

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the gallery please rise? Our prayer today will be given by Reverend Gerry -- Gerry Comstock, United {sic} (Unity) Church, Springfield, Illinois. Reverend Comstock.

THE REVEREND GERRY COMSTOCK:

(Prayer by the Reverend Gerry Comstock)

PRESIDENT PHILIP:

Please rise for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Tuesday, April 16th, 1996.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Mr. President, I move that the Journal just read by the Secretary be approved, unless some Senator has some additions or corrections to offer.

PRESIDENT PHILIP:

Senator Butler moves to approve the Journal just read. There being no objections, so ordered. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Wednesday, April 17th; Thursday, April 18th; Friday, April 19th; and Monday, April 22nd, in the year 1996, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

of the Journal, pending the arrival of the printed transcript.  
There being no objection, so ordered. Resolutions.

SECRETARY HARRY:

Senate Resolution 193, offered by Senator Demuzio.  
It's a death resolution, Mr. President.

PRESIDENT PHILIP:

Consent Calendar.

SECRETARY HARRY:

Senate Resolution 194, offered by Senator Hendon.  
And Senate Joint Resolution 92, offered by Senator Lauzen.  
They're both substantive.

PRESIDENT PHILIP:

May I have your attention, please? We have a special guest here today, so I'd like to turn the Podium over to Senator Luechtefeld for the purpose of an introduction. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Mr. President and Members of the Senate, I have with me today a young man from DuQuoin High School. He was chosen as the YMCA Youth in Government Governor of the State of Illinois. I've known this man now for a couple of months, and he's an impressive young man. Like to introduce him to the Senate today, and have him say a few words. Name's Ike Minton.

MR. IKE MINTON:

(Remarks by Mr. Ike Minton)

PRESIDENT PHILIP:

...Bills 1st Reading.

SECRETARY HARRY:

House Bill 17, offered by Senator Syverson.

(Secretary reads title of bill)

House Bill 1476, offered by Senators Weaver and Rauschenberger.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

(Secretary reads title of bill)

House Bill 2412 is offered by Senator Parker.

(Secretary reads title of bill)

House Bill 2421, Senator Peterson.

(Secretary reads title of bill)

House Bill 2632, presented by Senators Rauschenberger and Karpel.

(Secretary reads title of bill)

House Bill 2737, offered by Senator Watson.

(Secretary reads title of bill)

House Bill 2751, by Senator Weaver.

(Secretary reads title of bill)

House Bill 2859 is presented by Senator Watson.

(Secretary reads title of bill)

Senator Fitzgerald offers House Bill 2900.

(Secretary reads title of bill)

House Bill 3204, by Senator O'Malley.

(Secretary reads title of bill)

House Bill 3283, Senators Trotter and Smith.

(Secretary reads title of bill)

House Bill 3380, offered by Senators Philip and Rauschenberger.

(Secretary reads title of bill)

House Bill 3414, presented by Senator Parker.

(Secretary reads title of bill)

Senator Petka offers House Bill 3448.

(Secretary reads title of bill)

House Bill 3694, by Senators Rauschenberger and Donahue.

(Secretary reads title of bill)

House Bill 3695, by Senators Rauschenberger and Donahue.

(Secretary reads title of bill)

House Bill 3696, by Senators Rauschenberger and Donahue.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

(Secretary reads title of bill)

And House Bill 3698, by Senators Rauschenberger and Donahue.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

On a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR DEMUZIO:

Well, it's my understanding that yesterday one of our Members on this side of the aisle had a -- had a birthday, and apparently it was her twenty-ninth. She indicated that -- to me yesterday, she was going to be staying home all day, but I think she went to the office and then perhaps played golf. I noticed last night I called her to wish her happy birthday, and she was screening the phone calls. She wouldn't take the call until she knew it was me. So today is Evelyn Bowles' twenty-ninth birthday. I'd like to have the Members to recognize that. And, also, there is a cake that's on the Democrat side of the aisle in the front that I'm sure everyone would be welcome to -- to have a piece, and let's welcome Evelyn -- Evelyn Bowles for her successful twenty-ninth birthday.

PRESIDENT PHILIP:

Congratulations, Senator. And have another wonderful twenty-nine years. Senator Maitland, for what purpose do you rise?

SENATOR MAITLAND:

Well, thank -- thank you -- thank you very much, Mr. President and Members of the -- of the Chamber. By the same token, one of our very distinguished Senators is having a birthday. She happened

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

to have had hers yesterday. Senator Laura Kent Donahue had her...(inaudible)...birthday yesterday, and I understand there will be cake available for -- in recognition of her birthday as well, Mr. President. So, would everybody please wish Senator Donahue happy birthday?

PRESIDENT PHILIP:

Happy birthday, Senator Donahue. Another great twenty-nine more years. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes. Thank you, Mr. President. A point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR WATSON:

In the gallery behind us, I have a group of ladies from Fayette County that represent the Hazel Watson Republican Organization in Fayette County, and Betty Schaab is -- and their group are with us today. And I'd like for them to stand and be recognized, and welcome them to Springfield.

PRESIDENT PHILIP:

Would the ladies please be -- rise and be recognized by the Senate? Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, on a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR GEO-KARIS:

I want to thank Governor Edgar for declaring Lake County, yesterday afternoon, as a disaster area, because we were hit by the tornados, and finally, the National Science Foundation, or whatever it is, declared that it was a tornado. First they said

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

it was a windstorm, and it wasn't a windstorm. They'd have to believe in the tooth fairy, if they thought it was a windstorm. I had two trees completely uprooted - they were about eight feet in diameter - in the backyard. Landed on my house. I saw other devastation, and I want to thank Governor Edgar for declaring Lake County as a disaster area, and thank Representative Churchill for his cooperation. And, also, I'd like to thank Treasurer Judy Topinka who came to Zion area yesterday and surveyed the devastation herself, and who's making twenty-five million dollars available to the whole State for the disaster areas. And I'd also like to thank John Mitchell and Mr. Coble from our State Emergency Disaster Area {sic}, who were very prompt in sending people down to survey the damage. In addition, I would like to alert the insurance companies, who have adjusters, that their adjusters, most of them, would not go into Zion or other areas till Monday. The devastation took place Friday night. We had no telephones. We had no power. And I would like to alert those insurance companies to get their adjusters to act expeditiously, because when you don't have power or telephones and can't get in touch with anyone, it's a very harrowing experience. But, again, I thank the Governor for all his efforts in our behalf.

PRESIDENT PHILIP:

Senator Donahue, the birthday girl. Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I would like to request a Republican Caucus immediately in Senator Pate Philip's Office. Immediately.

PRESIDENT PHILIP:

That request is always in order. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Thank you, Mr. President. Purpose of an announcement. There

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

will be a Democratic Caucus immediately in Senator Jones' Office.

PRESIDENT PHILIP:

Thank you. I'm assuming we will be back here no later than 11:30. Senate will stand at ease, for the purpose of two caucuses.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will please come to order. We're going to do a little paperwork up here, but we -- intention is, in the next ten or fifteen minutes, to go to Constitutional Amendments. So, I hope everybody that hears my voice would come out of their office and come upstairs to the Floor of the Senate. Resolutions.

SECRETARY HARRY:

Senate Resolution 195, offered by Senator Parker and all Members.

And Senate Resolution 196, offered by Senator Karpziel and all Members.

They're both death resolutions, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. ...Bills 1st Reading.

SECRETARY HARRY:

House Bill 2592, offered by Senator Dudycz.

(Secretary reads title of bill)

House Bill 3157, offered by Senator Weaver.

(Secretary reads title of bill)

Senator Butler offers House Bill 3193.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

(Secretary reads title of bill)

House Bill 3658, Senator Sieben.

(Secretary reads title of bill)

And Senator Dudycz offers House Bill 3668.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

Page 8 of today's Calender on the Order of Constitutional Amendments 3rd Reading. Senator Watson, do you wish to call Joint Resolution -- SJR 3? Mr. Secretary, read the resolution.

SECRETARY HARRY:

Senate Joint Resolution No. 3, Constitutional Amendment, as amended by Senate Amendment No. 1.

(Secretary reads SJRCA No. 3, as amended)

3rd Reading of the resolution.

PRESIDENT PHILIP:

WAND Channel 17 has asked permission to film. Is leave granted? Leave is granted. Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. And just to point out to the Membership, that this is SJRCA 3. Now, I know that there may be some confusion on this because most of the mail and resolutions and phone calls you've been getting from those individuals at the local level and in your educational school system have identified this as SJRCA 76. Well, because of a -- a parliamentary problem, we had to amend the contents of 76 onto this particular constitutional amendment. So, this is -- what we're debating on SJRCA 3 is actually what was in 76. So, just so we make that straight. This is the mandate legislation. This is the constitutional amendment dealing with unfunded mandates. Just to give you a little history on this and how we've got to this particular point: When I first got elected into the Illinois



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

House in 1978, this issue was before us, as it had been for years before that. And I recall in 1981, my second term in the Illinois House, House Representative "Bus" Yourell was the sponsor of the unfunded constitutional amendment Statutes on -- on mandates, and -- although it was not a constitutional amendment - I beg your pardon - it was a Statute. And we thought at that time, and I think many people at the unit of local government level felt that this was going to solve the problem. Well, as we've known now for several years, that this has not solved the problem. It's only been since 1982 when I came over here, Prescott Bloom then -- the -- the late Prescott Bloom from Peoria sponsored the constitutional amendment similar to what we have here today. At a later point in time, I became the sponsor. And each year and each Session we've debated this, and we've gotten close over the years in, hopefully, what I think is solving some of the problems - financial problems - at the local level of units of government and in our schools, and that's the underfunded mandates that we dictate onto them. The Illinois Municipal League, to their credit, this past July asked our Leaders - Senator Philip, Senator Jones - and the two House Leaders to appoint Members to a committee - a task force. And from this particular Chamber, those that were appointed were myself, Senator Klemm, Senator Fitzgerald, Senator Severns, Senator Trotter and Senator Jacobs, and then from the House, Representative Churchill, Black, Murphy and Representatives Granberg, Brunsvold and Novak. And we were all appointed to meet with other members from various units of local government to sit down and try to come up with language - a constitutional language - that would meet many of the political objections that we've had in the past and still accomplish what we wanted to do, and that, of course, is limit unfunded mandates. We held some eight different meetings from July to just this last several weeks, discussing this issue, and we've come up with the language that

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

you have here before you. As you may recall, in 1992 the General Assembly put a question - advisory question - before the electorate in regard to their attitude - that being, the voters of Illinois' attitude - about unfunded mandates, and that was in 1992. And the electorate responded with an overwhelming support of the -- the -- the concept that was present on the ballot at that time. Over eighty percent of the people voted that we should limit mandates of some sort. So, we come today to you in hopes of securing your support for this later -- this latest effort. What we have here today is a constitutional amendment that contains language that will also include local units of government and school districts. As you know, in our current Constitution, it -- it separates education and school districts from units of local government. So we have identified that both units of local government and school districts will be affected. This mandate question -- what is this -- what is this issue of mandates and what will this do? Basically, all this does is say that we are going to raise the threshold by which we will pass a mandate onto a unit of local government and to our schools. We will raise that threshold from a simple majority to three-fifths. The language in here is three-fifths vote. That's basically all this does. However, there are some exceptions, and those exceptions include if, in fact, that mandate is funded. And we all feel that if we're going to dictate policy - most of us do - that if we're going to dictate policy back to a unit of local government, that we should fund it or it shouldn't be required. We've all made statements to that effect, in some way or another. So, this says that we will require funding. If funding's not there, then three-fifths vote is required. If there is a federal or State court order or a federal mandate onto the State of Illinois which ultimately must be passed on to that unit of local government or to that school district, that would be exempt. And what happens

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

when it's exempt? It means that it just takes a simple majority, not the three-fifths. If we want to expand or define a particular crime. Due process was something that many Members of this Chamber had problems with during this last debate, a couple of years ago. We've exempted that from this. What does that do? That means that it only takes a simple majority, and we can pass that mandate onto a unit of local government dealing with due process, not the three-fifths. And this does not have any impact or limits the ability of the local unit of government or school district to raise revenue. Now, there's been concerns over the past about how this -- this proposal would impact the ability of school districts or counties, and townships, and municipalities to raise revenues. We can impose tax caps. We can -- the homestead exemption issue, the circuit breaker are all issues that are not impacted by this particular Constitutional Amendment. And one thing that many people and our friends in labor brought to us last week, and we've heard from others, as to how does this affect legislation that's gone before this? In other words, how does it affect that? This does not have any impact. It only has impact on those pieces of legislation that are passed after November 5th, 1996. Mr. President, I think that this is a reasonable solution and proposal to solving a problem that has created fiscal necessities at the local level to raise property taxes, to raise revenues in some manner, and I think that this deserves the consideration of the -- the Illinois Senate. And I appreciate your -- the opportunity to answer any questions.

PRESIDENT PHILIP:

Further discussion? Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Question of the sponsor, please.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

PRESIDENT PHILIP:

Indicates he will.

SENATOR JACOBS:

Senator, just so we make it clear, because I think that too often we get into dialogue that sometimes is not understandable. Let me just ask a couple questions straightforward. If a mandate is to be passed without the State paying for it, we must pass it with thirty-six votes; however, we can still pass a mandate with thirty votes, as long as we pay for it. Is that correct?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes, that is correct.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

The -- one of the questions, and you alluded to it a little bit earlier in your opening remarks, comes in the area of some of the questions such as prevailing wage and -- and those areas, to where there is a feeling from many of our labor friends that to do that, we will effectively be destroying the prevailing wage. What is your opinion on that?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

My opinion, Senator, is this does not impact prevailing wage. That was passed before the November 6th, 1996 prospective language of this Constitutional Amendment.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Ladies and Gentlemen of the Senate.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

To the bill: Is this a perfect amendment? No, it's not, and I think, Senator Watson, you and I both sitting on that committee know that there are still -- excuse me -- still some areas of concern, one of those areas being the difference between the funding methodology with local governments. And if we do pass a mandate that is funded by the State, whenever we do it for local government, they have set dollars, and the dollars then that we -- we would pass by a funded mandate would be a separate line item with a separate appropriations bill. That's easy. The hard part comes whenever we talk about education. When we come to education, we run into the problem of what I call "the lottery syndrome," to where we will put in money at the top for an unfunded -- for a funded mandate - put the money in at the top - and take it out of the Education Fund at the bottom. That's a very genuine concern. It's one that I hope that we will address whenever we -- if this bill does pass and is approved by the people of the State of Illinois. But this bill did, as you indicated, Senator, receive over eighty percent of the voters' approval in a nonbinding referendum a couple of years ago. It is for that reason that I ask for a Yes vote on a bill that I think is a vote for the people. Thank you.

PRESIDENT PHILIP:

Senator Collins. Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President. I have a few question of the sponsor, also. Senator, I want you to walk us through this again. Let's assume that -- let's hypothetically say that in order for us to revise the school aid formula, to make it equitable and fair, which I think everybody in this State, every school district, over the years, have recognized that there is a serious need to do that and there are a lot of inequities when it comes to adequacy in -- of funding schools and equity throughout the State, and let's just

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

assume that it will cost us five hundred million dollars to do it, or two hundred million. And the bill passed by thirty votes in the Senate and House - thirty votes. And let's assume now, because I'm -- I'm sure that if you're going to pass 3, you are going to pass Senate Joint Resolution 18. 18. I want you to have -- it is so important to think of these two together, because on 18 now, you said that in order to increase revenue - sales taxes or income taxes - it follows the same course: You must have three-fifths votes. So now, let's assume that you got thirty votes to revise the formula and you only got thirty votes to raise the income taxes to pay for the needed money to revise the formula to meet the test of equity -- equity and adequacy. How, then, will we move to refund education in the State of Illinois?

PRESIDENT PHILIP:

Senator Watson. I guess that's a question.

SENATOR WATSON:

Well, Senator, this has absolutely nothing to do with the mechanism by which we fund schools. This is -- funding schools would not be interpreted as a mandate under this particular Constitutional Amendment. As a result, the methods by which we do that would simply be up to the majority of the Membership of the House and the Senate and, hopefully, the signature of the Governor. This would not impact that.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Senator, how can you say that this has nothing to do with how we fund school districts? This is a mandate. School districts are included in this mandate bill. Right? It applies to local school districts so that anything we do in relationship to schools, and -- be it funding or otherwise, it would still have to have -- go through this same process. And, see, that's something

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

that hasn't been thought out here, and that's why I tried to propose the amendments that will eliminate school districts from this bill, because of the complications in -- that's involved in this whole process of us trying to come up with the right kind of formula and the funding mechanism to fund education in the State of Illinois. The other thing that -- that the proponents talk about that the -- the necessity of doing this is a referendum that was passed in 1992. And, yes, and it should have. But that referendum was about mandates on local units of government, not school districts. It was not a problem. It's something that we ought to eliminate. It should be separate from this particular -- from school districts, because there is a tremendous problem. And then complicating this problem, you've got the resolution on 18. And for you to stand there and say that it has no impact, you're not thinking; you're not looking at what you're doing here. There is no way that we can revise the school aid formulas without additional revenue, and then there's no way for us to do that without raising or coming up with some other revenue enhancers. And you would have to have thirty-six votes to do it. It makes no sense. While I am not opposed -- I am opposed to us inflicting mandates on local units of government and school districts, the practical reality is, you cannot deal with the school districts at this time. You have to deal with the local units of government, and that's how we should deal with it. For that reason, I'm going to vote Present.

PRESIDENT PHILIP:

Senator Luechtefeld, for what purpose do you rise?

SENATOR LUECHTEFELD:

For a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR LUECHTEFELD:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

I have in the balcony over here on the other side of the aisle the Freeburg Junior High -- St. Joseph's Grade School, 6th, 7th and 8th grade, over here on the left.

PRESIDENT PHILIP:

Would they please rise and be recognized by the Senate?  
Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in opposition to this proposed constitutional amendment. Deja vu, Senator Watson. I think we had this similar debate a couple of years ago when you had a -- a similar amendment. Ladies and Gentlemen, let me tell you why I oppose this. I'm -- I'm elected every election that I run by a majority of the two hundred thousand people that I represent. They send me down here with the general idea that I reflect their desires and that when there's a majority of Senators of the Democratic Party or a majority of Senators of the Republican Party, the majority is going to prevail in the decision-making process. This bill gives control to policy making to the Minority, because when we decide that something ought to be done at a local level or at the school board level, it's not going to be decided by thirty votes; it's going to be decided by six votes that may or may not be in the Majority Party. That is a unique departure from the process that we follow in this Body. And I would suggest to you that the need for that unique departure isn't justified by most of the bills that would fall under this kind of an amendment. And what we are, in fact, doing is handcuffing ourselves to a process where many, many bills - I was going to say majority, but I won't say that - many, many bills are going to have to have either a three-fifths vote to pass or an accompanying appropriation to pay for it. Now, I know that many of us have been lobbied by our local public officials and the Municipal League that have urged that this be adopted, but I think



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

that if you stop and think - and I think many of you have done this - if you ask that local public official, "Tell me the mandate that really gets you outraged, that is a -- the heart of why you think this has to be adopted," most of the time you won't get an answer. It's like apple pie and motherhood. Unfunded mandates are terrible, until it's important to your voters or to your constituents, and then it's -- then it's not an unfunded mandate; it's the will of the people. But you're not going to be able to differentiate those if we adopt this amendment. I would also point out that this is probably - it should be - the Bar Association's number one priority, because this will create more litigation than we've ever seen involving any kind of legislative action because everything is going to be contested regarding its position as a mandate and whether it's unfunded or not. I would also point out to you that if we're going to be honest in this approach, what we ought to do is tomorrow, if this bill passes, introduce a bill to eliminate local municipalities' share of the State sales tax, because that is a State fund that we give to local communities without strings attached. We ought to take that money back and use it to fund the things that we want the local municipality to do. I would also point out that regarding school districts, there has been an effort, for example, in the Ikenberry Commission to reduce the number of categorical funding mechanisms. This bill is going to increase the number of categorical funding mechanisms, because every time we decide that a local school district has to do something, we're going to have to create a special categorical fund to do it. So we're going to have to substantially reduce or, perhaps, even eliminate general State aid and make them categoricals, to fund all of the mandates that you and I and our voters think ought to be passed regarding State policy as it affects local districts. Putting all of these things together, this is a wonderful one-liner, but it ain't going to

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

work. I urge a No vote.

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Question of the sponsor.

PRESIDENT PHILIP:

Sponsor indicates he'll yield. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Watson, are nonelective local governments covered under this mandate - for example: sanitary districts, airport authorities, those level of local government that aren't elected by the people and, therefore, are not closer to the people than we are?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

The response to that, Senator, would be if they are defined as a unit of local government, yes, in fact, they will be.

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

So, this -- this amendment covers more than just those local governments that, arguably, are elected closer to the -- to the electorate than we are?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes, that would be the case, I would assume, if they are, in fact, appointed. Some are, actually, even elected. If they are a unit of local government defined, yes, they would be impacted.

PRESIDENT PHILIP:

Senator Rauschenberger.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

SENATOR RAUSCHENBERGER:

Senator Watson, I know the -- in serving on Education -- on the Education Committee and -- and your work -- fine work as Chairman for many -- for two years before that, I know that you realize that one of the most controversial and difficult bills that we passed in the Legislature in a long time was Chicago school reform. Can you honestly tell this Body whether -- if we had passed this amendment before Chicago school reform, would Chicago school reform be a reality today?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Well, I would assume that it would have taken thirty-six votes to pass that. That would have been probably determined to be a -- a Mandates Act would -- would apply. So it would probably take the thirty-six votes.

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Watson, based on your recollection of the Body's support of the Chicago school reform, you -- you'd have to agree that there wouldn't be no -- we would not have passed Chicago school reform if we would have had this Constitutional Amendment passed before.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

I think if we voted on it today, it'd get fifty-nine votes, but, unfortunately, at the time of the debate, I'm not sure what the roll call totally was, but it was not thirty-six. It's totally speculative. We have no idea, looking in hindsight, as to how that would have been impacted.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Watson, in your reading of the amendment, would you agree that for the Chair to make a ruling on whether a bill would require thirty-six votes, the bill would have to be preceded by an appropriation bill?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

If, in fact, that's an exemption, that would be used for the -- three-fifths determination, the answer to that would be yes.

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

So then, in effect, since Member appropriation bills are certainly not the practice and would be -- as Chairman of Appropriation, I can tell you would be a fiscal nightmare for us to try to track all during Session bill action on -- on companion appropriations, you would agree that what we're really doing in this -- this Constitutional Amendment is elevating all local governments, elective and nonelective, to the same special status that we've conferred on home-rule communities under the Constitution?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Only in the area of mandates would that take effect.

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you for the clarifications. Appreciate it.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

PRESIDENT PHILIP:

Senator Jones. Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Will the sponsor yield?

PRESIDENT PHILIP:

He indicates that he will. Senator Jones.

SENATOR JONES:

Senator Watson, when you deal with local units of government, especially the small municipalities, villages throughout the State of Illinois, and as it relate to police and fire, say, a pension benefit, a pension benefit that in the past we have not passed on anything unless they agreed to it. So, how would it impact if the Municipal League came in and said "We agree to this pension benefit"? Would each and every municipality who is impacted by such have to sign off on a waiver? How would that work on a mandate? 'Cause it would be a mandate.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

No, I -- it would not require any kind of -- anything remotely close to what you've just suggested. It would just simply require a three-fifths vote. We have an agreed-bill process, as you've mentioned, with municipalities on pensions. If -- I would assume that if they did support it, then it -- then it would pass, probably, with fifty-nine votes. If, let's say, a certain municipality that maybe has a little more influence in the process decided to oppose it, I would probably think that many of the Members who represented that municipality would vote No. As long as it receives the three-fifths vote, it passes. If it doesn't, then -- and we don't -- and we don't include the funding, then it does not pass.

PRESIDENT PHILIP:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

Senator Jones.

SENATOR JONES:

So, therefore, what you are saying, in essence, is it would have to be either three-fifths vote -- if it passed by a mere -- a mere thirty votes, even though ninety percent of the municipalities are for it, but those other ten percent could -- could demand payment -- that the State pay for it using the mandate. Am I correct?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Not at all. It's -- it's up to the Membership. Those ten percent of the communities that are out there that oppose this, if they influence their particular Members to vote No, then, yes, indeed, they may -- they may have an impact. But it's -- they don't -- they're not the ones who come to us. It's the Membership who votes on that.

PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

Another question, as it relate to schools. If -- if this Body, in is infinite wisdom - I wish they had done it -- done it quite some time ago - but if we decided, for the safety of school children, that there should be seat belts on all school buses, if it's not passed by a three-fifths vote, then, therefore, that the State would have to pay for it. Am I correct?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

If that's determined to be a mandate, yes. In fact, in -- and in my understanding of what I've got here before me in this Constitutional Amendment, I would say, yes, that is a mandate;

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

then yes, indeed, we would have to fund that, or it passes by a three-fifths vote. Remember: We can still mandate here. We're not limiting our ability to mandate without funding; it just simply raises the threshold from a simple majority to three-fifths.

PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

So what you're saying, in essence then, that practically any law that we do pass, if a local unit of government feels that it would cause a fiscal impact on this, I can see all the brilliant lawyers in the State of Illinois -- this is a full-employment, more or less, constitutional amendment for the lawyers because I can see all the lawsuits that's going to be filed on this issue, because anything that we do here, in some form, is -- is a mandate. Am I correct?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

We have currently on our Statutes the State Mandates Act. There's been litigation as a result of bills we've passed here. So I would assume that if, in fact, we do pass legislation without, in some people's eyes, fulfilling the obligations of this Constitutional Amendment, they have every right to go to -- to a litigation status in order to make that determination.

SENATOR JONES:

One final question.

PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

Who'll make the decision as to -- as it relate to a mandate? Who decides what a mandate is? Who'll make that decision?

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

When legislation goes to the Legislative Reference Bureau, in many cases it is already advanced to us with that fact that the State Mandates Act may apply. There -- then it would become a question -- just as it is on a home rule, it would become a question from the Floor if the determination has not been made by the Chair.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we finally have a constitutional amendment that provides for bipartisan support. In the 1992 general election, as was stated earlier, voters statewide were asked whether we should be urged to propose an amendment to the Constitution prohibiting the enactment of any new unfunded State mandates. We had eighty-one -- eighty-one percent of those that voted agreed that we should not provide for any mandates if we can't pay for them. This amendment -- this -- this resolution, constitutional amendment, has exceptions, and very good exceptions. It provides that -- there's an exception to it if the mandates are fully funded by the State, including out years; where it passes by Chambers by a three-fifths vote; where there's an imposition of a federal law that the local government or school district could otherwise be required to meet by federal law with no additional State requirements; imposes a -- a federal or State court order with no additional State requirements; creates, expands or modifies a specifically defined crime; limits, regulates the -- the ability of the -- of a local government or school district to raise revenue, it doesn't. Those are the exceptions. And it predates this constitutional



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

amendment. It's prospective. What is wrong in having bipartisan support to save the taxpayer's money? If we get a three-fifths vote -- if we don't have a three-fifths vote, that's it; but if we have, then we can pass such a mandate. I think we should follow with the dictates of eighty-one percent of the people of Illinois who agree with me on this point, and with -- with Senator Watson, and vote for the passage of this resolution for a constitutional amendment. I think it's a good one. It's got the safeguards. It's got the three-fifths vote, which even to overrule a Governor's veto we need a three-fifths vote. So I think we're in line and we're consistent, and I think it's a very good amendment.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR DUNN:

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

PRESIDENT PHILIP:

He indicates he'll yield.

SENATOR DUNN:

Senator, I know that every bill we pass has a certain affect on all units of local government, cities, counties, et cetera, but I'm trying to recall, in the last ten years that I've been here, a substantive mandate that we want to repeal. What -- what mandate of a substantive nature, in behalf of citizens, would we repeal, if any?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

As a result of this?

PRESIDENT PHILIP:

Senator Dunn.

SENATOR DUNN:

I'm just trying to think in my own mind, in the last ten years

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

that I've been here. What mandate have we passed of a substantive nature, would we want to repeal?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Well, we have -- in many cases, the school districts, when you think of the policies that we have passed onto local school districts in regards to certification, as Senator Jones mentioned if we did something in the area of school buses, if we are creating policy here that should be decided at the local level. In other words, if we are mandating from Springfield decisions that ought to be made by a local -- local elected school board, or a city council, or a county board, without the adequate funding, then those would be those particular issues.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR DUNN:

So it's a -- it's a philosophical argument, rather than an economic argument. Is that -- is that correct? It's a philosophical argument, not -- not an -- an economic one?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes, it is a philosophical argument, I would say; that many of us feel that decision making should be made at the local level. Many of us feel that a lot of the financial problems that local units of government and education has experienced in the last decade or twenty years or so is -- is a result of us saying to them "You must do this" and then not funding it. As a result, they have to come up with monies from elsewhere, and therefore programs that maybe they'd rather see continue or monies go into programs that they'd rather see funded, they have to do what we tell them

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

to do. And that ought to be a decision they make.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR DUNN:

Well, addressing the economic issue, Senator: When we change the Local Government Distributive Fund, my information is that that nets in about a hundred million dollars a year to the cities, and the villages, and the counties. Now -- now, what portion -- where do we exceed the hundred-million-dollar benefit to those people in a mandate that is characterized as a tax on the citizens? I'm a little confused there. Could you tell me where -- where -- what mandates are not covered by that hundred million dollars a year that we give to the cities and villages?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

This would be the JULIE law that requires units of local government to respond to excavating that's being done in a particular area. This could be pensions. This could be -- pensions is -- is a big one. We've identified since 1982, when this Act took effect, that there's somewhere in the neighborhood of two hundred million dollars worth of mandates that have been placed onto units of local government without adequate funding. And so, we -- we, by voting and -- and dictating policy here, create those financial problems at the local level.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR DUNN:

Well, Senator, you mentioned pensions. I don't remember a -- a -- a municipal pension being passed in the last ten years I've been here for city firemen or policemen or -- or municipal workers. So, in its -- and in terms of education when you talk

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

about a school board, education's gotten two hundred million dollars a year every year for the last ten years I've been here and, some years, more. So I guess I'm looking for that gray area where I hear this mandate issue raised as being a -- a pass-on cost to the citizens, and I'm -- I'm having trouble identifying it, quite frankly. Unless -- I don't want to beat a dead dog, but do you have anything else you want to pass on in regard to that?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

You may recall that this last Session, the Governor vetoed a bill dealing with pensions for widows, and we came back, overrode that pension. Senator, that would be considered a mandate. Certainly school sprinklers would be considered a mandate. I mean, there -- there are -- there's a litany of some three hundred and seventy-some mandates that we have passed since 1982, since the so-called State Mandates Act became part of our Statutes.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR DUNN:

Just -- just one comment: You know, if there's a school district that doesn't want to pass safety methods for their children in the form of sprinklers, then I think it's our responsibility to do that for the safety of the children. And if there's some miserly village or county that doesn't want to give the widow of a public servant who puts his life on the line everyday, whether it be policemen or firemen, then I think we ought to override that too. And I don't really consider that a mandate; I consider those rights that those individuals have that we ought to be protecting.

PRESIDENT PHILIP:

Further discussion? If not, Senator Watson, to close.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

SENATOR WATSON:

Well, just -- in regard to that, it's -- it's good to get up and make an emotional plea for those people who are maybe less fortunate, widows, whatever they might be, and we're talking about sprinkler systems, but if we think it's so doggone important, then maybe we ought to send along the money with it. I mean, that's all this is asking, is that we truly live up to what we think is important at the local level. If that's what we really, truly believe, then write a check. What is wrong with that? The -- I appreciate the debate and the discussion, and -- and I understand those who expressed some concerns about bringing the Minority into the -- the process of -- of mandates. And from -- from my way of thinking, if we're going to be dictating policy, then it shouldn't be a partisan issue. We should be able to work together and be able to pass legislation that will enable our units of local government to function, if, in fact, we feel it's that important, by at least a three-fifths vote. I see absolutely no problems with that, and I do not think that we handcuff the process by doing so. And as I mentioned before, I think we need to understand and realize the cost implications of what we do here in Springfield. I think you're right: Yes, indeed, the Governor of this State has vetoed many pieces of legislation dealing with mandates; we have, in this General Assembly, put some restraint on the process of passing mandates onto units of local government and education. Yes, we've made some progress, but that doesn't mean it's going to continue. So I think a constitutional amendment is that answer. If we -- if we get elected, and we all do - we're all elected for some reason or another - I think we have a responsibility to come here to Springfield to make a difference. And I can hear speeches from practically every, single one of us which identified, in some way or another, how we are opposed to mandates in some form. We just heard from one Senator who said she opposes mandates for

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

units of local government. She had an opportunity two years ago to show those colors and vote Yes and support a constitutional -- a constitutional amendment. Did she do so? No. She voted Present. So for anybody to get up on this Floor and to give us the impression that they're for one thing and then truly vote somewhere else, ought to -- ought to look back in the record before they make statements such as that. We have a responsibility to do what the people of our districts sent us here to do. Eighty percent - over eighty percent - of the people of this State said some form of a constitutional question during -- about mandates should be made available to those people at the local unit of government. This is a protection for them, and, hopefully, so that we will require less responsibility and less emphasis and pressure on property tax so that we can, indeed, do what many of us say to do, and that's lower the property tax at the local level. I hope that all of you will vote for this and support it. I think it's our responsibility to do so. And thank you.

PRESIDENT PHILIP:

Senator Watson moves the adoption and approval of Senate Joint Resolution, Constitutional Amendment, No. 3. The question is, shall Senate Joint, Constitutional Amendment, No. 3 be adopted and approved. Pursuant to Section 2, Article XIV of the Illinois Constitution, amendments must be approved by three-fifths of the Members elected. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. ...the record. Okay. Senate Joint, Constitutional Amendment, No. 3... Yes. Senator Shadid, you...

SENATOR SHADID:

...turned my key and my lights wouldn't work.

PRESIDENT PHILIP:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

May I say this? You'll announce that after I announce the results.

SENATOR SHADID:

No, I didn't. No. It wasn't -- someone had turned my key.

PRESIDENT PHILIP:

The -- the record will so indicated -- that you voted Aye? For the record, you are voting No. The record will so indicate. Now, Senate Joint Resolution Constitutional {sic} 3, having received the required three-fifths constitutional majority, is declared passed and approved. Senate Joint Resolution 18. Senator Lauzen. Mr. Secretary, read the resolution.

SECRETARY HARRY:

Senate Joint Resolution, Constitutional Amendment, No. 18, as amended by Senate Amendment 1.

(Secretary reads SJR No. 18, as amended)

3rd Reading of the resolution.

PRESIDENT PHILIP:

Senator Lauzen.

SENATOR LAUZEN:

...President. Thank you, Mr. President. I'm very happy today to present the 1996 Senate tax accountability amendment. Senate Joint Resolution, Constitutional Amendment, 18 requires that three-fifths of the General Assembly Members would have to vote in favor an increase to or a new income or sales tax. It does not affect any offset against those taxes or adjustments to the base. Just to open the debate, I'd like to share with you a new poll that was conducted by the Americans for Tax Reform, which found the idea of a supermajority requirement to raise taxes favored nearly three to one by those who were surveyed. I'd be happy to answer any questions.

PRESIDENT PHILIP:

Senator Collins. Senator Collins.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. Had we not passed all of the other resolutions, I would say that this particular resolution would have been one that I could have considered supporting. I do think that there should be a majority in terms of raising taxes; however, this Joint Resolution 18 further complicates the resolution we just passed before it. And I -- the sponsor of the first resolution, Senator Watson, and, of course, the sponsor of this resolution, the sponsors should have sat down and talked about how does one piece of legislation we pass here impacts on another the citizens of the State. We don't do that. I mean, that's just plain common sense. And I know someone once said that common sense seldom prevails or visited the halls of government, and this is a good example of that. There is a direct conflict between the implementation of this law and the one -- the resolution we just passed prior to it. It's just plain common sense. It will not work. It will further complicate and make -- and most certainly more litigation. If -- if Senator Berman's argument that -- that it's going to increase litigation, well this 18 - Senate Bill {sic} 18 - will guarantee more litigations. This is a lawyer's public aid. That's what this is all about. And we ought to think carefully before we vote Yes.

PRESIDENT PHILIP:

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. I just want to rise in support of Senator Lauzen's proposed constitutional amendment. It's often been said that the power to tax is the power to destroy, and it -- for that reason, it's appropriate that this Legislature only exercise its taxing powers very sparingly and that a supermajority vote be required. This is an excellent resolution. I'd urge a favorable vote by everybody.



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this proposal. I would point out to you that if we are -- when we are elected, our voters, whether they want to admit it or not, send us down here to do certain things. Among those things is to spend tax dollars. The other thing they send us down here to do is to raise tax dollars, because you can't do the first thing without the second thing. And what we are being asked to do here is to vote to give a Minority the control of whether we should act in a responsible manner by raising taxes to do what is right. Now, Ladies and Gentlemen, I would point out to you that a number of commissions, for example, have determined that the funding of schools is inequitable, and the Governor's Commission, as recently as about a month ago, recommended that there be a -- an income tax increase to properly fund schools and reduce the reliance on property taxes. Now, if that was a highly partisan vote where the thirty-three Republicans were in favor of the Governor's Commission Report and all of the Democrats decided to vote No, that responsible piece of action could not take force because it didn't have thirty-six votes. That doesn't make sense. Why should you, the controlling Party, with thirty-three votes, have to come over here and bring some votes over to your side when it is a partisan issue. You run on it. You want to campaign on it. You want to prevail on it, and yet you've got to come over to get three more votes, at least, in order to pass it. I would suggest to you that there is -- that taxes are no different than every other piece of legislation that we pass. Some people like it; some people don't, but a majority of the people are the ones that decide it. And let me point out one other thing, from a political point of view, that a Yes vote on this amendment will

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

deliver a certain message. If you're going to change the income tax structure, as I read this amendment, you would need a three-fifths vote. Today, approximately thirteen percent of the State income tax is paid by corporations. When we passed the State income tax in 1970, it was represented that thirty-three-and-a-third percent of income tax revenue would be paid by corporations. If you pass this amendment today, what you are saying is that a majority vote will not be sufficient to make the State income tax more equitable as it relates to individual payers. It's going to be harder to change. That's going to be a tough baby for any of us to campaign on, because you are going to then be in the pocket of corporations that want to keep it in an inequitable posture. I urge a No vote.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I have to take issue with two of the prior speakers. I have voted for bills that were produced by the other side of the aisle. And what's wrong in being bipartisan? You're being bipartisan when you're saying you're not going to raise those taxes unless you have a three-fifths vote. I don't care what the corporations think. I can tell you what the taxpayers think in my district. They're tired of taxation. And we're not here to raise taxes. We're here to allocate taxes properly that we do have. And if we encourage a good working climate for business and labor, we'll have more business coming in and more labor to have more money to spend and, thus, have more taxes available to us. There's -- and I -- to think and my prior -- one of the prior speakers said this is a lawyer's bill. Well, I'm sick -- sick and tired of it being -- having the lawyers bashed. There's nothing -- a lawyer's bill. This is a people's bill. The people want to get some satisfaction

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

to know that we are not going to put our names on the line on a bill unless we provide bipartisan support, if we're going to raise any of those taxes. So what's wrong with that? I support this bill -- this resolution for a constitutional amendment wholeheartedly, because I know that's what the people really want.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. If the Senator would yield, I'd like to ask a question.

PRESIDENT PHILIP:

He indicates he will. Senator Demuzio.

SENATOR DEMUZIO:

Senator Lauzen, how many times has the General Assembly increased the sales or income tax in the last ten years?

PRESIDENT PHILIP:

Senator Lauzen.

SENATOR LAUZEN:

You know, I'd be happy to go through that list and provide it. I don't have it at hand right now. Perhaps -- perhaps you might.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Perhaps I can tell you. In 1988, 57 to nothing, there was sales tax reform. That was obviously not a tax increase. In 1989, we were here and we increased the surcharge, 30-27 to 2. In 1991, we made the educational portion of that permanent, 43-13 to 2. And in 1993, we made the other part of the surcharge permanent, 38 to 18 to 1. And then House Bill 1470 was the bill - and I forget the year, but it was the year that Jim Thompson was elected to his unprecedented third term as Governor of this State - and there was a twenty-million-dollar hole, as I remember, in

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

the -- in the budget -- or two-hundred-million-dollar hole, I beg your pardon, and we had to come back in the General Assembly and pass a -- a temporary bump on the income tax, as I recall. And as I -- and that lasted for eighteen months. So we really haven't done very much, and I think there may be others, but I doubt it. I think those are the most significant ones that we have attempted to do. So we haven't done it very often. As I indicated to you in -- in committee, even though I serve in the Minority, I have really significant problems with allowing a Minority to thwart the will of the Majority. Now, I looked through the Illinois State Constitutional Convention data, 1970, Senator Netsch, et al, and there was no discussion at all with respect to requiring a three-fifths vote of the Legislature in order to pass either sales or tax increases. And you know what I feel is that when you're in the Minority, you talk. When you're in the Majority, like you are, you vote. Now, if you don't want the responsibility, being in the Majority, give it to us. We'll take it. We'll start January 1st of this year. Not a problem. You know, I hesitate to suggest that we ought to be amending the Constitution because of the feelings that we have in our communities at the moment. Constitutions are supposed to last a lot longer. I want to concur with what Senator Berman had just said a few minutes ago. You have thirty-three Members on your side of the aisle, in the Majority, and, therefore, it requires three Members on this side of the aisle to pass any type of proposal that your amendment deals with. So by the time you want something and you come over and you bargain with these three people on this side of the aisle and you put together your package, assuming you have thirty-three on your side, they tell you they want "this," "that," and whatever. You go back to your caucus, to your thirty-three, and you say: "Okay, I got three on the other side of the aisle." And they say to you: "Well, what did they get?" And then you tell

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

them what the bargain was struck over here and negotiated, and your side of the aisle ups the ante because then they want more, as well. You talk about pork barrel, you talk about wheeling and dealing, you talk about mischief: This is the bill that will provide enough mischief for this General Assembly that I do not believe is in the public good. Maybe we should have -- maybe you should have come in with an amendment that eliminated one of the Houses and went to a bicameral legislative body -- unicameral. Unicameral, not bicameral. We're elected to come here. We have a sworn duty to uphold the Constitution. We have an opportunity, I think, to make tough decisions we're elected to serve. And guess what? All these constitutional amendments that are on the -- Calendar today, with you guys being in the Majority, what you're saying is you've thrown in the towel. "Oh, I can't do anything about the mandates that go to local government." "Oh, I -- I've got to have help from the Minority. I have to have a supermajority in order for these things to be accomplished in the General Assembly." The fact of the matter is, is that you don't need a three-fifths. You're going to have gridlock here. Now, I'm in the Minority. I'm arguing against my position at the moment. In all due respects to -- to you, I don't think that this is a proposal that, in fact, will work. And guess what? The most important constitutional amendment of -- for decades is still in the Rules Committee. It's Jim Edgar's proposal on education that can't even get a hearing. And we're talking about all the rest of this stuff in this Chamber? You guys have got your priorities wrong. We're supposed to be the education Legislature. We're supposed to be doing something about education in the State of Illinois. We're supposed to be talking about providing some equity for kids in this State. But now we're talking about three-fifths vote here, we're talking about mandates, we're talking about merit selection of judges. What about education?

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

All this stuff is nothing but a smoke screen. I -- I urge a No vote.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I rise in support of SJR 18. I believe, personally, that in order to raise income taxes or sales taxes in Illinois, it should take a supermajority. I was watching television the other day, and they said that the gasoline tax in Chicago is the second highest in the nation. Only San Francisco has a higher gasoline tax than we do. And they had it on television. Dollar eighty-five, dollar eighty-seven a gallon. Makes no sense at all. I believe Senator Lauzen is doing something he believes in, sincerely, from his heart. The people of this State deserve the right to keep taxes from going up, and going up, and going up without a -- a supermajority. And I don't believe that this is a Republican issue and the Democrats should be voting the other way. This most certainly is a bipartisan issue, because everybody pays these taxes. So I am going to vote Yes on Senator Lauzen's proposal, his constitutional amendment, and I most certainly hope it passes, and then the people will have the opportunity to say whether they feel that a simple majority should be able to raise their -- their taxes or whether it should take a supermajority to raise taxes. I don't know about you, but I just filed my income taxes and I don't like it, because every time I look -- look up, look like the government, whether it's federal, state or local, wants more, and more, and more, and more, and more of our dollars. And on this side of the aisle, here's an opportunity to prove that we are not the tax-and-spend Party. We care just as much about the taxpayers of Illinois as the other side of the aisle. I'd urge an Aye vote.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

END OF TAPE

TAPE 2

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Ladies and Gentlemen, I guess this is in response to Senator Demuzio, because he was automatically assuming that on either side of the aisle, whether the Democrats are in the Majority or we're in the Majority, that we're all going to vote together. Well, I've seen occasions here, at least in our caucus, when we couldn't even decide if the -- a majority if today was Tuesday. So I don't know -- I don't know why we paint this thing as we need three votes. That assumes everybody on our side will -- will automatically be in favor of a -- for example, a tax increase. Seems to me, this is bipartisan and you ought to think of it that way, and not just -- not the Minority give up that the Majority is always going to vote in lockstep. I think we ought to think as individuals and look at this bill as a -- as -- as an individual bill, rather than the Majority versus the Minority, or vice versa.

PRESIDENT PHILIP:

State your point. Let's keep it short. Senator Demuzio.

SENATOR DEMUZIO:

The gentleman mentioned my name in debate. I would like to query him and ask him how many votes he has on this one, on his side of the aisle.

PRESIDENT PHILIP:

Three. Senator Demuzio. Senator Dudycz, I apologize.

SENATOR DUDYCZ:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

Well, thank you, Mr. President. With the passage of SJRCA 118 -- or 18, we simply are saying three things: first of all, that we as a -- as a Senate and individually as -- as individual Senators support the concept of requiring an extraordinary majority for raising the income tax and sales tax rates of our citizens; number two, we're saying that we as a Senate and individually as individuals Senators support the concept of requiring an extraordinary majority for imposing a new income tax or sales tax; and number three, that we as a Legislative Body are giving the public, which we serve and represent, the opportunity to voice their opinion, if they want to restrict our abilities to raise income or sales taxes, or to impose new income or sales taxes, by requiring a three-fifths vote of both Chambers. Mr. President, that's true tax accountability and responsible government. And for the Senator on the other side of the aisle, whose name I will not mention in fear that he may stand up on another point of personal privilege, the reason we got a majority in the House and the Senate and in all the constitutional offices, in part, I believe, is because you failed - you failed - to pass tax accountability for the people of Illinois. And I -- I hope that we get 59 votes for this SJR, but I believe that the taxpayers and the voters will be watching this vote very carefully to see how we, as individual legislators, vote.

PRESIDENT PHILIP:

Senator Palmer. Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. A question of the sponsor.

PRESIDENT PHILIP:

Indicates he'll yield. Senator Palmer.

SENATOR PALMER:

Senator Lauzen, you and I serve on a committee together, the Revenue Committee, is that correct? Where does the money come



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

from for us to deal with the issues that come before us?

PRESIDENT PHILIP:

Senator Lauzen.

SENATOR LAUZEN:

The citizens of the great State of Illinois.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you. I find it interesting in our discussion over and over again in this Body about the taxpayer, that this is a person, a corporation somehow outside of the mix of what else we have to do in the State of Illinois. And I made that point because we have a common - I would hope - through taxes and through turning that into the revenue that supports our schools, our police, all the other common ground that we should have in this State. And I find it very disturbing that over and over again we do not make the connection between the money that comes in and its usage. And when these kinds of bills -- I started not to say anything about this, but when I look at the list of opponents and I see on there the schools, all the groups that are concerned about what we talk about in this Body about the future of our children, the "this" and the "that," and yet here we are saying we're going to make it even more difficult to fund those things that we should have in common. And it seems to me this is unnecessary. And it seems to me we need to make the point with our people that the money -- and, yes, we should be accountable, we should be judicious in the use of it, but let us not pretend that at some point, we will reach a point where the people do not create a pool of money that is used for the common good. And this is where I have great difficulty with these bills that keep coming up, that act as if the taxpayer is somehow removed from this whole thing of supporting what is good for all of us. I say we should vote No on

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

this, because you're now making it even harder to fund our schools, to fund all those things that we should be for.

PRESIDENT PHILIP:

Further discussion? If not, Senator Lauzen, to close.

SENATOR LAUZEN:

Thank you very much. Again, on the 1996 Senate tax accountability amendment, there's several comments that I'd like to make in closing, addressing some of the concerns that have been raised by opponents, and I appreciate the proponents' talks. First of all, as -- addressing the issue of gridlock, if my ears and eyes are any good, my constituents, and I bet yours, complain that too many of our decisions are made only along partisan lines. It's perceived at home as a good thing that Democrats and Republicans are going to have to come together before we raise sales and income taxes, which represent eighty-five percent of the State revenue. And you're right that it is going to slow down a facet of government, but take a look at what we're slowing down: It's tax increases. Even when legislators do vote for tax increases, I think that they think long and hard. Raising taxes should be hard to do. Another one of the opponents addressed the Constitutional Convention of 1970. I thought that that was very interesting. I certainly respect that opponent's experience in the Legislature, and he took us back to 1970, which is halfway back to 1950 when the federal income tax burden on the typical family in -- in the United States was four percent. Now in the 1990s, that burden is twenty-four percent. It's gone up six hundred percent. That twenty percent, on a typical family in Illinois' taxable income in a year, of forty thousand dollars represents the mortgage payment, principal and interest, in many families, and the utilities for an entire year. A self-employment -- or a self-employed individual who owns a home in Illinois with a taxable income of thirty-eight thousand five hundred dollars,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

the next dollar that family earns, more than fifty cents goes to a government. I would submit to that opponent that then is then; now is now. The burden that we've created in taxes requires that we pass this amendment, or that we put it -- at least put it onto the ballot. Also one of the opponents addressed that some of the exemptions that are in place right now and credits could not be changed, because this would be too high of a hurdle. That just is -- does not square with a reading of the bill. Exemptions and offsets would still remain at a fifty-percent simple majority. Finally, I had time to call only about thirteen Democratic Senators yesterday, and I respect the views that were expressed and the confidentiality. One person said to me, "You know, it's wrong -- it would be wrong to oppose this amendment. How can you vote against -- how can you vote against this? No one is for tax increases." Others worried that -- even my two House Members voted for this bill. Ninety-nine of the hundred and eighteen House Members voted in favor of this amendment in -- over in the House. This is a vote that you can proudly take home to your taxpayers. It shouldn't be easy to take money from families. It's citizens' money, not Springfield's. I urge the Members of the Senate, on both sides of the aisle, to vote Yes.

PRESIDENT PHILIP:

Senator Lauzen moves the adoption and approval of Senate Joint Constitutional Amendment 18. The question is, shall Senate Joint Resolution Constitutional Amendment 18 be adopted and approved. Pursuant to Section 2, Article XIV of the Illinois Constitution, amendments must be approved by three-fifths of the elected Members. Those in favor, signify by saying Aye. Those opposed, Nay. The voting is open. ...you all voted who wish? Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 34 Yeses, 23 Nays, 1 voting Present. Constitutional -- Senate Joint

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

Resolution Constitutional Amendment 18, failed to received a three-fifths constitutional majority, is declared lost. Senate Joint Resolution Constitutional Amendment 25. Senator Dillard. Read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 25, Constitutional Amendment, as amended by Senate Amendment No. 1.

(Secretary reads SJRCA 18, as amended)

3rd Reading of this constitutional amendment.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This particular constitutional amendment is one of two this afternoon dealing with merit selection of judges, a topic that has been around this State for a number of decades, and now I believe it is time to address it. My particular constitutional amendment does two things: It establishes a merit selection of judges process for the Appellate and Circuit Judges solely for the County of Cook, and allows the Governor of Illinois to appoint Supreme Court Justices with the advice and consent of this Body, just the way the President of the United States has done it for a couple of centuries. What we're doing here, like we do on any of the constitutional amendments this afternoon - and I believe it's important to remember this - is we're giving the voters the choice, the choice to change the way we elect one-third -- one-third of a government of Illinois: the entire Judicial Branch for Cook County and the Supreme Court. It is also very important to remember, Ladies and Gentlemen, that while we may go to merit selection of judges in Cook County and the Governor and the -- then State Senate will pick or select the Supreme Court Justices, we keep retention in this bill, so if the voters do not like whom

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

a merit selection panel or the Governor and us have chosen as the Supreme Court, they can remove them every six or ten years from office. This proposal, I think, is very, very fair, and let me just very quickly tell you - and Senator Petka's, which will follow - the way we select the merit panel is identical for Cook County. It'll have seventeen members. Eight will be selected by the County Board Chairman of Cook County. Four each will be selected by the senior residing Member of the Legislature -- of the Senate, from Cook County - that's currently Senator DeAngelis who's in the Chair - and in the House of Representatives, the senior House Member of the opposite party of the Cook County Board Chairman - Cook County Board Chairman is obviously Mr. Stroger, today, and the Chairman of the Merit Selection Commission for Cook County is selected by the Governor. Half are lawyers; half are nonlawyers. It requires a three-fifths vote of this seventeen-member panel to pick a judge. Nothing, I don't think, could be more fair than to require a three-fifths vote of an almost evenly divided political panel when it comes to selecting judges. Why is this a good amendment? Let me tell you. Let's get selfish for a minute. I think it's very important and very, very, I think, apropos to this particular Body, that we now, if we're going to get selfish, have some kind of input into who goes on the Supreme Court. And additionally, I think this particular merit selection plan is good for the Legislature, because essentially half of its members will be selected from Members of a General Assembly. Just two -- just two more points. I believe that this constitutional amendment is extremely important to minority groups in the State of Illinois and especially the County of Cook. We established subcircuits in Cook County a number of years ago as a Legislature. Those subcircuits are now essentially filled, and with past practices, minorities, for all intents and purposes, are finished in the County of Cook from increasing their

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

numbers on the bench, even though every day that passes, there are more and more qualified minority lawyers to be members of the Judiciary of this State. No African-American or Hispanic candidate has ever won election in Cook County outside of those subcircuits. So if you're a minority Member of this Body, I can tell you, your numbers on the bench will never increase without this, and this particular amendment, the way it's set up, requires half of the new judges to be selected from the subcircuits. So the number of minority judges will increase in the future. Additionally, historically throughout this country, minorities have done much better under merit selection than they have through the electoral process. That's -- obviously holds true in Cook County, where sixty percent of the African-American judges came through the appointed process, not the elected process. So it is very clear, nationally, the trend is where you have merit selection, you have more and more minority members of the bench. And I guess, finally, to close - and I'll be happy to answer any questions, Mr. President - in the primary last March, in Cook County there were nearly one hundred members -- or one hundred candidates on the particular ballot for Circuit Judge. Even the most diligent human being cannot know who all one hundred of those candidates are. And unfortunately in Cook County - and that's why we went with Cook County and not the other circuits throughout the State - the size of the ballot is just too cumbersome. And unfortunately, we picked - the voters of Cook County, and I represent all of Lemont Township in Cook County - five candidates that were selected in that March primary were rated unqualified by every bar association and scores others -- scores of others rated unqualified by a number of other bar associations. So with that, I think it is now time, as most of the editorials have said in the newspapers throughout this State, to change the way we choose our judges in the County of Cook, and the way we go about choosing our

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

judges for the Supreme Court of Illinois. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this legislation and probably the one to follow. But I -- but I have to really chuckle a little bit, because here we're saying that merit selection is going to get rid of the politicians. So what are we really doing? We're replacing partisan politics that the people have a choice in saying, with partisan politics that is an appointed member by elected officials. All we have done in this whole scenario is to cut the citizenry out of the equation. I think that, in itself, is enough reason to vote No on this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you -- thank you, Mr. President. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor said he will yield.

SENATOR COLLINS:

Senator Dillard, what compelled you to make this a statewide referendum, if the impact of this law was limited only to Cook County?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Two things, Senator Collins. Number one, this involves the Supreme Court, which takes it statewide. Secondly, even if you're a business person or a human being that lives in another part of

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

Illinois, you may end up having a case filed against you in the County of Cook. Many people from all parts of Illinois go to Chicago to visit and parts of Cook County, so the Cook County judicial system can impact other Illinoisans. And, obviously, you have to have a statewide referendum to change the Illinois Constitution.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Why did you -- other states have the opt-in provisions. Why did you not delete -- didn't the original bill have the opt-in provisions? Why did you delete that, for other -- other counties?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Two reasons, Senator Collins. The first was a request of a number of our colleagues, from both your side of the aisle and ours, in downstate areas that they not be put in here, but most importantly, as I explained in my opening statement, the sheer large size, the sheer number of judges on our ballot in Cook County is cumbersome. In DuPage County, for example, we only had two contested races, and, to me, that leads one to believe that where you only have two contested races, the voters might understand and have a chance to review the candidates' credentials better than they would a hundred-some judges in Cook County.

PRESIDING OFFICER (SENATOR DeANGELIS)

Senator Collins, would you push your light on? Senator Collins.

SENATOR COLLINS:

Senator, the -- one of the arguments for this process has been that it is hopeful that you would eliminate some of the confusions for the public - the constituents. But looking at both of these



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

resolutions together, 25 and -- and 27, it -- it appears to me that you have not made the process any less confusing. As a matter of fact, it has become even more confusing. When -- when -- when the people go to the polls now -- which I acknowledge that there are problems that we needed to solve, legislatively. I am not pleased with the -- the -- the caliber of people that -- that -- that often go out there and get elected or clutter up the ballot with no chance of getting elected. There are problems that needed to be resolved. But once you throw in, through this process, that they have to deal with the merit selection where you're talking about judicial elections, the retention and things like subcircuits and Supreme Court, now, districts, which you didn't have before, further complicates and confuse the voters. And I thought the -- the original intent of this whole thing, which merit selection is to try to ensure that we had the best possible people sitting on the bench, the best qualified judges sitting on the bench. And, you know, when I came, I've always advocated some -- form of merit selection of judges, so I'm not against merit. However, I am against an attempt to take over power. This -- this -- the way this is structured, this is nothing more than a real power grab on the Republicans who are looking forward to reapportionment and who is going to control this Chamber for the next ten to twenty years, starting in the twenty-first century. And that's what this is basically all about. The other problem I'm concerned about is the concentration of power in the hands of this -- this committee -- Commission, who is not really accountable to no one. And -- and -- and to say that now you will have seven -- one-half of these members selected by the Legislative Body and that you were -- Members and that you were concerned before about the politics involved, the local ward committeemen, are you -- are you inferring that the legislators are less political than -- than the local elected officials? You

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

know, what makes that any different? Can you answer that for me?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Senator Collins, I clearly trust, I think, my colleagues here in the General Assembly, and I will point out that if the Republicans controlled the Cook County Board presidency, you might be the one that would be making these appointments. But I trust our elected colleagues here in the General Assembly more than I do a number of people in a smoke-filled room at the Bismark Hotel. I think at least our people -- stand for election, and there is -- you know, there is accountability on the part of every Member of the General Assembly, whether they serve in the Senate or the House.

PRESIDING OFFICER (SENATOR DeANGELIS)

Senator Collins, would you turn your light on? Senator Collins.

SENATOR COLLINS:

I'm sorry, there's something wrong with my -- my light and my mike, so I'll try and get through this. There is accountability right now on -- on the part of -- of the judges who's being elected, and they are accountable to the citizens of this State. And I think that that's the purest accountability, is to be accountable to the people, not to the legislators, not to the local elected officials. And -- and you would admit to that, I -- I -- I hope, that -- that the people of this State or the people of those districts are far better judges of determining whether or not a judge should or should not be reelected. And if you're trying to work on the problems that there are -- we all admit that there are problems that need to be resolved. But -- but I have some serious reservations when I hear someone like Pate Philip, who has been so adamantly against merit selection - even before I

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

came here - all of a sudden is going to support merit selection of judges. This is a grab for power, and that's all it is. It's not going to make anything better. It does not have the ten-year requirement. Any judge now can come out of law school, any person can come out of law school, and can be appointed through this process. There is no restrictions at all. There is no criteria to ensure that the quality of judges would increase if this bill passed. It's a power grab, and we ought to defeat it.

PRESIDING OFFICER (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Is the -- I think that was the form of a question. I will say, Senator Collins, it takes a three-fifths vote of these panels. So there is no power grab. Clearly, whatever Party is in control needs the other side to select these judges. And very importantly, as I said at the onset, even though we have merit selection of judges, these judges stand for retention, so that people in Oak Park, and your district, Senator Collins, can remove them if they don't like them, after a number of years.

PRESIDING OFFICER (SENATOR DeANGELIS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in opposition to this because, as I think has already started to be said, this is strictly a power grab. What they cannot do in the polls, they try and do in their control of the General Assembly. There is no question that this is a Republican-political-selection-of-judges scheme. And if it was to be called merit, I guess it would have to -- stand for more Executive-chosen Republicans in tenure. It's the only thing that makes sense in the letters of merit. There is nothing meritorious about giving the Supreme Court to a Republican Governor, or a

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

Democratic Governor - which will be the next Governor - there is nothing meritorious in saying that the Party not in control by will of the voters is the Party that will choose the majority members of the council. Why, even the Constitutional Convention said when there is a vacancy in the General Assembly, the political Party that elected that person - the people chose a person, that person ran under a political banner - that would be the Party that chooses the replacement. I think it's interesting that the sponsor indicated no minorities were elected countywide under the current system. Maybe that's true in DuPage, where that Senator resides. But ask people like Blanche Manning, ask people like Supreme -- federal judge, ask people like Charles Freeman, ask any of the others who ran countywide and won, who happen to be of minority background. They've won in Cook, maybe not in DuPage, but they do win countywide in Cook. And -- and women have been elected. All minorities have been elected out of Cook, countywide. So I guess, if you're trying to do a power grab, just say so. I could support this, by the way, Senator Dillard, with one change, and that is, instead of having the temporary Presiding Officer of this Body right now choose who's on, as the senior Republican member, since the Democrats seem to be the majority Party in Cook, if you'd -- if you'd change that to the senior Member of the majority Party, the senior Democrat, I personally would be very supportive, 'cause that would be me. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR SHAW:

Senator, how many -- how many judges do you have, elected

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

judges in DuPage County?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard. Senator Dillard?

SENATOR DILLARD:

Senator Shaw, it's a -- it's a handful compared to, obviously, Cook County. I'll get you the exact answer in just a couple of moments.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

While you're looking for that, would you look and see how many minorities that you've had elected there in the last ten years?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Well, Senator Shaw, I don't know. But I will tell you this: In the last election, we had two contested races, and one of the winners in the contested races was a minority.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

All right. I -- I just want to correct the record here in terms of Cook County. Leslie South, even though she's fair complected, but she is a minority. And she ran countywide in Cook County and was nominated. Do you have those figures for me yet?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Senator Shaw, there appears to be fifteen or sixteen Circuit Judges in DuPage County, elected.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

SENATOR SHAW:

Would -- would you give us the number of Associates that you have in Dupage County?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Roughly, it looks to be double the number of Circuit Judges.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Are you finished, Senator Shaw? Senator Shaw.

SENATOR SHAW:

Would you give us a breakdown of how many African-Americans and how many Hispanics that you have in DuPage County?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

On the bench, I don't have that offhand, Senator Shaw. I'm happy to get that to you, and -- and I'll give it to you, and we'll see how it tracks our population base as well.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

To the -- to the -- to this resolution: It'd seem to me that if you're talking about fairness and merit, what's good for Cook County should be good for DuPage County, if it's good government. And it just -- I fail to understand, as a Member of this Body, why you want to create a different rule for Cook County and have some obscure rules for your own county where you're elected and live. It just does not make sense. And it'd seem to me that the people in Cook County, the voters in Cook County, they're intelligent. They know how to elect judges. They've been doing it for a long time. But here you -- this resolution only applies to Cook County, only. If you're talking about merit, why don't we do it

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

statewide? But that's not what you're looking for here. As some other speakers indicated, that this an attempt to grab power from Cook County, take over the Judiciary, not only in Cook County, but as well as the Supreme Court. I think it's unfortunate, and I might want to ask this question: Under this bill, who -- who would be in charge of drawing the maps for these Supreme Court Justices?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Senator Shaw, my particular Constitutional Amendment No. 25 has the Governor appointing the members. I think you have to hold that question for Senator Petka, in a few minutes, on 27, where he has an elected process for the Judges of the Supreme Court from Cook County.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

These bills are so similar, till -- you know, they're a bit confusing. But I think what you should look at here, Senator Dillard, is you should revisit this issue, And if you really want to do the people of Illinois a favor, and particularly those in Cook County, you should withdraw this resolution and then go back and redraft it and put all of the State in there, as long as we're going to talk about merit, and then that might be fair. And I'm going to consider voting for it, after you go back and revisit the issue. But what you should do at the moment, is take this out of the record, and -- and let's go back and sit down. Those of us who live in Cook County, who -- who elects the judges in Cook County, certainly we should have some input. But no Member of the Legislature, from my knowledge, over on this side of the aisle had any hands in drafting this resolution. And if you're talking

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

about fairness, we should have some input in this. And certainly, you should take it out of the record. And if you don't take it out of the -- out of the record, I would urge a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. I'd like to pose a question to the sponsor, if I may.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR DEMUZIO:

Has this question of merit selection of judges been to the electorate before?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Yes, it has.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

When was that, that it was put?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

We're scurrying for the Blue Book, Senator Demuzio, and we'll have that answer for you in just a moment.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

It was part of the 1970 Judicial Article that asked the question as to whether or not individuals wished to have the preference of election of judges or the appointment of judges.



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

And I noticed in downstate Illinois, 57.7 percent said election, thirty-five percent said appointment, or I guess you could interpret that as sixty-five percent of the downstate vote was opposed to the merit selection of judges. I just wanted to point that out to you so you might have that information later on in any argument that you might want to give. Sixty-five percent of downstate voted in the negative.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen. First of all, I want to correct the speaker. I think the Bismark does not have smoking in those rooms anymore. So even though there may be meeting in those rooms, I think the -- saying it's smoke-filled gives the wrong impression. Second of all, I don't know if you do have -- do you have smoke-filled rooms over at DuPage County Headquarters over on -- in -- in Wheaton on -- wherever that's at again, on Wheeling and Willow? I don't know if they share smoke-filled rooms there. Senator Shaw said it -- said it the best. I cannot for the life of me figure out how a DuPage resident could come forward and say that the voters of Cook County have no idea what they're doing, but the other voters of the other counties, they're sharp enough not to make mistakes. So since the voters of Cook County are too -- are just unintelligent and can't make a decision on judges, we're going to have to take it away from them, but leave it for the rest of the county {sic}. It just doesn't seem to make sense, but it goes on in this room, and I just wanted to voice that opinion. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President. To the bill: Because I certainly do

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

not question this Senator or the next Senator's motivation or belief in what he is espousing, but the original suspicion of the appointment of judges goes back in this country to the revolutionary time when King George appointed the judges. And we didn't have a very good experience with King George and his appointment of judges deciding the merits of a case of our citizens. And it wasn't until Andrew Jackson, in the 1830s, that we became comfortable with the electorate and allowed the electorate to select their own judges. And I guess what concerns me is that when we talk about merit selection of judges, is merit selection of juries next? Do we then take away the trust of juries that we accuse of being runaway juries? Or how about, even better, maybe we have merit selection of candidates? How about we have merit selection of voters? Let's see if they, maybe, pay taxes and then give them the right to vote. This -- this is an argument that can be made from, obviously, either side. And certainly the selection in Cook County is not perfect, but to say that it is perfect in DuPage and imperfect in Cook County is a little tough to swallow.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR JONES:

Senator Dillard, could you give this Body the definition of "merit"? What do you -- what -- what is your interpretation of "merit"?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

Senator Jones, in the constitutional amendment it talks about the criteria for -- judicial appointment, and it lists "integrity, legal knowledge, legal experience, and judicial temperament." That's "merit."

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jones.

SENATOR JONES:

Well, if that's good for Cook County, does it have any -- I heard you during debate, you talked about merit selection, and you said it must be done in Cook County. Now, you talked about the politics at the Bismark. Could you also tell -- tell this Body, how are the judges selected in DuPage County?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

The way that you do it today in Cook County. But again, to answer your question, the difference is, I know and have met and knew all eight people who were running for judgeship in DuPage County. You had a hundred candidates on the ballot, and as smart as you are, Senator Jones, and as -- as politically well-attuned as you are, I doubt that you knew all one hundred candidates when you went in to vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jones.

SENATOR JONES:

Well, you were there in committee when the current State's attorney indicated that he thought the voters in Cook County were quite intelligent, that they are able to read, and they are able to understand. And when you talk about the Bar Association, for example, you mentioned that several judges were found unqualified. But I wish you Republicans would get your act together, because your potential nominee for president said he doesn't want any

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

recommendations coming from the Bar Association for selecting judges. So when you talk about merit, you're talking about putting together a Commission. Let me ask you this one question: Of those members appointed by the Minority and the one to be appointed by the Governor, is there any requirement for those members to reside within Cook County?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Senator Jones, there is no specific requirement that has to reside in Cook County. However, I can tell you this, that the likelihood of some of your finest lawyers practicing law in downtown Chicago, and perhaps living in Lake County, or somewhere else in the surrounding metropolitan area, is a likelihood, and that's why it's not specifically mentioning that they have to reside in Cook County.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jones.

SENATOR JONES:

Well, that's the problem with this so-called "merit selection bill." Number one, there is no requirement as such, so they can -- they can reside in DuPage County, Lake County, and they, in turn, would be the majority members of a Commission to decide what the people in Cook County should have, far as judges. And I watched this Body in action, and I watched your votes, and you spoke about minorities and so forth. And there was -- there was a great Supreme Court Justice that came through this State that was appointed by a President, and we wanted to honor that individual by having, you know, a part of I-57 named after him. And you're so concerned about minorities in the Judiciary, but I didn't see you stand up, Senator Dillard, to say, "Well this is a great idea. Perhaps we should have this named after that great Supreme Court

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

Justice." So don't come to this Body, all of a sudden, talking about your great interest in the minority community. And furthermore - furthermore - when Senator Shaw asked you about DuPage County, I haven't seen you stand up and say, "Well, I'm going to support this minority for election in DuPage County because he's a fine lawyer. He will be a great judge." You haven't done that. So don't come here on this Floor talking about all this hypocrisy as it relate to merit selection of judges. It just does not exist, and -- and this bill should be defeated - this constitutional amendment - because the only thing you're talking about is merit. Merit is in the eye of the beholder, and the eye of the beholder, the people of Cook County, have selected that judge because they are intelligent enough to vote, as they are in DuPage County and the rest of the State of Illinois.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Mr. President. And I thank you all very much for your attention here. If you'll look through the Digest, you'll see that I'm a cosponsor on probably every merit-selection-of-judges plan with different machinations that there are before this Body. I don't care which plan goes, but I can tell you, anything is better than the current system today. Let me just point out that the people who make the appointments to this selection committee have to reside in Cook County, whether it's Senator DeAngelis or whether it's John Stroger. The people making the appointments reside in Cook County. With respect to the appointment, by the Governor, of the Supreme Court of the State, I would submit that some of the finest jurists in the history of the world came through an identical process where the President of the United States appointed those particular judges. Again, I knew every candidate that was up for election on my

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

ballot in the Judiciary, and no matter how good you are, if you resided in the County of Cook, unless you were superman, I doubt that you would know the qualifications of all of those judges as well. I guess just to close, unfortunately and sadly today, with the world like it is, the judges in the judiciary system of this State are dealing with more and more problems, whether it be child abuse, whether it be a crime victims type of situation, or whether it be deciding where our children go to school. The judges are more important today than ever, and unfortunately, as we saw in the last election in March, we are putting, simply, unqualified people on the bench in the County of Cook, as sad as that is. And I think now is the time to go forward with merit selection. This is an -- the perfect time to move this thing forward, and, unfortunately, we are up against a time constraint. This is the plan that's before us, and now is the time to do what, I think, many of us have campaigned for, for years. It's time to put up or shut up as to whether we're for merit selection of the Judicial Branch of our government.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Joint Resolution -- Senate Joint Resolution 25 be adopted and approved. Pursuant to Section 2, Article XIV of the Illinois Constitution, amendments must be approved by three-fifths of the Members elected. Those in favor will vote Aye. The opposed will vote Nay, and the voting is open. Have -- have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 26 Nays, 3 voting Present. Senate Joint Resolution 25, having failed to receive a three-fifths constitutional majority, is declared lost. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

Referred to Executive Committee - Senate Resolution 192 and Senate Amendment No. 1 to Senate Resolution 52; and Be Approved for Consideration - Senate Resolution 52.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Page 8 of the Calendar is the Order of Constitutional Amendments. Senator Petka, did you wish Senate Joint Resolution 27 called? Madam Secretary, read the resolution.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 27, Constitutional Amendment, as amended by Senate Amendment No. 1.

(Secretary reads SJRCA No. 27, as amended)

3rd Reading of this constitutional amendment.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. We've just gone through a rather lengthy debate and discussion of the merit system of selecting judges, which I believe were primarily aimed at correcting problems caused by the sheer size of Cook County. However, during the course of the debate, we heard that -- from some Members that what we're, in effect, doing is displacing people from the equation and replacing them with professional politicians. Senate Joint Resolution Constitutional Amendment 27 retains some of the language from 25, however differs in the following: The Supreme Court of the State of Illinois would be elected, as opposed to selected, from three districts. The constitutional amendment provides that these districts would be -- would be required to be compact, contiguous and substantially equal, but not to such an extent that we would dilute the voting strength of any particular ethnic group. I believe that this is an amendment of fundamental fairness for the people of this State. Currently, I live in the Third Judicial

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

District, or Third Appellate District and Supreme Court District, and the Twelfth Judicial Circuit of Will County. I vote for one Supreme Court Justice. People in Cook County vote for three. I believe it was six years ago that many Members of my side of the aisle worked with some Members from the Democratic side of the aisle to come up with a plan of subcircuits which basically set into motion a process by which minorities and suburbanites would be permitted to have more direct control over the judges who would be conducting business in their neighborhoods. In my opinion, the process has worked fairly well, but certainly needs some improvement. However - however - recent events that have been highlighted in the media, and especially in some of the opinion molders in -- in Cook County in the newspapers, have pointed out that the process of election, because of the -- the size of the ballot, because of the unknown quantities of individuals who are running for office sometimes leads to less-than-desirable results. All we are attempting to do with this amendment is to permit an election in three districts in Cook County for the Supreme Court and to give people themselves an opportunity within the County of Cook to decide whether or not there might be a better way to bring judges to the bench. And, Mr. President and Members of the Senate, I'll answer any questions that may arise.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate.

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR COLLINS:

Senator, one of the arguments for this bill from the proponents has been that by dividing the districts up into --



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

Supreme Court up into subdistricts, it would afford a greater opportunity for minorities to be elected to the Supreme Court. But -- but I have a question: In the process of these minorities, are you talking about racial and ethnic minorities or are the overwhelming concern here about minorities, political minorities?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Senator, the -- the language of the Constitution talks about racial and ethnic minorities.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Senator, I see you had to smile on that, but -- but isn't the reality of this whole thing that the only minority in Cook County would benefit from this would be political minority, which would be the Republican Party having an opportunity - a great opportunity - to elect a Supreme Court Judge from that -- one of the subcircuits in Cook County?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Senator, first of all, I'm not going to presuppose the way that any person or any group of people are going to vote before any election. I think if you would just examine the election history in this State and nation over the last thirty or forty years, you can see that we no longer have a -- a dependable political base that's affiliated with parties. But I do believe, Senator, that in terms of the election of -- of a minority member to the Supreme Court, that certainly this plan would enhance that and guarantee it -- virtually guarantee it over the -- the life of the Constitution.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

One last question. Who is going to do the appointing?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

In terms of the Supreme Court, Senator, there is no appointing to the Supreme Court. It will be an election, as opposed to a selection.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Who's going to be drawing the lines?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

The General Assembly will be drawing such lines after, I believe it is, December 1st, 1997.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

So it's -- it's included in this resolution that the General Assembly will, in fact, draw the lines, and -- and how many votes will it take?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Well, we will not have the same standard as we had in one of our constitutional amendments that was put out, so it would require a majority.

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

Senator Collins.

SENATOR COLLINS:

So -- so -- so what you're saying is, that the General Assembly would draw the lines. And all of what we've done and all the resolutions today we talked about needing a three-fifths votes, but won't need a three-fifth vote to draw the lines for the sub-judicial circuits. Is that what you're saying?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

If the General Assembly finishes their business before May 31st of any particular year, that is correct. After May 31st or June 1st, it will require an extraordinary majority.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Thank you so much. And -- and I -- and I guess that that concludes my remark, and I would just only say that we should give this bill the same fate, the same votes that we did the one prior to it. This most certainly is not about -- the only minority that's tend -- will gain from this will be the Republican minority, which will control the Supreme Court and draw the maps for the next twenty years, and control this State. So I would urge its defeat.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Members. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR MOLARO:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

Does -- does this -- this constitutional amendment call for the merit selection of judges in Cook County? And it...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Senator Molaro, the -- this constitution amendment differs from Senator Dillard, only in the manner of selection and election of the Illinois Supreme Court.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Molaro.

SENATOR MOLARO:

Yeah. So the answer's yes, I would assume? All right. Well, just -- just one comment. I'm not going to repeat all the other comments we made earlier, 'cause we all know how we feel about that. You know, until you got up to spoke, I -- you're starting and I'm finally understanding the stuff about the Supreme Court. I guess on this side of the aisle we can look at it as though it's a takeover by the Republican Party, but it does seem to make sense to me that if you live in a certain county, you go up there, you vote for one Supreme Court Justice. I'm beginning to see the wisdom of that. Why should I get a chance to vote for three? I -- I will tell you right now on the Floor, even if it's a Republican takeover, because they might get one the way they cut it, I'm beginning to think maybe it's unfair to us to vote for three. So I could probably vote for that and if a constitutional amendment comes back that just deals with that. So that makes sense. However, I still have to vote No, because I still can't figure out why Cook County will be singled out. Now, there are Members here who were here when the Democrats controlled it. Unfortunately, I was not here at the time. I would like to know, and maybe they could point it out or we can do it in research, earlier, if there was a Democrat from Cook County who was passing

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

substantive, major changes in the law - which I think the sponsor will say this is certainly one; whether you go from elected to nonelected office, that's major - that a Cook County Democratic Member would go when we had control of the Senate and start making major substantive changes in Tazewell County, or other counties -- Will County. I -- I -- you know, and I don't know how long you've been here, if you were here under Phil Rock. Maybe you could research how many times a Democratic Member from Cook County would stand up to make major changes strictly in Will County and say, "You know what, we're going to make changes there because..." and give a list of three, or four, or five reasons that he believes is correct. If there were a lot of them, major changes, then this -- this doesn't really make any sense. But I just feel that people from Cook County are just as intelligent or non-intelligent as anyone else, and -- and I don't like that we're singled out. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Members of the Senate. Hopefully I will have leave to have my prior remarks recorded by reference into this so I don't have to repeat them, but let me just add to that one thing, since this is slightly different. And I find it interesting that a gentleman from outside Cook would suggest that the way to protect racial minorities, the way to protect gender minorities is to change the way in which Supreme Court members are elected in the County of Cook and the County of Cook only, because, supposedly, if we go to three separate subsections, we would then be able to protect and elect a racial minority or a gender minority. Well, the last time I looked at the Illinois Supreme Court, there is one woman member. Happens to be elected under the current system in the County of Cook. There is also one

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

African-American member, and only one African-American member, and that is also elected under the present system from the County of Cook. So it seems to me if you are really sincere in worrying about electing a member of a racial minority or a member of a gender minority, the current system is the one that works, and I would suggest we keep it.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further discussion? If not, Senator Petka, to close.

SENATOR PETKA:

Well, thank you very much again, Mr. President and Members of the Senate. First of all to the distinguished Senator from Chicago, Senator Molaro: As -- I was a State's Attorney in Will County when the 12th Judicial Circuit included three counties. And when I came to Springfield, the Democratic Legislature decided that the three-county circuit should become a one-county circuit. And, in fact, they did it. And it's -- it's worked out okay. It's worked out okay. It's very ironic to myself when I think back, think of some of the remarks that were made, some of the remarks that have been made during the presentation made by Senator Dillard on his piece of legislation - people referring to this as a "massive power grab". President Ronald Reagan, in -- during his first term in office, urged and supported and signed legislation which expanded the rights of the voting franchise and created the concept of majority/minority districts. Check it out: The Voting Rights Act. Right now, appointees made by the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

President of the United States are in the process of systematically undoing the spirit of the supermajority/minority districts. With this piece of legislation, you have the opportunity, members of the Minority, to build right into the Illinois Constitution a protection, a protection that may be taken away from you by the Clinton nominees on the Supreme Court. Additionally, in my opinion, based upon the media molders in the City of Chicago, polls that have been taken, this initiative -- or a merit selection initiative, if placed on the ballot, especially for the County of Cook, would enjoy overwhelming support. The three-fifths guarantee that we -- that we place in the merit selection process ensures minority -- participation. And quite candidly, you'll never, ever, ever see a better deal. Currently the Cook County Board Chairman can appoint eight members. Which -- looking back to when we first went to the sub-circuit -- subdistrict concept, what we tried to do there is to bring responsibility for judges who are sitting on the bench and doing the work in our neighborhoods back to the people that are most directly affected. We have found some problems with that. But we're still going to require individuals to be selected under merit selection from some of the sub-circuits, but yet still have an opportunity to get the best of the best. And in terms of the redistricting, my dear colleagues and friends, just read the language of the amendment. It permits, once and for all, a concept of fairness to be spread, so that your votes will equal my votes in terms of the Supreme Court, which is the highest judicial branch in this State and nationwide in the U.S. Supreme Court. Again, this may be your last chance to catch the train, because you're never going to see another and better deal than this. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Joint Resolution 27 be adopted

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

and approved. And pursuant to Section 2, Article XIV of the Illinois Constitution, amendments must be approved by three-fifths of the Members elected. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 24 Nays. Senate Joint Resolution 27, having failed to receive a three-fifths constitutional majority, is declared lost. For what reason does Senator Mahar seek recognition?

SENATOR MAHAR:

Thank you, Mr. President. Because of the committee schedule being jazzed-up here this afternoon and we have other Members who would normally be serving on Environment and Energy serving on other committees, we -- I don't think we're going to have a quorum. So all those Members who serve on that committee, as well as Senators Burzynski, Weaver and Raica, we're going to cancel today's meeting. Handle it next week.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator -- Senator Geo-Karis.

SENATOR GEO-KARIS:

Personal privilege.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your...

SENATOR GEO-KARIS:

Mr. President, a point of personal privilege. And, Ladies and Gentlemen of the Senate, I'd like to introduce a very talented lady, who is the -- with Kimberly Financial Services, my constituent Dorothy Desmond, who is here with the group today.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Thank you for visiting with us. Senator Fawell.

SENATOR FAWELL:



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

Thank you very much. We -- the Transportation Committee will meet immediately after we adjourn, in Room 400. It shouldn't take too long. The controversial bills are being held.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. For purposes of announcement: The Revenue Committee will meet in Room A-1 - in Room A-1 - at 5 p.m.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

The Senate Education Committee shall meet immediately - 3:30 p.m. - in Room A-1.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

This isn't -- I rise for purposes of an announcement. For those Members who are on the Appropriations Committee, immediately upon adjournment we'll go to Room 212, and we're going to proceed immediately with action on the supplemental appropriation requested by the Governor and passed over to us from the House, followed by hearing subject -- subject matter and bill hearings on State agencies. The agencies have been waiting since 1. I'd encourage everyone to come to committee as promptly after Session as possible.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Watson.

SENATOR WATSON:

Yes. An announcement, Mr. President. I know all of you are anxious about the softball game next week. It's the 30th of April. We've had a -- we've got a real winning streak going. Everybody looks good. I know you've been practicing at home. We

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

96th Legislative Day

April 23, 1996

do have a practice tonight at 5 o'clock, and I've got maps on where we're going to practice. And we're going to attempt to practice again tomorrow night. We do these practices in -- in memory and -- of Pat Welch and Walter Dudycz, both of whom broke fingers at practices in the past. So we -- so we want to continue that -- this -- the practices in their memory.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. I -- I'd like to -- to report to Senator Watson that his... You know, Senator Watson has two practice fields. He tells the good guys where there are actually practices -- is going to be held, and he tells the other fellows, like me, to go like to the ballpark in Sherman or someplace like that. I was wondering: Are they going to have any food or anything there in Sherman if we show up at that other practice field tonight?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Is there any further business to be -- come before the Senate? If not, the -- if not, Senator Bomke moves that the Senate stand adjourned until 11 -- 11 a.m., Wednesday, April 5th -- 24th.

APRIL 23, 1996

HB-0017	FIRST READING	PAGE	2
HB-1476	FIRST READING	PAGE	2
HB-2412	FIRST READING	PAGE	3
HB-2421	FIRST READING	PAGE	3
HB-2592	FIRST READING	PAGE	7
HB-2632	FIRST READING	PAGE	3
HB-2737	FIRST READING	PAGE	3
HB-2751	FIRST READING	PAGE	3
HB-2859	FIRST READING	PAGE	3
HB-2900	FIRST READING	PAGE	3
HB-3157	FIRST READING	PAGE	7
HB-3193	FIRST READING	PAGE	7
HB-3204	FIRST READING	PAGE	3
HB-3283	FIRST READING	PAGE	3
HB-3380	FIRST READING	PAGE	3
HB-3414	FIRST READING	PAGE	3
HB-3448	FIRST READING	PAGE	3
HB-3658	FIRST READING	PAGE	8
HB-3668	FIRST READING	PAGE	8
HB-3694	FIRST READING	PAGE	3
HB-3695	FIRST READING	PAGE	3
HB-3696	FIRST READING	PAGE	3
HB-3698	FIRST READING	PAGE	4
SR-0193	RESOLUTION OFFERED	PAGE	2
SR-0194	RESOLUTION OFFERED	PAGE	2
SR-0195	RESOLUTION OFFERED	PAGE	7
SR-0196	RESOLUTION OFFERED	PAGE	7
SJR-0003	THIRD READING	PAGE	8
SJR-0003	ADOPTED	PAGE	31
SJR-0018	THIRD READING	PAGE	31
SJR-0018	RESOLUTION FAILED	PAGE	44
SJR-0025	THIRD READING	PAGE	44
SJR-0025	RESOLUTION FAILED	PAGE	62
SJR-0027	THIRD READING	PAGE	63
SJR-0027	RESOLUTION FAILED	PAGE	72
SJR-0092	RESOLUTION OFFERED	PAGE	2

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-THE REVEREND GERRY COMSTOCK	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
JOURNAL-APPROVED	PAGE	1
JOURNALS-POSTPONED	PAGE	1
INTRODUCTION OF GUEST-SENATOR LUECHTEFELD	PAGE	2
GUEST SPEAKER-MR. IKE MINTON	PAGE	2
SENATE STANDS AT EASE	PAGE	7
SENATE RECONVENES	PAGE	7
COMMITTEE REPORTS	PAGE	62
ADJOURNMENT	PAGE	74