you used the word merit because now define for
22. me what you mean by merit.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Netsch.

25. SENATOR NETSCH:

26. I will...I will be happy to define for you what I mean
27. by merit, not everyone would necessary agree. It means
28. integrity, independence, a sufficient intelligence to be
29. able to read and apply the law, which means in effect, a...a
30. working knowledge of the law.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Senator D'Arco.

33. SENATOR D'ARCO:

1. You'd have them take an I. Q. test just to see if they're
2. intelligent enough to meet your criteria of what merit means,
3. Dawn. Senator Lemke was right, this is an elitist system
4. because the blacks are going to be thrown out of the system
5. because maybe all the blacks that are being prosecuted in our
6. system should be judged by black judges who understand their
7. problems more than white judges. But they're going...they're
8. not going to make color a criteria, they're going to determine
9. how his I.Q. is, does he have a hundred and twenty I.Q., a
10. hundred and thirty I.Q., is it...does he live on Lake Shore
11. Drive? Maybe that will be a criteria. Is he...is he...is he
12. belong to one of the big law firms? Maybe that will be a criteria.
13. Does he know...a Jenner and Block? Oh, that throws a lot of weight
14. on whether he'll be in Appellate Court or Supreme Court nominee
15. of the Governor. Who's b.s.'ing who, Dawn? This is an elitist
16. system. Let's tell the truth.

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18. Senator Egan.

19. SENATOR EGAN:

20. Thank you, Mr. President, members of the Senate. I find
21. it very interesting that the champion of nondiscrimination is
22. the chief sponsor of the most discriminatory piece of legislation
23. that I have witnessed since I've been here. As...you'll remember
24. from the amendments that failed, one of which was the mandatory
25. application of House Joint Senate Resolution 25 to the entire
26. State to each and every district in the State of Illinois as
27. is so clearly obvious and yet is so painfully hidden. This Joint
28. Resolution is aimed at one circuit, it's aimed solely at the
29. First Judicial Circuit, which we all know has more Democratic
30. judges than Republican judges because there are more Democrats
31. in the county. Those Democrats are not in line begging for
32. answers to questions on what they should do from those people
33. in our community in the First Judicial Circuit that do control

1. other than the votes of the people in that district. They don't
2. ask the news media what judges they want, but the news media
3. still wants that opportunity to be heard and to name the people
4. that will sit in judgment on cases which perhaps they may be
5. part of. The point I...I make is...is obvious, Ladies and
6. Gentlemen. From the vote that was taken on the mandatory amend-
7. ment, there's only one circuit in Illinois that's going to have
8. merit selection and that's the First Judicial Circuit. Now if
9. there's anybody here that wants to bet on that, I'd like to do
10. it because if this bill...if this resolution passes and does,
11. in fact, get on the ballot, there's only going to be one
12. Judicial circuit that will have the effect of the Constitutional
13. Amendment, that's the First Judicial Circuit, which is the County
14. of Cook. Now if that happens, it will set back the...the Judicial
15. Branch in this State long prior to Article VI. We'll have an
16. imbalance in the...in the...in the electoral system, we will
17. take away from the people that it applies to the right to name
18. their judges and hand it over to exactly what Senator D'Arco
19. avers to as an elitist group. It's the worst Constitutional
20. concept that I have seen since I have been here...and it is
21. the most discriminatory, Senator Netsch. And I...I must strongly
22. oppose it and feel sorry for the champion of antidiscrimination
23. to be its principal sponsor.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Senator Knuppel.

26. SENATOR KNUPPEL:

27. Well, finally by accident, we have the perfect Judicial
28. amendment. In the Constitutional Convention I was the first
29. to propose that Appellate and Supreme Court judges go on the
30. merit system and that we elect Circuit judges. That was not
31. adopted in the Constitution. There's very few people who know
32. anything about the ability of a Supreme Court candidate or an
33. Appellate Court candidate. But the people do know, at least

1. in downstate we know, what the qualities of the circuit judges
2. are. You will recall some time ago here we passed an amendment,
3. McBroom and Knuppel, to have the judges have to run against
4. each other and then somebody got to Representative, then Senator
5. McBroom, Alan Dixon I think was opposed to it, somebody got
6. to him and he came back in here in the fall and they took it
7. off the ballot. And I have...I have a judge...I went to a
8. Rotary meeting and...and I asked how many were in favor in
9. downstate Illinois of electing their judges, he happened to
10. miss that Rotary meeting that night. They voted unanimously
11. and he hasn't spoken to me since, in my circuit. I'll tell
12. you, for someone who's served in jail overnight for having
13. worn a turtleneck and someone who's twice had to reverse
14. the trial courts and the Appellate Court on contempt charges,
15. I...I like this idea of judges having to answer to the people.
16. And really, you know, I'd stand up here and argue for lawyers
17. sometimes, but if there's ever a cowardice situation,
18. it's when a lawyer confronts a judge. We're tigers every place
19. else, but here come the judge, we're all putty. You know, these
20. lawyers will tell you how brave they are and what's wrong with
21. the judge in a corridor, but boy, when that judge shows up
22. in court, you know everything he says is great. So, I think
23. this is a perfect situation. The people can decide, the people
24. can decide whether they want to elect their judges or select them
25. in the circuits. The Appellate and Supreme Court judges should
26. be on a merit system. They should be free of political pressure
27. so that when I go to that...Appellate Court with my next...contempt
28. citation, I know that man's not going to be pressured by somebody
29. else or the judges or some political party to...sustain that
30. elected judge. I want somebody, that's the court of last resort,
31. really, for many of us. I want somebody that's free of...of the
32. pressure of the lawyers. And you know something, I'm glad that
33. there's more than one, I applauded when she said there's more

1. than one...one more majority of laymen. She may recall that I
2. sponsored the...the Judicial Inquiry Board, composed entirely
3. of laymen because lawyers are afraid of judges. It's all
4. right if it's a majority, it's all right if it's a majority,
5. it's the people speaking because as I say, if it's all...if it's
6. all just lawyer politics, if the lawyers are going to select the
7. judges, you're just going to substitute Democrat and Republican
8. politics for Bar...Association politics. And so, by some strange
9. coincidence, you know, we started for a Judicial Amendment I
10. couldn't have supported, but Senator Regner put it in there
11. the way the people in downstate Illinois want it. To elect
12. their judges, to make them answerable to their people and I
13. say to you, by consequence, we now have what is the perfect
14. Judicial Article.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Senator Nedza.

17. SENATOR NEDZA:

18. Thank you, Mr. President. Ladies and Gentlemen, we're
19. dealing in semantics, we're calling it merit, we're calling
20. it elitist, we're calling it everything, with the exception
21. of one point that we seem to forget is that presently the system
22. that we have now, the judges are selected by the political
23. entities, being the Republican Party, the Democratic Party.
24. Once those individuals are selected by the respective political
25. entities, their names are submitted to a variety of Bar
26. Associations and who judge these individuals, which to me is
27. the finest inquiry board that you can have, because they're
28. coming there without being presented by some large law firm,
29. which would have a great deal of lawyers voting for specific
30. individuals who would be sitting in the chairs of responsibility
31. in these Bar Associations. Then once that process is concluded,
32. then the electorate have the opportunity of selecting these
33. people. If you take that process away, under any guise, I

1. think we're making a bad mistake.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Collins. Senator Washington.

4. SENATOR WASHINGTON:

5. Mr. President, I...I think Senator Netschwas correct in
6. conceding in the beginning that this was not really merit
7. selection, it's just a form of selection. I've had trouble with
8. the so-called merit bills in the past because of the concept
9. of elitism and I always was struggling to find a formula
10. which I thought would be a fairer formula to avoid the hazard
11. of a group of people with highfalutin' ideas and as D'Arco says,
12. with I.Q's of a hundred and twenty who would insist that that
13. same standard be invoked on all judges. It is an elitist system
14. and I think that should be confessed up front. On the other
15. hand, the present system is also elitist. I was intrigued with
16. Mr. Nedza, Senator Nedza's remarks relative to the openness
17. and the fairness of the screening process, particularly within
18. Cook County as to how judges are eventually selected by the party
19. and just placed before the people on a more or less, almost a
20. plebiscite. It is not a screening process. It is only dealt
21. in by the annointed, unless you are a Democratic Ward Committee-
22. man in the City of Chicago, you don't have any meaningful input
23. into who is going to be your judge. When vote upon them, you're
24. voting upon the selection of a Democratic process, which based
25. on my experience of many years in Chicago is not Democratic
26. at all. It's just the contrary as a matter of fact. So both
27. systems in my opinion fall short of the mark. There have been
28. illusions to the fact that blacks would suffer under this system
29. and I...I was deluded into thinking that for some time. I'm
30. pessimistic enough to think that we're going to suffer for
31. some time under any system we devise. But truly the system
32. in the City of Chicago and the County of Cook is corrupt, it's
33. unfortunate, it's debasing the procedure that prospective

1. judges must go through in order to present themselves. They
2. have to declare allegiance in their BVD's at four o'clock
3. in the morning facing toward city hall or they won't even
4. be considered and this to me is demeaning, ab initio, before
5. they even start. I don't have any real strong feelings or
6. ...optimistically about what this bill would do but I think
7. it's a reasonable substitute. I think merit system or whatever
8. we call it...it's time has come and I think we should make
9. it clear to people, and they're screaming about the caliber
10. of judges, that we are presenting to them a choice of
11. determining whether or not they want the same system, which
12. I maintain is corrupt, or opting for another system which
13. at least might be better because it's different. This has
14. been a laborious process for me, coming to this conclusion
15. because the Cook County Bar in Chicago, which I am a member,
16. has been strongly opposed to it. But unfortunately the Cook
17. County Bar is also replete with presidents who want to be
18. judges and they haven't given the kind of guidance to that
19. agency which I think that...that organization which I think
20. they deserve. So I'm going to discard their position and go
21. back and debate hotly with them as to why I voted for this
22. bill. And I'm simply going to tell them that the present
23. system in Cook County is so corrupt, so debasing and so replete
24. with one ethnic group's domination that black people in Chicago
25. are simply gaining peanuts from the process that they have
26. and I'm going to vote to let them have a choice of determining
27. whether or not they want a new system. So I'm going to vote Aye.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29. Senator Rock.

30. SENATOR ROCK:

31. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
32. Just a couple of observations. The debate has been long and I
33. will suggest to you that the question of Judicial selection has

1. been argued since the founding of the Republic. And a couple
2. of hundred years ago, we, as a people decided that the will
3. of the majority should rule, the people's will. Now the
4. arguments are both contentious, controversial and certainly
5. in Senator Washington's case, inaccurate. But those who advocate
6. change have preempted the semantics, their cause is merit. And
7. those of us, either by implication or perception, who advocate
8. the popular election, therefore advocate something suggested
9. to us by the media, at least, something less than merit, less
10. than meritorious. I will suggest to you, as I strongly oppose
11. the adoption of this resolution, that no one, Democrat, Republican,
12. black, white, lawyer, laymen, wants less than qualified competent
13. people elevated to the office of judge. So we are all, to a man
14. and to a woman, in favor of a merit plan of selection. The
15. ultimate fundamental question here is popular election versus
16. appointment, by a group of aristocrats. A group, if you will,
17. of thoroughbreds who represent the big law firms and the bar
18. Associations and the banks and the financial institutions and
19. yes, the media. The editorial writers want to say who is going
20. to judge us and them. The other two Constitutional branches of
21. our government, both of which I suggest to you work pretty well,
22. are elected by the people. And I strongly suggest, so should
23. the Judicial Branch. We, in the State of Illinois, have I...I
24. think, a high quality judiciary. We, as a people, spend on an
25. annual basis, seventy million dollars for our court system.
26. And with that we sustain a Supreme Court elected by the people
27. composed of seven men, three hundred Appellate Court judges,
28. six hundred Circuit Court judges and roughly six hundred Associate
29. judges, all across this State. All of whom, with the exception
30. of the associates, having been elected by the people of our
31. State. I suggest to you, Ladies and Gentlemen, the system does,
32. in fact, work, and the people have a direct voice in our system.
33. Don't take it away from them. Please vote No.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Further discussion? Senator Walsh.

3. SENATOR WALSH:

4. Mr. President and members of the Senate. Just briefly,
5. in support of the adoption of this amendment, I would like
6. to observe that two referenda must take place before the
7. appointment of circuit judges would...would occur in any
8. circuit. First, this Constitutional Amendment must be
9. adopted by the people in November and second, there must
10. be a...a second referenda in the individual circuit before
11. we would have appointment of judges for that circuit. So I
12. don't know why we should fear the will of the people. I think
13. we should give the people an opportunity to express themselves.
14. With the amendment put on by Senator Regner, we will have true
15. election of all circuit judges at the circuit level because
16. retention has been abolished. So, we're right back to where
17. we were, back prior to the...retention amendment being put on
18. back in 1964 unless the referenda in an individual circuit
19. were be adopted. So, I do not fear the will of the people.
20. I think this is a good proposal and I urge your support.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Daley.

23. SENATOR DALEY:

24. Mr. President and fellow Senators. I think Senator Walsh
25. has stated it, succinctly, in regards to the will of the people.
26. The right to, first of all, a State-wide Constitutional Amend-
27. ment, and secondly a...a...a right to adopt it in another election
28. in a Judicial circuit. I think it's the will of the people, we
29. should give this option to the voters of each Judicial circuit
30. in the State of Illinois.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Further discussion? Senator Netsch may close.

33. SENATOR NETSCH:

1. Thank you, Mr. President. Rather than answering all of
2. the points that have been raised, let me just make three of
3. my own. First of all, the merit selection similiar to that
4. which we are proposing today, has been tried and tested in
5. many other jurisdictions. It has worked extremely well, no one...
6. no jurisdiction that has adopted it has ever revoked it.
7. Secondly, there is an extremely broad base of support for
8. merit selection throughout the length and breadth of the State
9. of Illinois. And finally, this is a very different proposition
10. from the one previously voted on. What we are asking you, is
11. please give us a chance to...to submit it to the voters again,
12. give the voters a chance to express their opinion.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. The question is shall Senate Joint Resolution 25 pass
15. and be approved. Those in favor vote Aye. Those opposed vote
16. Nay. The voting is open. Have all voted who wish? Have all
17. voted who wish? Have all voted who wish? Take the record.
18. On that question the Ayes are 36, the Nays are 21, 1 Voting
19. Present. Senate Joint Resolution 25 having received a three-
20. fifths Constitutional majority is declared passed. For what purpose
21. does Senator Rock arise?

22. SENATOR ROCK:

23. I request a verification of the affirmative vote.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. There's been a request for a verification of those who
26. voted in the affirmative. Will the members please be in their
27. seats. The Secretary will read the affirmative votes and under
28. our rules, the members are to answer to their names when called.
29. Secretary will call those who voted in the affirmative.

30. SECRETARY:

31. The following voted in the affirmative: Becker, Berning,
32. Bowers, Chew, Coffey, Collins, Daley, Davidson, DeAngelis, Demuzio,
33. Friedland, Geo-Karis, Gitz, Grotberg, Johns, Jeremiah Joyce,

1. Keats, Knuppel, Maitland, Martin, McMillan, Mitchler, Netsch,
2. Nimrod, Ozinga, Regner, Rhoads, Rupp, Sangmeister, Schaffer,
3. Shapiro, Sommer, Walsh, Washington, Weaver, Wooten.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Rock, do you question the presence of any member
6. who voted in the affirmative? On a verified roll call, there
7. are 36 Ayes, 21 Nays, 1 Voting Present. Senate Joint Resolution
8. 25, having received the affirmative vote of three-fifths of
9. the members voting is declared passed. What purpose does
10. Senator Newhouse arise?

11. SENATOR NEWHOUSE:

12. Mr. President, I'm completely embarrassed, I was off the
13. Floor for about two seconds when that vote came up and I was
14. sitting here holding my breath to see if that roll call would
15. be verified, but I'd like for the record to be shown as Aye.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. To show what, Senator Newhouse?

18. SENATOR NEWHOUSE:

19. I...I wanted to vote Aye on that bill.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. The transcript will so show. Senate Joint Resolution 56,
22. Senator Rock, did you wish? May we have some order, please.

23. Senator Rock. Any further business? Senator Rock.

24. SENATOR ROCK:

25. Yes, we are obviously late for the heavy...heavily
26. scheduled committees. We have Executive Appointments, we have
27. Cabinet officers waiting to be advised and consented to. I
28. would suggest that those motions to discharge, which a number
29. have been filed, merely be journalized and they will show on
30. tomorrow's Calendar. We can take that up at that time. And I
31. would move that we stand adjourned until noon tomorrow.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. What...purpose does Senator Bloom arise?

1. SENATOR BLOOM:
2. Well I'd...I'd like to object. We have a...at least pursuant
3. to Rule 10...SJR, a Constitutional Amendment that has...we would
4. like to have a hearing on. It has not...not had a hearing on it.
5. It's languished for some time. We'd like to get it out on the
6. Calendar so that we could, at least, take that matter up tomorrow.
7. Because there's only about ten or twelve days left before the
8. drop date for Constitutional matters.
9. PRESIDING OFFICER: (SENATOR BRUCE)
10. Senator...
11. SENATOR BLOOM:
12. Just like it out on the Calendar.
13. PRESIDING OFFICER: (SENATOR BRUCE)
14. Well, the...the motion is to adjourn and the motion has
15. been put...Ag Committee meeting immediately after Session.
16. Senator Vadalabene.
17. SENATOR VADALABENE:
18. Yes, President Rock has indicated rightly, the...the
19. Committee on Executive Appointments is meeting immediately.
20. It won't take long as you well know, so get down there right
21. away and I'll get you out of there right away.
22. PRESIDING OFFICER: (SENATOR BRUCE)
23. Senator Chew.
24. SENATOR CHEW:
25. Would I be in order, I've talked to the President on this
26. to waive a Six Day Rule on setting a hearing on a resolution?
27. Senate Executive Committee and the Chair has a...
28. PRESIDING OFFICER: (SENATOR BRUCE)
29. Well...well the motion before...the only thing we're doing
30. right now is taking announcements, Senator. The motion...
31. SENATOR CHEW:
32. That's why I asked, would I be in order?
33. PRESIDING OFFICER: (SENATOR BRUCE)

1. You would be out of order.

2. SENATOR CHEW:

3. Thank you.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. For what purpose does Senator Davidson arise?

6. SENATOR DAVIDSON:

7. ...Remind all those who have not contacted me who do

8. want a ticket for the Governor's Prayer Breakfast, please

9. see me yet today or tomorrow. Because after tomorrow

10. afternoon, all the reserved seats down front held for Senators

11. and Representatives are going to be turned loose. So don't

12. come asking and crying to me next week.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. The motion is to adjourn until noon, Senator Rock? Noon.

15. The motion is to adjourn. All in favor say Aye. Opposed Nay.

16. The Ayes have it, the Senate stands adjourned until noon on

17. ...Thursday, April the 24th.

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