

Doorkeeper: "Attention, Members of the House of Representatives, the House will convene in fifteen minutes. All persons not entitled to the House floor please retire to the gallery."

Speaker Redmond: "The House will come to order. Members, please be in their seats. Be led in prayer by the Reverend Krueger, the House Chaplain."

Reverend Krueger: "In the name of the Father, the Son and the Holy Ghost. Amen. O Lord, bless Thy House to Thy service this day. Amen. Louis I. Newman said: 'I sought to hear the voice of God, and climbed the topmost steeple. But God declared: Go down again, I dwell among the people.' Let us pray. Almighty God, the Father of all mankind, the Creator of all things, the Source of all power and might, we thank Thee for the role Thou has given to mankind in Thy divine harmony. Be with us, O God, in all that we may think, in all that we may plan and all that we may do. Send to us Thy Holy Spirit to endow us with faith, hope and charity as we endeavor to serve the people of the State of Illinois as Representatives in this austere Body here assembled. We ask this in the name of Thy Son, Jesus Christ our Lord. Amen."

Speaker Redmond: "Roll Call for attendance. Messages from the Senate."

Clerk O'Brien: "A message from the Senate by Mr. Wright, Secretary. Mr.

Speaker, I am directed to inform the House of Representatives the Senate has concurred with the House in the adoption of the following Joint Resolution, to wit: House Joint Resolution #85. Concurred in by the Senate, April 28, 1978. Kenneth Wright, Secretary.

A message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred with the House in the adoption of the following Joint Resolution, to wit: House Joint Resolution #86. Concurred in by the Senate, April 28, 1978. Kenneth Wright, Secretary.

A message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has adopted the following Senate Joint Resolution and the adoption of which I am instructed to ask concurrence of the House of Representatives, to wit: Senate Joint Resolution #77. Adopted by the Senate, April 28, 1978. Kenneth Wright, Secretary."



Speaker Redmond: "Reading of the Journal."

Clerk O'Brien: "Journal for the 115th Legislative Day, Thursday, April..."

Speaker Redmond: "Representative Matijevich, for what purpose do you rise?"

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, I move that we dispense with the reading of the Journal and that Journal #115 of April 20, 116 of April 21, 117 of April 25 and 118 of April 26, be approved as read."

Speaker Redmond: "You've heard the Gentleman's motion. Any discussion? Representative Bowman. The question's on the Gentleman's motion, those in favor say 'aye', 'aye', opposed 'no'. The 'ayes' have it, the motion carries, reading of the Journal is dispensed with and the Journals stand approved. Constitutional Amendments. What do you want here, Mr. Clerk? Representative Geo-Karis is here but Walsh isn't. Mr. Clerk. Mr. Clerk. Constitutional Amendments, House Joint Resolution 21."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment 21. Resolved, by the House of Representatives of the Eightieth General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of this State for adoption or rejection at the general election next occurring at least six months after the adoption of this Resolution, a proposition to amend Section 5 of Article IX of the Constitution to read as follows:

Article IX. Section 5. Personal Property Taxation.

(a) The General Assembly by law may classify personal property for purposes of taxation by valuation, abolish such taxes on any or all classes and authorize the levy of taxes in lieu of the taxation of personal property by valuation.

(b) Any ad valorem personal property tax abolished on or before the effective date of this Constitution shall not be reinstated.

(c) The General Assembly by law may abolish all ad valorem personal property taxes and concurrently therewith and thereafter shall replace all revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes subsequent to January 2, 1971. Such revenue shall



be replaced by imposing state-wide taxes, other than ad valorem taxes on real estate, solely on those classes relieved of the burden of paying ad valorem personal property taxes because of the abolition of such taxes subsequent to January 2, 1971. If any taxes imposed for such replacement purposes are taxes on or measured by income, such replacement taxes shall not be considered for purposes of the limitations of one tax and the ratio of 8 to 5 set forth in Section 3(a) of this Article.

The foregoing Amendment to Section 5 of Article IX of the Constitution takes effect upon its adoption by the electors of this State. Third Reading of the Constitutional Amendment as amended."

Speaker Redmond: "On the Order of Concurrence, Postponed....

Consideration Postponed."

Clerk O'Brien: "No. No...."

Speaker Redmond: "Where are we? Whate page? On page 10, on the Order of Concurrence, House Joint Resolution Constitutional Amendment 29."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment 29.

Resolved, by the House of Representatives of the Eightieth General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of this state, at the general election next occurring at least 6 months after the adoption of this Resolution, a proposition to amend Section 6 of Article IX of the Constitution to read as follows:

Section 6. Exemptions from Property Taxation.

The General Assembly by law may exempt from taxation only the property of the state, units of local government and school districts and property used exclusively for post homes of Congressionally chartered agricultural and horticultural societies, and for school, religious, cemeterly or charitable purposes. The General Assembly by law may grant homestead exemptions or rent credits. Schedule. This Amendment takes effect immediately upon its adoption by the electors. Third Reading of the Constitutional Amendment as amended."

Speaker Redmond: "Page 9, Second Reading. Which one is it, Jack? House Joint Resolution Constitutional Amendment #46."



Clerk O'Brien: "House Joint Resolution Constitutional Amendment #46.

Resolved, by the House of Representatives of the Eightieth General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of the state for adoption or rejection at the general election next occurring at least six months after the adoption of this Resolution, a proposition to amend Sections 2 and 5 of Article IV of the Constitution to read as follows:

Article IV. Section 2. Legislative Composition.

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly shall divide the Legislative Districts as equally as possible into two groups. Senators from one group shall be elected for terms of six years and four years, and Senators from the second group for terms of four years and six years. The Legislative Districts in each group shall be distributed substantially equal over the state.

(b) Three Representatives shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts into three groups. Representatives from one group shall be elected for terms of four years, four years and two years; Representatives from the second group, for terms of four years, two years and four years; and Representatives from the third group for terms of two years, four years and four years. No political party shall limit its nominations to less than two candidates for Representative in any Legislative District. In elections for Representatives, including those for nomination, each ^{Legislator} Legislator may cast three votes for one candidate or distribute them equally among no more than three candidates. The candidates highest in votes shall be declared elected.

(c) To be eligible to serve as a Member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district where he is to reside...represent. In the general election following a redistricting, a candidate for the General



Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if the residents of the new district he represents for 18 months prior to election.

(d) Withinthirteendays after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy occurs with more than thirty-eight months remaining in the term, the person appointed to fill the vacancy shall serve until the next general election, at which time a person shall be elected to serve the remainder of the term. If the vacancy occurs with no more than twenty-eight months remaining in the term, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No Member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for the time during which he is in attendance as a Member of the General Assembly.

No Member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

Section 5. Sessions.

(a) The General Assembly shall convene each year on the second Wednesday of January. The General Assembly shall be a continuous Body during the two-year period commencing with the convening of the Regular Session of each odd-numbered year.

(b) The Governor may convene the General Assembly or the Senate alone in Special Session by a proclamation stating the purpose of the Session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special Sessions of the General Assembly may also be convened by Joint Proclamation of the presiding officers of both Houses, issued as provided by law.

(c) Sessions of each House of the General Assembly and meetings of Committees, Joint Committees and Legislative Commissions shall



be open to the public. Sessions and Committee Meetings of the House may be closed to the public if two-thirds of the Members elected to that House determine that the public interest so requires; and meetings of Joint Committees and Legislative Commissions may be so closed if two-thirds of the Members elected to each House so determine.

Schedule. This Amendment applies to the redistricting of 1981 and subsequent decennial redistricting and to the nomination and election of Senators and Representatives in 1982 and thereafter. Second Reading of the Constitutional Amendment."

Speaker Redmond: "Constitutional Amendment Second Reading, Senate Joint Resolution 31."

Clerk O'Brien: "Senate Joint Resolution #31. Senate Joint Resolution Constitutional Amendment.

Resolved, by the Senate of the Eightieth General Assembly of the State of Illinois, the House of Representatives concurring herein, that there shall be submitted to the electors of this state for adoption or rejection at the general election next occurring at least 6 months after the adoption of this Resolution, a proposition to amend Section 2 of Article X of the Constitution to read as follows:

Article X. Education. Section 2. Superintendent of Education. A Superintendent of Education shall be elected by the electors of the state and shall hold office for four years beginning on the second Monday of January after his election. To be eligible to hold the Office of Superintendent of Public Instruction, a person must be a United States citizen, at least 25 years old and a resident of this state for the three years preceding his election.

The Superintendent of Elections shall be the chief educational officer of the state having general supervisory responsibility in relation to public elementary and secondary schools, and shall, except as limited by law, establish goals, determine policies, provide for planning and evaluating education programs, recommend financing, and have such other duties and powers as provided by law.



Transition Schedule.

If this Amendment is approved by the electors of the general election in 1978, a Superintendent of Elections shall be elected at the general election in 1980 for a term of two years and shall take office on the second Monday of January after his election at which time the State Board of Education shall cease to exist. Thereafter a Superintendent of Public Instruction shall be elected in 1982 and every fourth year thereafter for a term of four years.

Second Reading of the Constitutional Amendment."

Speaker Redmond: "Representative Griesheimer."

Griesheimer: "Mr. Speaker, I'd just inquire... a parliamentary inquiry on this Senate Joint Resolution 31, I.... I have filed an Amendment on that, I just wondered at what time that Amendment would be heard?"

Speaker Redmond: "The Amendment is on file and whenever we go to the Order of Second Reading the Amendment will be considered. This... mere purpose was to read it right now."

Griesheimer: "Thank you, Mr. Speaker."

Speaker Redmond: "Representative Madigan, are there any excused Democratic Members?"

Madigan: "Not that I know of, Mr. Speaker."

Speaker Redmond: "Representative Ryan. I understand that Representative McCourt's father is deceased so I would think that he should show excused. Any others? Abramson and Hudson are both ill, is that correct, Mr. Ryan?"

Ryan: "Yes, that's right, Mr. Speaker."

Speaker Redmond: "May the record show that they're excused? Page 9, Consent Calendar, Second Reading. 2902."

Clerk O'Brien: "House Bill 2902. A Bill for an Act to amend the Illinois Municipal Code. Second Reading of the Bill. No Committee Amendments."

Speaker Redmond: "Any Amendments from the floor?"

Clerk O'Brien: "None."

Speaker Redmond: "Third Reading."

Clerk O'Brien: "House Bill...."

Speaker Redmond: "3117?"



Clerk O'Brien: "3117. A Bill for an Act in relation to foreclosures. of demolition liens by units of local government. Second Reading of the Bill. No Committee Amendments."

Speaker Redmond: "Representative Houlihan."

Houlihan, D: "Just hold that Bill on Second, please, I don't...I'm the Sponsor of the Bill and I don't wish to move it to Third."

Clerk O'Brien: "It's on page 9 on the Consent Calendar."

Speaker Redmond: "Dan Houlihan. Representative Dan Houlihan."

Houlihan, D: "...I see, Jack, what you're referring to but if I could have the Bill held where it is we may want to put an Amendment on....so if you can leave it where it is and don't move it from the Consent Calendar at this point."

Speaker Redmond: "Hold it, yes. On House Bills Third Reading appears House Bill 2582. Representative James Taylor is recognized. You desire to have this returned to the Order of Second Reading for the purpose of an Amendment, is that correct?"

Taylor: "That's correct, Mr. Speaker."

Speaker Redmond: "Does he have leave? Will you read the Bill, Mr. Clerk, 2582?"

Clerk O'Brien: "House Bill 2582. A Bill for an Act making an appropriation to the Court of Claims. This Bill has been read a second time previously and there were no Committee Amendments."

Speaker Redmond: "Will be returned to the Order of Second Reading. Representative Taylor."

Taylor: "Mr. Speaker, Members of the House,...Amendment #1 to House Bill 2582 is a Bill that has been discussed in this House previously. It's money appropriated to Medley Movers for the purpose of paying the bills that he had incurred in moving people from place to place at the urging of the Department of Public Aid caseworkers. I solicit your support for the adoption of Amendment #1 to House Bill 2582."

Speaker Redmond: "Is there any discussion? Representative James Houlihan."

Houlihan, J: "Will...will the Gentleman yield for a question? Will the Gentleman yield for a question? Representative Taylor, this is money for Medley Movers, this is not to move the



corporation up in O'Hare Airport is it?"

Taylor: "No, it's not."

Houlihan, J: "Is it...is it the money paid to Medley that was rejected by the Court of Claims?"

Taylor: "It was not rejected, it was not discussed that portion of.... Medley Movers received \$11,000 from the Court of Claims. This is money that we had to seek out...the lawyers and attorney's fees and find out where the records was (sic) in order to get that money. That's what this Bill is for, is for that...."

Houlihan, J: "This...this is money for attorney's fees that the Court of Claims did not award?"

Taylor: "The Court of Claims suggested to Medley Movers that they obtain a lawyer to find out what the problem wassimply because the Public Aid Department at that time was keeping such bad records; and that's what he did and that's what this is all about."

Houlihan, J: "I'm sorry, Mr. Speaker and Ladies and Gentlemen of the House, I couldn't understand the last response but I believe that this Bill is to pay for items that were before the Court of Claims that were rejected by the Court of Claims which we have rejected in the Legislature a number of times before. And I think it's highly inappropriate for us to be circumventing the Court of Claims. If we don't approve of the Court of Claims system we ought to abolish it but we ought not to have individual Legislators coming in with legislation for their political sponsors or associates so that they can pay for work that has been questioned by the Department, questioned by the Court of Claims and therefore I think we're not in a position to determine the facts of whether that work has been done or not done."

Speaker Redmond: "Representative Waddell."

Waddell: "Will the Sponsor yield?"

Speaker Redmond: "He will."

Waddell: "What does the Amendment actually do?"

Taylor: "Will you repeat your question, Representative?"

Waddell: "What does the Amendment now actually do?"

Taylor: "The Amendment actually gives the Court of Claims the right



to pay Medley Movers \$62,190.83."

Speaker Redmond: "Ready for the question? The question's on the Gentleman's motion for the adoption of the Amendment, those in favor say 'aye', opposed 'no'. Those in favor vote 'aye', opposed vote 'no'. Have all voted who wish? The Clerk will take the record. On this question there's 56 'aye' and 52 'no'. The motion prevails, The Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "Third Reading. Constitutional Amendments Third Reading, House Joint Resolution Constitutional Amendment 1."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #1. This Resolution has been read a third time previously."

Speaker Redmond: "Representative Wolf. Representative Daniels. House Joint Resolution Constitutional Amendment 1. Jake. Representative Wolf."

Wolf: "Mr. Speaker and Members of the Assembly, today we would offer for your consideration House Joint Resolution Constitutional Amendment #1 which is sometimes referred to as the Merit Selection of Judges Resolution. We have come a long way with this Amendment, bringing it out of the House Executive Committee where it was supposed to have been buried; and we withstood the onslaught of numerous crippling-type Amendments which were offered on Second Reading. Mr. Speaker and Members of the House, what House Joint Resolution Constitutional Amendment simply asks is, should Judges be appointed by a bipartisan commission on the basis of their legal qualifications and ability or should they be anointed by the party hierarchy on the basis of their years apprenticeship and work in the political vineyards. Who will make this determination, Mr. Speaker, Members of the House? It won't be the Governor and it won't be the Members of the General Assembly, but it will be the people themselves by way of a referendum. Do we have a Speaker on the podium? Is the Speaker here or does he exist or...the phantom Speaker here?...."

Speaker Redmond: "Representative Wolf."

Wolf: "Oh, I was going to ask Mr. Ryan if he would go up and represent you on the podium, Mr. Speaker. I thought you, well.... Mr.



Speaker and Members of the House, I know that many fallacious arguments are going to be made against the merit selection. Some of those will probably be, should the people...always the...should...people should always have the right to elect the Judges. Arguments will probably be made that large law firms will control the selection of the lawyer members of the Commission and that the Committee on Courts and Justice is merely a shell for the large law firms. Or the merit selection would create an elite corp of do-gooders who would dominate the nominating Commission. Well, Ladies and Gentlemen, I know we're going to get all those arguments, but all I can tell you, we can find the answers to those arguments in any delicatessen in the state in the bologna department. First of all, few people, if any, pay much attention or know much about the Judges they're voting for with possibly the exception of the Supreme Court which is no longer in this Resolution. And in down-state communities where people have fewer Circuit Court Judges on the ballot at one time and have a much better rapport than do the people of Cook County, and this is why HJRCA 1 calls for local option for Circuit Court Judges at a later referendum, if the people should decide to do so. I'd like to point out that of the 673 trial court Judges that we have in the State of Illinois, 301 of those are Associate Judges which are...which aren't elected anyway, they're appointed by the Circuit Courts. With the charge that this Commission would be dominated by large law firms, I would like to point out....."

Speaker Redmond: "Representative Houlihan, James Houlihan."

Houlihan, J: "Mr. Speaker, a point of order, could we give the Gentleman some attention on this matter?"

Speaker Redmond: "Please give the Gentleman order. Representative Dan Pierce, will you come to the podium?"

Wolf: "I was going to point out, Mr. Speaker, that some of the arguments that the large law firms would control these Commissions is not accurate. And I would like to point...to the Kansas Appellate Judicial Nominating Commission of which there are three...from one or two-member firms, the Chairman of that Commission is from a four-member law firm and the fifth is from a four-member law firm.



And according to Mr. Carter, the Clerk of the Kansas Supreme Court, who is responsible for conducting the lawyer elections(sic) neither of the state or local bar associates have been a factor since 1958. In the State of Arizona, of the three lawyers on the Arizona Appellate Judicial Nominating Committee, one is from a large law firm. of forty-five, one is from a three-member firm and one is from a six-member firm. So I don't really believe, Mr. Speaker, Members of the House, that that type of an argument would hold water. As far as the argument that is made that there would be fewer blacks, fewer minorities, fewer women Judges, that also doesn't hold water. In 1973 a national survey conducted by the American Judicature Society found out that of the 268 black Judges serving, two-thirds of those had initially been appointed to their positions. With regard to women, of the ten women serving under adjudication's highest court only two of those were initially elected, the Honorable Jane 'Shores' of Alabama and the Honorable Mary Coleman of Michigan. So, Mr. Speaker, Members of the House, I think these arguments should be taken on their face as fallacious arguments and be made not in good faith. Ladies and Gentlemen of the House, merit selection is not a new or radical concept. Some 28 states have adopted merit selection since 1940 and not one of them, not one of them, has gone back to the old way since 1940. Merit selection is supported by over 30 organizations in the State of Illinois, among those it includes all American Judicature Society, the Better Government Association, Chicago Bar Association, the Illinois Farm Bureau, Howard...John Howard Association, League of Women Voters, the Illinois Nurses' Association and we believe the people of Illinois also support the concept. In addition, the deans of every law school in the State of Illinois support the merit selection of Judges. Mr. Speaker and Members of the House, if you believe...if you believe in the government of the people then I ask, give the people a chance to vote on this in November."

Speaker Redmond: "Representative Roman Kosinski."

Kosinski: "Mr. Speaker, will the Sponsor yield to several questions?"

Speaker Redmond: "He will."

Kosinski: "J.J., just for my information as to how the Bill stands now,



who makes the selection of the Committee which recommends the Judges?"

Wolf: "Okay, the...the Governor makes the final determination with the advise and consent of Senate."

Kosinski: "Item two, is this a state-wide Bill...only focused at Cook County?"

Wolf: "No, this will be a state-wide Bill with respect to the Appellate Court and if the people of each circuit so desire they can, under a separate referendum later on, opt to apply the same situation or same thing to their local trial court Judges, but that would be if they opted to do so under separate referendum."

Kosinski: "And the Appellate Court Judges in Cook County, do they come within purvue of this Bill?"

Wolf: "Yes, Sir."

Kosinski: "You know there's only the Appellate Court Judges in Cook County...would be affected by this Bill, is that correct?"

Wolf: "All Appellate Court Judges."

Kosinski: "All over the state or only in Cook County?"

Wolf: "All over the state."

Kosinski: "I thought that was up to local referendum."

Wolf: "No, Sir.....you're misinformed."

Kosinski: "Now, the recommendations to the Governor for selection of this Committee would come from whom?"

Wolf: "Okay, there would be...you're talking about Cook County right now?"

Kosinski: "I'm talking about the state, where would the...the Governor get recommendations in his selection of Committee?"

Wolf: "All right, the membership breakdown of the Judicial Nominating Committee, the first district would be 11...or...is other than the First District would be 11 members; 6 nonlawyers, no more of three which could be from one party and five lawyers. In the... each additional Nominating Commission except the First District, which is Cook County, there would be two lawyers and two nonlawyers from each circuit chosen by the Circuit Judicial Nominating Committee Members. And then, in addition, there would be one at-large member chosen by the Governor from each circuit. In Cook County, there would be 21 members, 11 nonlawyers and 10 lawyers."



Kosinski: "Now, I don't mean this specific Governor, but any Governor because this will be legislation to hold, on what basis would the Governor make such recommendations? Relatives of his or what?"

Wolf: "No, they would...they would come from anybody, they're going to be citizen input. You talking about the nonlawyer members or the lawyer members?"

Kosinski: "Would some of the bar associations be instrumental in making recommendations to the Governor?"

Wolf: "All the lawyers in that...in that jurisdiction would vote and select the lawyer members and the nonlawyer members would be selected by the Governor who, in turn, would have to be confirmed...his nominations would have to be confirmed by the Senate."

Kosinski: "Mr. Speaker, if I may address the Amendment? Ladies and Gentlemen of the House, I'm certain the philosophy of merit selection is not repugnant to any of us. My concern is that merit may be a word, may be a word, may be a word. I'm concerned that the Democratic process remain in Illinois to the best possible advantage. I'm concerned at the same time we're foisting on the public legislation to elect a Superintendent of the Education, we are going to take that determination away from the public of Illinois. I'm concerned that we're a one-man appointment and no matter whether it's a Democrat or a Republican, whether a one-man appointment of a Committee to come up with three recommendations to him, a Committee that is subservient in part to his wishes, who...that would consider his wishes, would come up with three candidates. He potentially could approve of them, then he makes a selection of that one candidate from each judicial district. I wonder if this is true democracy in action. I repeat, the idea of merit selection, the philosophy of merit selection is certainly something we want, and we want it within the confines of parties, we want it to... within the confines of the attorneys, we want it within the confines of the government office (sic) or whatever it has to be; however, it must be true merit selection. With the appointment system, despite the fact that the Senate would have to approve - and we don't know whether it to be a Republican or a Democratically dominated Senate - I have certain concerns about the method of selection.



I also have concern under the...feeling of equal justice under the law as to whether this should not be state-wide in every respect and not directed in part only at Cook County, no matter what the problem is. These are my concerns and I view this legislation, this Amendment with a jaundiced eye in terms of the democratic process."

Speaker Redmond: "Representative Simms."

Simms: "Well, Mr. Speaker, Ladies and Gentlemen of the House, as a downstate Legislator, I rise in total opposition to House Joint Resolution #1 for several reasons. Mr. Speaker and Ladies and Gentlemen of the House, first of all I believe that the judicial system of the State of Illinois in downstate Illinois is one that operates on an efficient basis. I could only look to my own judicial district where we have elected people of the highest caliber of both political parties to the judicial bench within our district. Secondly, the people in 1970 in my own district, my own county, worked in the polls by twenty thousand votes to twelve thousand votes voted to elect Judges rather than appoint Judges and taking away this right. A third reason, the present Amendment before this Assembly is nothing more than the legislative hodge-podge that is going to be an administrative nightmare to administer. You can't have justice and the judiciary system in one district being elected and the next district being appointed and at the same time have a merit selection as Mr. Roman Kosinski said, 'What is the term merit and how do you define it?' I have faith in the people of the State of Illinois, I have faith in the people in my district to elect the individuals to represent them to serve on the judiciary and I have faith in the people of Cook County. If you want to elect Judges to the bench that's your prerogative. It's your prerogative to elect those to serve on the judicial bench. Yes, there may be those that criticize who the voters of Cook County and Chicago elect, but that is still their right, their Constitutional right to elect those people to office. And I pray to you, don't take a right away from the people to elect. I have more faith in the confidence of the citizens of Illinois to elect their Judges than give this right away to a select group of people that



are transferring the power from the people to the bar associations of this state. And for this reason, I urge that House Joint Constitutional Amendment #1 be overwhelmingly rejected."

Speaker Katz: "The Lady from Cook, Miss Willer."

Willer: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House.

I would like to speak to two issues involving merit selection of Judges. One, that there's some Constitutional right if you're talking about the Federal Constitution, of the people to elect Judges. That simply isn't true. As been pointed out over and over and over again, we did not elect Judges until the middle of the 19th Century. We are the only nation except Russia that does elect Judges and the people's rights are very secure in the nations that do not in the rest of the western world. To say that because we have three branches of government that are equal, and they are, does not mean they are the same. We hear this in another debate over another Amendment, equality means sameness. It does not. It does not in this instance. Judges do not represent people, Judges represent the law. And to the extent that they represent people we get ourselves in trouble. They should never represent people, and that's exactly why a lot of us want merit selection of Judges because too many Judges do represent special interests of special people. I would like to speak to one other point. It has been said that minorities and women would fare very badly, that simply isn't true. Women and blacks have fared much better in the states that have merit selection, more women and more blacks have been appointed than have been elected and I have the chart here. So let's get this straight on two things, Judges don't represent people, they represent the law. And minorities and women, certainly, would not be hurt under this, I think they would be much better off."

Speaker Katz: "The Gentleman from Champaign, Mr. Johnson. The Gentleman from Lake, Mr. Deuster."

Deuster: "Mr. Speaker, Ladies and Gentlemen of the House, as was pointed out during the earlier debate last week on this subject, I believe we are dealing with what has been a problem in Cook County and not a problem in Lake County which I serve or in other parts of the State of Illinois. The reason it's a problem in Cook County, I believe



if you were to be analytical, is that Cook County is so big. It's true that Cook County, in most areas, has been dominated politic... politically by one party, the Democratic Party. As in Lake County, my area, it's been dominated by the Republican Party. But mainly the problem, as I see it, is because Cook County is so big, they have so many Judges, that the voters - whether they be Democrats or Republicans or discerning independents, whoever they be - just can't possibly know the qualifications of all the members. So we're trying to find some way to solve the Cook County problem. I believe an Amendment that was offered earlier - and unfortunately was not adopted - is a much better approach than this Bill and that is we can maintain election of the Judges by the people. We can maintain election of the Judges in that way and we can have the people know who their candidates are, meet them at meetings, ask them about their views of justice and look them over. We can do that. We could do that if we divided Cook County into legislative districts and elected a certain number of Judges from each legislative district, that's the approach. That would solve the problem. At this time some Judges are elected from the suburban areas of Cook County. That helps the Republicans elect Judges. We have former Members of this Body, Representative Palmer, Representative Duff, who are now serving on the bench. In order to assure that the people in Chicago know who their Judges are and can vote intelligently on them, I would like to see us next Session present some recommendations to the people to allow election of Judges in the legislative districts. And that is the way that you're going to assure...if someone's interested in putting black people on the bench, if that's an objective, fine. Then you can elect them from a black legislative area, there'll be black people on the bench and there'll be some good women. But they can go out and present their qualifications to the people and let the people choose instead of a small...Committee elected by one man - even if he's a responsible and good man like Governor Thompson or other Governors that we've had serve this state - nonetheless it's one man and that's bad and I'd like to see it in



the hands of the people and, unfortunately, this proposal is not in the shape that I can support it. I regret that because I'm for merit selection but I'm for merit selection by the people. And I urge the rejection of this Resolution."



Speaker Katz: "The Gentleman from Cook, Mr. Getty."

Getty: "Mr. Speaker, Members of the House, many of the reasons suggested by Representative Willer - I support the concept of merit selection, I have supported merit selection over the years - however, the Bill, or the Constitutional Amendment that's before you is illusory. It does not mandate merit selection evenly throughout the state if approved by the people. Rather, it says, 'If this Constitutional Amendment is approved by the people you're going to have merit selection only on a local option basis'. I suggest to you that that will mean in futuro we will never have merit selection in large areas of this state. I suggest, and have suggested before to the Sponsors, that this Bill, or this Amendment, have a mandatory provision that all Circuit Court Judges be picked through the merit system and not elected based upon local option. This is indeed just a local option to elect Bill. It is a Bill which will not give us what we need, true merit selection of our Circuit Court Judges throughout the state. And for that reason, I stand in opposition until that Amendment is made."



Speaker Katz: "The...the Gentleman from Lawrence, Mr. Cunningham. Briefly, Sir."

Cunningham: "Mr. Speaker and Ladies and Gentlemen of the House, it's certainly refreshing to have the Speaker speak of brevity, that's foreign to his usual procedure. The only thing good that you can say about this Bill is its incomparable Sponsor. That's a very fine thing about the Bill but the rest of it is illusory, unworthy of your affirmative vote. It is the classic misnomer to say in this instance this is merit selection. This isn't merit selection at all, it's bar association selection. It's big law firm selection. By whose yardstick is it genuine judicial reform to take away, to disenfranchise the voters of the State of Illinois to select officers who are so very important to their lives? And that's exactly what this Bill does. I ask you believe with me that the people of Illinois are smart enough to make the proper selection for every office in the state including the judiciary. We shouldn't mean mouth the process that has sent some very fine Members from our midst to the bench. I refer to Judges Duff, Fleck, Palmer, Wolf, Calvo and Berry. Now if the system is so bad why do those people sit on the bench at the present time? You need to recognize, too, that this is just a shell that remains in the present case. We had the heart taken out of the case when the Gentleman from Joliet took away the Supreme Court from its application. What nonsense it is to believe that with that...very top of the program being removed that there yet remains any basis whatever. I ask you to believe that the people that were smart enough to send you here to this House are smart enough to resent any effort to disenfranchise them. Downstate citizens should recognize the infallibility of the voters, give them a chance for the process to work, do not be carried away by those who sell you a bill of goods on the nonsensical notion that somehow it's judicial reform to disenfranchise the voters of Illinois. Keep faith with the people that sent you here, proudly vote 'no' on this pro....."

Speaker Katz: "Yes, Mr. Skinner, what is your point of order, Sir?"

Skinner: "My point of order is that the RTA has a lobbyist speaking to



Representative Breslin at the present time and I want him off the floor, please. It's contrary to the rules."

Speaker Katz: "Yes, the Gentleman from Cook, Mr. Mugalian."

Mugalian: "Thank you, Mr. Speaker. I intend to be brief. I...I would especially like to address these remarks to my colleagues who are lawyers. I think all of us who have...who practice law have some-time thought about becoming Judges ourselves. Certainly we have been in a position to watch Judges and to know what the requirements of a good Judge are. I just want to talk to you about the conceptual problem, the theoretical problem in electing Judges. Now what is required in order to be a good Judge? Certainly one must have the legal skills, the experience and the training. One must have integrity and one must have what we call judicial temperament. Now how in the world does one campaign for the office of Judge? Does he proclaim his judicial temperament and his skills? How does one campaign against his opponent? Does he denigrate another lawyer by saying, 'Well, my opponent doesn't have integrity or doesn't know how to try a case?' It's theoretically almost impossible to put those kinds of qualities before the electorate because it's almost impossible to have an election campaign about these kinds of qualities. The electorate should elect officials who are involved with policy. Now how does a judicial candidate take a position on policy? About all I can think of is that one candidate for Judge will say, 'I will follow the precedents that I am... I am bound by'. Another candidate will say, 'I don't believe in precedents. I don't believe in the principle of stare decisis'. I don't suppose anybody's going to change their mind because nobody seems to be listening but just think for a moment about what an election of a Judge means. It...it's inherently preposterous and we're doing a disservice to the third branch of government and also to the entire State of Illinois by maintaining a system where...whereby we try to elect someone to a judicial office."

Speaker Katz: "The Gentleman from Cook, Mr. Conti."

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, last week we



heard 36 Amendments on this Bill. I don't think we're going to change anybody's mind. Any further discussion on this Bill should be sent out in the form of a press release and I move the previous question."

Speaker Katz: "The Gentleman.... A point of order. Mr. Ewell, what is your point, Sir?"

Ewell: "The rules do not allow a Member to make a speech and then move the point of order. I think the Gentleman is out of order. He made his speech."

Speaker Katz: "Well, the Chair is going to rule that it was not quite a speech. The...the Gentleman...the Gentleman has moved the previous question. The question is, shall the main question now be put? All in favor say 'aye', all opposed say 'no'. Okay, then we'll now have a Roll Call. All in favor will vote 'aye', all opposed will vote 'no'. Have all voted who wish? Take the record. There are 102 voting 'aye', 36 voting 'no' and the Gentleman's motion carries. Mr. J. J. Wolf to close the debate."

Wolf: "Mr. Speaker, I'd like to have my Joint Cosponsor close, if I may. Mr. Speaker, I'd just like to say before I turn it over... the time over to Mr. Daniels that in my opening remarks I did predict that we would hear many fallacious arguments now against the merit selection of Judges. I think we've heard them all and then some."

Speaker Katz: "Representative Daniels, the Gentleman from DuPage."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, we're now at the moment where you, a group, a deliberative Body, will be given the opportunity to decide whether or not - in fact the people of this state will be able to determine - whether or not the people are in favor of the question of merit selection of Judges. But what is it that we're asking here? We're not saying by this proposition that merit selection will immediately take effect. What are we saying to you? We're saying the people of the State of Illinois should have a right to choose whether or not they desire merit selection of Judges as contained in the proposed Constitutional Amendment. Earlier a Gentleman stood up and said



his district is not in favor of merit selection. They didn't vote in favor of it in 1970. But what is that Gentleman saying? That maybe his district once again will not vote in favor of merit selection and that's democracy at its best. But on the other hand, just maybe his district may determine that merit selection of Judges is the way to go right now. It's the effort that should be put forth and it's the real way to select the Judges of this state. In the last primary, 69 Judges ran unopposed. Is that merit selection? No, that's selection by a political committee whether it be Republican or Democrat; 69 Judges were selected by their respective political parties. And, yet, what are we saying? Give the people the right to choose, give the people the right to decide whether or not they want merit selection of Judges throughout this state. What happened in 1970? So you know the facts and I have them here if you want to look at them. In 1970 in the First District in Cook County, 535,000 people of Cook County supported merit selection of Judges, or 53 percent of the vote. In the Sixteenth District, DeKalb, Kane and Kendall Counties, 6,000 people favored merit selection, or 54 percent of the vote. In the Eighteenth Judicial Circuit, DuPage County, 60,000 people favored merit selection, or 59 percent of the vote. And those of you from Lake and McHenry Counties, listen to your figures, too; 33,000 of your constituents favored merit selection of Judges, or 56 percent of the vote. So what do we have here? We have a request by Members of this House in sponsoring this proposed Constitutional Amendment to ask you to give your constituents the right to determine whether or not they favor merit selection. And have we made it mandatory? No. We've taken a step further and said that your constituents can choose beyond that as to whether or not they want to opt in on the Circuit Court level. If your district is not in favor of it, they don't have to choose that if that's their desire. We've made every effort we can to be as nonpolitical and as nonpartisan in the creation of this Constitutional Amendment. Merit selection has worked, has worked in certain areas throughout this state. Justice Moran of the Supreme Court has twice used a merit selection



committee to fill vacancy. On the federal system it's worked. And 28 states in the Union today including the District of Columbia currently operate under the merit selection of Judges. You know another fact that puzzles me a little bit is currently there are 678 Circuit and Associate Judges in the State of Illinois and yet 301 of them are appointed; are appointed Associate Judges in the State of Illinois. But where do we hear the opponents to merit selection talking about that? We don't hear them coming out and saying these appointed people aren't good. We don't hear them say that that may be merit selection, but they don't object to that, and they don't come forth and say we should elect Associate Judges. No, we hear of...asham, weshear a bunch of arguments that are going directly at the heart of what we're talking about and that is when it comes to our judiciary we should make the selection of our Judges as nonpolitical as possible. So this is a test. This is the moment that your vote will decide whether or not you, as elected Members of the General Assembly, will give the right to your constituents to decide whether or not they want merit selection and that's democracy at its best. I'm suggesting to you that the people of your district want the right to choose whether or not they desire to have merit selection of Judges. I'm suggesting to you that the right vote to cast is a green vote. This is the moment, this is the time that you've been considering. This is the time that you've been looking at the merit selection of ques...of Judges and I suggest to you that the right vote is a green vote. Give the people of the State of Illinois the right to determine whether or not they want merit selection of Judges. Vote green. Thank you."

Speaker Katz: "The question is, shall the House adopt House Joint Constitutional Amendment #1? All those in favor vote 'aye', those opposed vote 'no'. It will require 107 votes on the question. For explanation of vote: the Gentleman from Champaign, Mr. Johnson."

Johnson: "Mr. Speaker and Members of the House, the most frequently given reason in debate so far for opposition to this Constitutional Amendment is to let the people decide. Well, the very thing we're voting on, and as I read the language of the Preamble to this Amendment, is whether we want to let the people decide what system



they want and to me those people who really believe in participatory democracy ought to support this and give the people who they supposedly want to have the right to choose, the right to choose. And so I therefore suggest that those people ought to join with us in voting green."

Speaker Katz: "The Gentleman from Cook, Mr. Ewell, to explain his vote."

Ewell: "Mr. Speaker and Ladies and Gentlemen, merit selection is garbage.

It's an ad-man's gimmick. The sweet...it is the sweet pill of the masses, the radium oil of the uninformed. I suggest there's one thing that has always stood through our generation and that is, he who pays the piper calls the tune. And if you want to read from today's paper you find out that most merit selection funds come from the law firms. It is understood that in our society if you're going to eat their bread you're going to sing their song. And I am opposed to it. There are no panaceas, no cure oil, no cure-alls and I will not buy elitist selection. I say to you that we, the people, have gotten to the table and we are not going to let you take it away. And, remember, merit selection is a misnomer, it is garbage."

Speaker Katz: "The Gentleman from Cook, Mr. Gaines, to explain his vote."

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

First, I want to nail down the lie that's in this document that claims that blacks do better on the merit selection than they do on the elected selection. In the first place, they left out the first black ever elected to the Supreme Court, his name was Smith from Michigan. He was elected State Treasurer, then he was elected Judge twice and now he's general counsel for General Motors. So I don't think anyone can say he's not meritorius. And there's another case of white folks drawing up statistics that don't benefit black folks. All the black bar associations are opposed to this because in states where you have merit selection blacks have no voice in choosing who will be on the bench. They may pick a black but he's a house black. He is not one who is deep in the community. And the same thing probably happens in the ethnic



communities where the only ones that the...elitists know are those who have risen above the so-called masses. And in my district, I probably have more Judges in my district than most of you have in yours. I have five past presidents of the Cook County Bar Association in my precinct. So that is why I'm reflecting the interests of my district when I vote 'no'."

Speaker Katz: "The Gentleman from Cook, Mr. Bowman, to explain his vote."

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

This measure is called merit selection but it is somewhat misleading because the issue is not in fact merit, the issue is in fact justice. When justice wears a party label, whether it's a Democratic Party label or a Republican Party label, it isn't justice it's politics. Now, I know the people will say that you...that you can never take politics out of the selection process and I know that politics is an honorable profession, we've all chosen it. But for those people who are concerned about the injection of politics into this process by gubernatorial appointment with recommendations by these Committees, let me simply point out that Governor Shapiro was a Democrat, Governor Ogilvie was a Republican, Governor Walker was a Democrat, Governor Thompson is a Republican and the next Governor of the State of Illinois is going to be a Democrat, so I think we've got some good possibilities for bipartisan and equal-handed justice in the state."

Speaker Katz: "The Lady from DuPage, Mrs. Dyer."

Dyer: "Mr. Speaker and Ladies and Gentlemen of the House, I really don't know why we're assuming that this is such a change in our system. If those of you who read the editorial in this morning's Tribune learned that already most of the Judges in Illinois are appointed. The Federal Judges, of course, are appointed by the Senators. And of the 678 Illinois Trial Court Judges, 301 are Associate Judges, and they aren't elected they are appointed by the Chief of the Judges of their Circuits. I think if you remember that only...that less than 20 percent of the people voted in this spring's primary you realize that people are not now availing themselves of the opportunity to elect Judges. They're confused by the long ballot,



they are confused by names they don't know. Let the people decide by this Constitutional Amendment whether they would like to try the merit selection for Judges. Thank you."

Speaker Redmond: "The Gentleman from Peoria, Mr. Mudd."

Mudd: "Yes, Mr. Speaker, Members of the House, I have a great respect for the lawyer's profession on both sides but I think in my discussions with the attorneys, both in the House and out in the public, they tell me that this particular Bill is a defendant oriented piece of legislation. And I think that when we talk about giving the people the right to vote, that's important, but what we're doing here is we're giving the right to the people to vote on a proposition on whether or not they should be able to vote. And in Committees in the last four years in this House, on some of the Committees that dealt with some of this...these particular areas of responsibilities of voters of the State of Illinois...it become (sic) more evident throughout the hearings that the people want to be able to have every say possible on the operation of state government and especially in an area as important as the judicial system. And I believe that they want to vote for Judges. This is the thing that I'm overwhelmingly hearing from both attorneys and from people in the public. The referendum is important. But I think what we're doing here is giving a referendum to allow people to vote and they want...they want to vote now. They want to keep what they've got. They don't want an appointed board to appoint something as important as a judicial...people in the State of Illinois. So I have to oppose this even though...that there are some people who do support it and I'm pretty sure that there are a lot of people if they had the opportunity today to go back and vote on the new Constitution we passed and on home rule, that we'd have a different election today. I think the people want to vote on everything and I oppose this proposition."

Speaker Katz: "The Gentleman from Cook, Mr. Houlihan."

Houlihan, D: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. In explaining my 'no' vote, I would like to refer to a report adopted by the 1970 Illinois Constitutional Convention which



enunciates six principal reasons against an appointive system and in favor of an elective system for a judiciary in the state. First reason given is a...is that a democratic form of government requires that the people be given a direct voice in selecting all important offices of government including Judges. The principal necessarily assumes a faith in the ability of people to make rational choices, that faith is destroyed in democratic government, thereby weakened, when an important group of governmental officials is removed from the elective process. The second reason was given by the report was to the effect that an elective process assures Judges who will be more representative of and sensitive to all groups in the community, ethnic, religious, racial and age. This balance is essential if these groups are to have faith in the judicial system. Thirdly, courts unavoidably reflect the social condition. The political process is more likely to produce Judges whose awareness of the social condition in all of its complex manifestations is superior to Judges who have never been a working part of that process. Fourthly, under our political philosophy, it is important to support party government. An appointive process lessens and impairs the strength of party government. Fifthly, an appointive system violates the separation of powers principle by making one group of Constitutional public officers dependent for their selection upon the officers of other departments of government. And, finally, politics simply cannot be removed from any system of choosing Judges. As long as public officials who are representatives of their political parties participate in the appointive process, politics will play a role. The proposal before us will simply add the politics of bar associations and nominating commissions to the politics of political parties. And, frankly, what we would be doing here, with a net effect, would be to concentrate enormous political power uncircumscribed by the elective process in a single state individual. There is, in my opinion, no more a sensitive position in government than that of a Judge and in consequence it is one that demands that we do not disenfranchise the people in the selection procedure of



our judiciary. It is glib to mingle the term 'merit' with 'appointment' but in logic there is no more inherent merits to an appointive process than there is to an elective process. But I suggest to you that there is an inherent defect in the appointive process and that defect is the disenfranchisement of the people of this state. Our democracy demands that we have an elective system of government and that includes Judges as well as the other two co-equal branches of government. I urge a 'no' vote."

Speaker Katz: "Mr Houlihan....please, thank you, Sir. One minute to explain his vote, the Gentleman from Cook, Mr. Sandquist."

Sandquist: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'm tired of hearing these fallacious arguments that have been putting forth here today about the big law firms are going to control this. You don't know what you're talking about, you don't have your facts down. In Cook County there are approximately 20,000 lawyers and less than 3,000 belong to the so-called large law firms. So, if 3,000 can control 20,000, then my numbers are just a little out of line. This is something that you people who are voting up there with the red lights, you want to preserve the status quo, you want to keep with what (sic) you've got. You don't want to give the people a chance to see whether or not they want to have merit selection. And I certainly want....let's put it on the line, all you're doing is...is allowing the people to vote and if they don't want it they can reject it but don't go sitting here and saying that you're going to preserve the people's rights because you're taking it away from them. And I would urge more green votes."

Speaker Katz: "The Gentleman from Cook, Mr. Williams, one minute to explain his vote."

Williams: "Thank you, Mr. Speaker. I would like to point out that as the elective Representative....or one from the 5th District... I recently conducted a survey that was sent to the registered voters of both parties in my district. I received 5,138 replies of which the question of merit selection, or election, was in the questionnaire. I'd like to point out that the people of the



5th District, for election 47.8 percent and by appointment 20.8 percent. In the questionnaire I also received 3,410 letters and the people unanimously said they did not want to be disenfranchised by taking away their right to vote. However, if there is a fault it is not a fault in the system but the fault, actually, of both parties and the media for not supplying sufficient information. On that basis I vote 'no' on behalf of the people of the 5th District."

Speaker Katz: "The Gentleman from Lake, Mr. Griesheimer, one minute to explain his vote."

Griesheimer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As a downstate Legislator, I have serious misgivings about the concept of appointment of Judges. But, really, this matter before us today is a matter of who-do-you-trust. Do you trust the voters that elected you? A vote against this Resolution is a simple statement that you do not trust your own constituents to allow their judgment to be voiced on the ballot. I don't think that any elected Representative even belongs in this House if he will not allow the voters of his district to vote on the matter as basic as this matter. To the Legislators from the 19th Judicial Circuit, I would point out to you, this matter has been voted on by the people of our Circuit which is McHenry and Lake Counties and they voted heavily in favor of this concept. We have an obligation to at least inquire of the people and this is the means to do it. We must vote 'yes'."

Speaker Katz: "The Gentleman from Cook, Mr. Lechowicz, one minute to explain his vote."

Lechowicz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. At the outset, I believe it's important to address the primary distortion of the judicial selection debate we've heard here this afternoon; namely, that the appointive method of judicial selection is merit selection. This label implies that popular selection in election of Judges is without merit. Underlying the merit proposal is the assumption that the people themselves, those who are to be judged, are not competent enough to choose those who are to sit



and place judgment upon them. All students of judicial selection agree that the ultimate goal is to ensure that qualified candidates are placed on the bench. The proponents of the appointive method ignore the essential issue by presumptuously excluding that the selection of qualified candidates cannot be achieved through the elective method. I've heard a number of statistics mentioned here today but not one came into the fact that there are 41 blacks... Judges sitting in Cook County and there are 5 in Missouri. Not one has pointed out that there are 11 women Judges sitting in Cook County and 2 in Missouri. If you want to talk about a way of promoting, of working with people, of all people, of all ethnic backgrounds, you will strongly encourage the process of election of Judges. I, for one, believe that the supposedly, quote, unquote, merit selection of Judges is a misnomer. The question is whether you're going to appoint them and anoint them through a Committee or ask people to come out and campaign based on qualifications. I believe that the procedure that we have now quite vividly point out there wasn't one person nominated and placed on the ballot who did not meet the approval of the bar association. I believe that the people can speak and have heard and to the proponents who are saying that, 'Yes, we should go to the appointive system' and then what do we have for retention? You have to vote for the retention of Judges. If you're qualified to vote for the retention of Judges you should be qualified enough to find qualified people..."

Speaker Katz: "Would the Gentleman bring his remarks.....to a close, please?"

Lechowicz: "...To fill those place.... I will, Mr. Speaker, and I want to thank you for your indulgence, but I think this is a very serious issue. It's an issue that should be adequately discussed, I'm trying to do so and I would strongly encourage a 'no' vote. Thank you."

Speaker Katz: "Adequately discussed it is being here today. The Gentleman from Christian, Mr. Tipsword, one minute to explain his vote."

Tipsword: "Mr. Speaker and Ladies and Gentlemen, in explaining my



vote - I'm voting 'no' on this proposition because this really only presents to the people one-half of the issue - it does not give the people a right to express their opinion totally. It does not give them the right to vote totally upon what their feelings may be on the manner in which Judges are selected in the State of Illinois. This issue, if it would pass, would simply say to them, 'Do you want merit selection' so-called? It asks them nothing else. It does not give them the alternative of saying, do you want direct election?. If it were possible that we could present both issues to them thereby presenting all three methods, do you want direct election, do you want merit selection or do you want to keep what we have. And if we could abide by that kind of a vote we would better find the will of the people and the people would have the opportunity to express their will fully on what they really want. I'm voting against this because this is only a part of the issue. If it were possible to say, do you want merit selection, do you want direct election or do you want what we have now, I'd vote for the proposition. And I'll bet you it would come out direct election from the people of the State of Illinois."

Speaker Katz: "The Gentleman from Cook, Mr. Brady, one minute to explain his vote."

Brady: "Thank you, Mr. Speaker and fellow Members. I don't imagine that my explanation of vote will much change the outcome of this debate but I would like to say that I think what we're dealing with here is the classic example of the connotative term, to beg the question on the issue presented. Ladies and Gentlemen, we debated before, we tried to amend this proposition and it was closely defeated. I think there is large sentiment amongst the Body here that if we could come out with a proposal where we could elect and break down the First Judicial District into smaller districts so that the people are given an opportunity to know thoroughly who they're electing, they're given a smaller ballot to deal with, the people overwhelmingly would favor that kind of proposition. I stated that I tried that in an Amendment. I intend to proceed and work forward to that in the time left before us



and to come in the next Session if we don't achieve it this time. But the problem we're facing here is larger than that. We, as a Legislative Body, are bringing forth propositions to the ballot because what we're saying is that we don't want to handle the high hard one, we don't want to be representative government like the people sent us here to be. We want to pass it off onto the ballot because that's easy for us to do. I submit to you, Ladies and Gentlemen, that is not a responsible position for us to take. While I seek a change in the present system of electing Judges - I will work for it in the future - I am not for this at this present time and I am going to vote 'present'."

Speaker Katz: "The Gentleman from Cook, Mr. James Houlihan."

Houlihan, J: "Mr. Speaker and Ladies and Gentlemen of the House, I think today we've heard quite a bit of rhetoric dealing with either the sense of arrogance about appointments or the sense of arrogance about the right of the people. I think, really, what we're dealing with is a question of power, we're dealing with a transfer of power from one group to another, and that's always questionable and there are always those who have the power that won't want to transfer that power. But what we've avoided talking about today is that the fact that our courts don't work, that our criminal justice system is a sham and it's because of the judiciary. Every time we have the Judges coming before us with a pay raise, the only time we see them evidence any interest in the legislative process is when their pay raise is up. I think what we have before us is a system that doesn't work; we have to do something. I think this is a possible remedy for this current situation but I urge those who have disagreements to work honestly and very industriously to try to find some solution because we're never going to have a system of justice if we don't have the courts earning the respect of the people."

Speaker Katz: "The Gentlewoman from Lake, Mrs. Geo-Karis, one minute to explain her vote."

Geo-Karis: "Mr. Speaker and Ladies and Gentlemen of this House, I've had a great struggle with my conscience. I believe in merit but



I do not feel this Amendment, the way it is set forth, really means merit when a Committee of 11, I think it is, in my county will pick out the Judges. I would like to point something out to you, what we should have done is have allowed that Amendment to make Cook County into 21 legislative districts 'cause you have a 196 Judges elected out of Cook County, and if you divide a 196 by 21 you get about 9 Judges per district and that's the fair way to do it, let the people decide. I do not think that this Amendment is really a true merit Amendment in spite of the fact that I have great respect for the Sponsors. My county knows its Judges. I do not think a 101 counties should be penalized in order to clean up the mess in Cook County. And I think the people of Cook County don't care what's going on in their county, it's their fault, not ours. And I'll have to vote 'no'."

Speaker Katz: "The Gentleman from Cook, Mr. DiPrima, one minute to explain his vote."

DiPrima: "Mr. Speaker, Ladies and Gentlemen of the House, who's kidding who? Now the elective process is the best way and there's no other way. As you recall, the last election for the Appellate Court Judgeships there was Mr. Dooley and Bill Clark that ran as Independents and the people know who to elect when... and that's it. Forget it. Down the drain with this."

Speaker Katz: "Have all voted who wish to vote? All voted who wish to vote? On this...the Clerk will take the record. On this question there are 72...there are 83 'ayes', 72 voting 'no', 7 voting 'present' and the House does not adopt.... Yes, Mr. Wolf. The Gentleman from Cook, Mr. J. J. Wolf."

Wolf: "Could we poll the absentees, Mr. Speaker?"

Speaker Katz: "The Clerk will poll the absentees."

Clerk O'Brien: "Abramson, Brandt, Campbell, Epton,...."

Speaker Katz: "Representative Campbell, 'no'."

Clerk O'Brien: "Giglio..."

Speaker Katz: "Representative Giglio, 'no'."

Clerk O'Brien: "Hudson, Kucharski..."

Speaker Katz: "For what purpose does the Gentleman, Mr. Murphy, arise?"



Vote Mr. Murphy, 'no'. Continue calling the absentees."

Clerk O'Brien: "Luft...."

Speaker Katz: "Luft, 'aye'."

Clerk O'Brien: "Mann, Peggy Smith Martin, McBroom, McCourt. No further."

Speaker Katz: "On this question there are 84 voting 'aye', 75 voting 'no', 7 voting 'present' and the House does not adopt House Joint Resolution Constitutional Amendment #1. The question is hereby declared lost. We'll proceed on in the matter of Constitutional Amendments, House Joint Resolution Constitutional Amendment 3."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #3. This Constitutional Amendment has been read a third time previously."

Speaker Katz: "Jack, take it out of the record. Take it out of the record. HJRCA 11, Mr. Friedrich?"

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #11. This Amendment has been read a third time previously."

Speaker Katz: "Take it out of the...take it out of the record. House Joint Resolution Constitutional Amendment 12. Mr. Giorgi? House Joint Resolution CA 18, Mr. Beatty."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #18. This Amendment has been read a third time previously."

Speaker Katz: "Yes, Mr. Beatty."

Beatty: "Mr. Speaker, Ladies and Gentlemen of the House, this Constitutional Amendment is a simple one and it arises out of the last election of the President of the Senate where the Governor had to preside for some time and not be able to perform the other duties of the Governorship and it presented an undue hardship in that situation. What this provides is, that in organizing the Senate, the Lieutenant Governor will preside over the election of the President of the Senate. And if there is no Lieutenant Governor, the Attorney General will preside over that election. There isn't much more to say about it, it's very simple matter. At one time I believe that the Lieutenant Governor did preside over the Senate. It's my feeling that this Constitutional Amendment



should be passed out of the House and turned over to the Senate. I'm sure they will do what they think should be done with it, whether it is to pass it or not to pass it. It may be a little presumptuous...presumptive on my part, as a Member of the House, but I think with the limited duties that our Lieutenant Governor has and with all the work a new Governor has it makes more sense for a Lieutenant Governor to conduct the election in the Senate. I ask for a favorable vote, if there's no question."

Speaker Katz: "The Gentleman from Cook, Mr. Houlihan...J. J. Houlihan."

Houlihan, J: "Will the Gentleman yield for a question?"

Speaker Katz: "Yes, the Gentleman indicates he will."

Houlihan, J: "Representative, wouldn't it be a better idea to have this in a posture of Postponed Consideration so that in case merit selection is resurrected we can have this considered at the same time, or maybe just a little bit prior to that?"

Beatty: "Well, I think you put a matter on Postponed Consideration after it's been defeated and it has a certain number of votes..."

Houlihan, J: "And I...you wouldn't want to have this passed, you'd have to come up with another idea if merit selection were successful in the later Session."

Beatty: "Well, Mr. Houlihan, there's no relationship between this proposal and merit selection and...that is it pure and simply. the merit selection....."

Speaker Katz: "Does that conclude the colloquy? Anyone else want to be heard with regard to House Joint Constitutional Amendment #18? The...if not, the Gentleman from Cook, Mr. Beatty, to close."

Beatty: "Ladies and Gentlemen of the House, as I indicated before, at one time the election of the President of the Senate was handled by the Lieutenant Governor. In plain common sense I believe we should resort to that practice. The Constitutional Convention, back in 1969 or '70, thought it'd be best to put the Governor ...to run this election but I believe from the experience that was encountered in the last election when President Hynes was elected that it would make more sense to have the Lieutenant



Governor use his time and to conduct that election. I ask for your favorable vote."

Speaker Katz: "The question is, shall the House adopt House Joint Constitutional Amendment #18? All those in favor vote 'aye', those opposed vote 'no'. It will require 107 votes. Have all voted who want to vote? Has everyone voted who wants to vote? The Clerk will...the Clerk will take the record. Yes, the Gentleman from Bloomington, Mr. Bradley."

Bradley: "I was going to explain my vote, Mr. Speaker, but it looks like there's sufficient vote (sic) up there so I will refrain from taking time of the House."

Speaker Katz: "Yes, the Clerk will take the record. The Gentleman from Lawrence, Mr. Cunningham."

Cunningham: "Well, I wanted to explain my vote, Mr. Speaker. This is quite a tribute to the Sponsor that he can get this nonsensical Bill through. The present state of the law is that the Governor could appoint the Lieutenant Governor to act in this capacity. Submit the voters to this question is an exercise in futility, Operation Spinwheel, pif without point is piffle. In this particular instance it would make more sense to abolish the Office of Lieutenant Governor if it has no functions to perform. It's make-work for you to pass the Bill. I salute the Sponsor for his ability to bamboozle this Body."

Speaker Katz: "The Gentleman from Cook, Mr. Ryan. Mr. Keats wants to be recorded as 'no'. On this question...Mr. Matijevich, the Gentleman from Lake. For what purpose does the Gentleman rise?"

Matijevich: "Mr. Speaker, Roscoe convinced me, change me from 'aye' to 'no'."

Speaker Katz: "Matijevich wants to be recorded as 'no'. Mr. Ebbesen, for what purpose does the Gentleman rise?"

Ebbesen: "Mr. Speaker, would you change my vote from 'aye' to 'no'?"

Speaker Katz: "Mr. Ebbesen wants to be recorded as 'no'. Mr. J. J. Wolf. Mr. J. J. Wolf wants to be recorded as 'aye'. Yes, the Speaker, Mr. Redmond, wants to be recorded as 'aye'. Shall we take a new Roll Call? No. All right, we will proceed then with the



Roll Call. Mr. Van Duyne, the Gentleman from Will."

Van Duyne: "Thank you, Mr. Speaker, I have most....respect for Mr. Cunningham but what I'd like to ask is a parliamentary question. Is it true, really, that all the Governor has to do is just make the...an appointment of the Lieutenant Governor? It would seem, if that's all he has to do, that the value of this would be sort of diminished. Could you answer that for me, Mr. Speaker?"

Speaker Katz: "Excuse me, Mr. Van Duyne, would you direct your question again, Sir, the Parliamentarian...."

Van Duyne: "Yes, Representative Cunningham alluded to a fact, quote, unquote, that the Governor now...all....merely has to just appoint the Lieutenant Governor to preside in his stead. Now is that true? It would...it would render this Constitutional Amendment sort of you know moot, at least. So my question is, is it true, can he just simply appoint the Lieutenant Governor to take over?"

Speaker Katz: "The...the Parliamentarian advises the Chair that it has not yet been so decided; however, everyone can form their own conclusions as to what the Constitution of Illinois provides."

Van Duyne: "Well, I think...."

Speaker Katz: "Just a moment, Mr. Van Duyne. Mr. Brandt wanted to be recorded as 'aye'. Excuse me, Mr. Van Duyne, did you conclude, Sir, I didn't mean to cut you off."

Van Duyne: "No....answer my question, Mr. Speaker. I mentioned Roscoe Cunningham's name in vain, maybe he might answer it in total truth."

Speaker Katz: "Well, Mr. Cunningham has already spoken, Mr. Van Duyne. Yes, Mr. Walsh."

Walsh: "Well, Mr. Speaker, Mr. Cunningham is the only one that can answer that question, he's the one that made the statement. You should recognize Mr. Cunningham for that purpose."

Speaker Katz: "The...the Gentleman from Lawrence, Mr. Cunningham."

Cunningham: "Well, thank God for Bill Walsh, to teach...to teach the Temporary Speaker manners. In this particular situation, I defy the Parliamentarian to say that he cannot operate in that function. I have too much respect for the Parliamentarian to think that he



would get himself in that position. The Constitution says that the...the Lieutenant Governor acts when the Governor doesn't and that's what's involved here. And it's not open to a great deal of argument on that particular basis. If the...if the Governor didn't show up, would they not be able to organize it?"

Speaker Katz: "The Gentleman from Cook, Mr. Huskey. Yes, Mr. Huskey, what purpose....for what purpose....Mr. Huskey wants to be recorded from 'aye' to 'no'. All right, we will then take the record and the Clerk.... Mr. Deuster. The Gentleman from Lake, Mr. Deuster."

Deuster: "At the appropriate time I would like to request a verification of the vote, Mr. Speaker."

Speaker Katz: "All right, Mr. Deuster, you will be recognized for that purpose, Sir, if there are sufficient votes. On this question, there are 109 Members voting 'aye' and 39 voting 'no' and 12 voting 'present'. And the House does adopt House Joint Resolutionsubject to a verification. It will be subject, I indicated that we would recognize Mr. Deuster. The House does adopt House Joint Resolution Constitutional Amendment 18. Mr. Deuster, Sir, the Gentleman from Lake. He has requested a verification...."

Deuster: "....Request verification...."

Speaker Katz: "Mr. Beatty has requested a poll of the absentees and we'll move it along."

Clerk O'Brien: "Abramson, Bartulis...."

Speaker Katz: "Excuse me, Mr. Mugalian, for what purpose do you rise, Sir?"

Mugalian: "...How recorded, Mr. Speaker? How am I recorded?"

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

Mugalian: "Will you please make that 'no'?"

Speaker Katz: "Mr. Mugalian, 'no'. Proceed with the poll of the absentees."

Clerk O'Brien: "Bartulis, Chapman, Epton...."

Speaker Katz: "Okay. Mrs. Chapman, the Lady from Cook."

Chapman: "...'Aye'."

Speaker Katz: "Chapman, 'aye'. The Lady from LaSalle, Miss Hoxsey."

Hoxsey: "Yes, Mr. Speaker, I'd like to be recorded as 'no', please."



Clerk O'Brien: "From 'aye' to 'no'."

Speaker Katz: "From 'aye' to 'no'. Mr. Mulcahey."

Mulcahey: "Mr. Speaker, will you please record me as voting 'aye'."

Speaker Katz: "Mr. Mulcahey wants to be recorded as 'aye'. Mr. Flinn.

Yes, Mr. Beatty, for what purpose..."

Flinn: "Yes, Mr. Speaker, would you change my 'aye' to 'no'."

Speaker Katz: "Excuse me, does what...for what purpose does the Gentleman rise, Mr. Beatty."

Beatty: "Mr. Speaker, to save the time of the House, I'd like to put this on Postponed Consideration. But, Mr. Speaker, along with that I would like to say that Mr. Cunningham has misled this House in what he has been trying to say here. The duty of handling the election in the Senate is the Governor (sic), not the Lieutenant Governor, the Governor does not have a right to....designate someone else. Mr. Cunningham has misconstrued the Constitution."

Speaker Katz: "All right. The Gentleman has...the Gentleman has asked leave to have House Joint Resolution Constitutional Amendment 18 put on Postponed Consideration. Leave? The matter is put on Postponed Consideration. House Joint Resolution Constitutional Amendment 20, Mr. Ralph Dunn."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #20.

This Resolution has been read a third time previously."

Dunn: "Thank you, Mr. Speaker, House Joint Constitutional Amendment #20 proposes to amend this Section 5, Article IX, in the...in the abolishment of the personal property tax to extend the deadline for 10 years. This is...we have not been able to in the past 8 or 9 years since the adoption of the new Constitution to come up with what I think is probably a suitable replacement tax for personal property tax on corporations. This is a Constitutional Amendment, if we approve it in this House and approved by the Senate, it will have, of course, go to the voters for confirmation but it would extend the deadline for 10 years. The only change it would make in Article IX would be change from January 1, 1979 to January 1, 1989. I'll be glad to answer any questions. I'd like to ask for your favorable consideration of this proposed Constitutional Amendment."



Speaker Katz: "The Gentleman from St. Clair, Mr. Flinn."

Flinn: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I intend to support Representative Dunn in his effort here but it presents a couple of problems. One is, we've had since 1970 till January 1, 1979, to do something about this problem and we have done absolutely nothing; in fact, there's no effort made until today, till this here, rather. Another problem it presents is that, if it is on the ballot as a Constitutional Amendment and the people do not pass it, then we are faced with a situation that we must take action before the end of this year so far as the personal property tax is concerned. Of course, we do have a vehicle in House Bill 2418 that can be held in abeyance to take care of that matter but this is... this does not solve all the problem in this matter. As I mentioned when I stood up that I'm going to vote for it but I think we need to do something more concrete than postpone it for ten years."



Speaker Katz: "Mr.....(tape)....from Cook, Mr. Madigan."

Madigan: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this Resolution and I intend, also, to rise in support of HJRCA 21 and HJRCA 47 on the Order of Postponed Consideration. All of these Resolutions treat the question of how we will treat replacement of the personal property tax on corporations. The record of our deliberations on this issue has not been that good. This is a very difficult problem. The respective Revenue Committees of both the House and the Senate have considered the problem and unfortunately there does not appear to be any unity as far a solution to the question of replacement of the personal property tax on corporations. In light of that record, I suggest to you that we ought to provide an Amendment to the people which would provide that the Legislature in the future would have the ability to remove the personal property tax on coporations, but at the same time when the Legislature does remove a tax, necessarily there would have to be a replacement tax at the state level for the units of local government which will be the losers as far as the lost revenue is concerned. As I stated at the beginning of my remarks, this is not an ideal solution; however, solutions in this Body are not always ideal and I suggest that this is the best course of action at this time."



Speaker Katz: "The Gentleman from Cook, Mr. Mugalian."

Mugalian: "Thank you, Mr. Speaker, I don't feel terribly strongly about this proposal one way or the other but we did get a mandate from the people in 1970 to replace the personal property....to abolish the personal property tax remaining which is now on business and to replace it with other tax....taxes. As has been mentioned, there is a Bill, a House...Committee Bill to do that, House Bill 2418. I...I feel a little uneasy about saying to the people who gave us this mandate if seven years isn't enough we want another ten years. I think the tendency on the part of so many of us is to not face an issue until we come to the absolute deadline. We saw that happen with the unemployment compensation funding problem last fall. There is still enough time to make any necessary corrections in 2418 and to at least do our duty. I'd like to do that and I just hate to cop-out and say, 'We'll put this off for another ten years'. I don't know how many of us will still be here in ten years and for that reason I think I'm going to vote 'no' on this Amendment."

Speaker Katz: "The question is, shall the House adopt House Joint Constitutional Amendment #20? All those in favor vote 'aye', those opposed vote 'no'. It will require 107 votes. Mr...Mr... the Gentleman from McHenry, Mr. Skinner...."

Skinner: "Mr. Speaker, in spite of the...."

Speaker Katz: "....To explain his vote."

Skinner: "...Outstanding Sponsor and the outstanding supporters of this Constitutional Amendment, I really think we're just putting off the inevitable to the next generation of politicians and I'm not sure that that is the way to solve the issue. It might be better just to let the courts decide it. Lawyers in the Illinois Constitutional Convention gave us this Amendment, why don't we let the lawyers decide what to do with it? If I had my personal druthers, I'd just take the whole Section out of the Constitution."

Speaker Katz: "Has everybody voted who desires to vote? Take the record. Excuse me, Katz, 'no', that...that is correct. Yes, Mr. Gaines. Mr. Gaines. Excuse me just a moment. We'll take the



Roll Call and then we'll recognize you, okay? Okay. Yes, Mr. Dunn, Sir, would...."

Dunn: "Thank you, Mr. Chairman, I...thought it ordinary...customary that the Sponsor of a proposition get to close...."

Speaker Katz: "Oh...."

Dunn: "...And you didn't call on me for that and you didn't ask me..."

Speaker Katz: "Well, I'll call on you right now, Mr. Dunn, go right ahead, Sir...."

Dunn: "Thank you very much."

Speaker Katz: "Your light wasn't on."

Dunn: "Thank you, Mr. Chair....Mr. Speaker. House Bill Joint Resolution 20 is not a perfect answer as the other speaker just said but this is something that we may have to do. If we're faced with the fact that we don't have anything on the ballot or nothing passes and we only have House Bill 2418, that may or may not pass in the Senate. I would urge you that you give me enough votes on this so we can get it out of this House and get it over to the Senate and then there they can decide in their great wisdom whether they want this one or whether they want 2418 or one of the other proposed Constitutional Amendments. This is not an ideal situation but it is something that we can live with. I've been in this House six years and I agree that we haven't addressed the matter as we should have until the last year or two but that doesn't forego the possibility that we don't have any solution yet. I would urge some more 'aye' votes on here if we could."

Speaker Katz: "All right...."

Dunn: "If you would open up the voting again, Mr. Speaker, would you, Mr. Speaker?"

Speaker Katz: "We're going to dump the Roll Call, take a new Roll Call. The question is, shall the House adopt House Joint Resolution Constitutional Amendment #20? All those in favor vote 'aye', those opposed vote 'no'. It will require 107 votes. Mr. Robinson to explain his vote, the Gentleman from Sangamon."

Robinson: "Well, I think it's erroneous to say that we don't have a replacement for this revenue. As a matter of fact, the



House Revenue Committee, with Mr. Mugalian carrying that Bill, has come up with a replacement. It would allow municipalities and local governments to get that replacement. And, Mr. Speaker, if this does get close to a 107, I'll ask for a verification."

Speaker Katz: "The Gentleman from Cook, Mr. Marovitz, to explain his vote for one minute. All right. Have all voted who want to vote? Have all voted who want to vote? The Clerk will take the Roll. Yes, Mr. Dunn, you seeking recognition? Mr. Johnson, the Gentleman from Champaign. Mr. Johnson wants to be recorded as voting 'aye'. Mr. Cunningham wants to be recorded as voting 'aye'. Mr. Stearney wants....Mr. Stearney, you want to be recognized, Sir? Mr. Stearney wants to be recorded as voting 'aye'. Mr. Dunn wants to be recorded. Mr. Dunn, the Gentleman from Decatur, wants to be recorded as voting 'aye'. Yes, the Lady from Rockford, from Winnebago, Miss Martin wants to be recorded as voting 'aye'. Mr. Kornowicz, the Gentleman from Cook, wants to be recorded as voting 'aye'. Mr. Gene Hoffman, the Gentleman from DuPage, wants to be recorded as voting 'aye'. On this question there are 115 voting 'aye' and...and 34 voting 'no'. The House...and 3 voting 'present'. And the House does adopt House Joint Resolution Constitutional Amendment 20. Mr. Robinson, do you still want to be recognized, Sir? All right, we will move on...the Resolution is declared adopted and passed. HJCA 21, the Gentleman from Kankakee, Mr. McBroom."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #21.

This Amendment's been read a third time previously."

Speaker Katz: "The Gentleman from Cook, Mr. Ryan."

Ryan: "That's Kankakee, Mr. Speaker, but thank you anyway. I'm sure you'd like to have me in Cook."

Speaker Katz: "Well, we consider you one of us, Mr. Ryan."

Ryan: "Sorry to hear that."

Speaker Katz: "You've earned it, Mr. Ryan. Thank you."

Ryan: "HJCA 21 amends the...eliminates the personal property tax on corporations effective January 1, 1979 and has been amended with one Amendment that makes a couple of changes. It...it replaces



the revenues as they are now is basically the change, it leaves it the way it is. Now that's Representative Madigan's Amendment, I believe, and I would certainly urge the passage of House Joint Resolution Constitutional Amendment 21."

Speaker Katz: "The Gentleman from Cook, Mr. Madigan."

Madigan: "Mr. Speaker, I rise in support of this Resolution. As previously explained, this Resolution would provide to the General Assembly the ability to remove the personal property tax on corporations in the future; however, at the same time that the Resolution provides for the Assembly, the ability to remove the tax, it also requires that where the tax is removed that there must be a replacement tax passed at the state level to provide replacement revenues for the units of local government which would lose revenue because of the elimination of the personal property tax."

Speaker Katz: "The Gentleman from...Sangamon, Mr. Kane."

Kane: "Would the Sponsor yield to a question?"

Speaker Katz: "The Gentleman indicates that he will."

Kane: "On the replacement provision in this Constitutional Amendment 21, does the requirement that the new tax, at the state level, that the revenue from that new tax go back to the specific units of government which lost revenue from the corporate personal property tax; or only, generally, to the same class of units of local government that are now collecting corporate personal property taxes? For example, let me give you...."

Ryan: ".....Excuse me just a minute, Representative, this...this isn't my Bill and I'm handling it for my running mate. As I understand it, it replaces...the taxes go back to the units of government that are now receiving them."

Kane: "Does that mean that the specific units of government that have had a windfall from the corporate personal property tax for the last sixty to a hundred years, will continue to get that windfall under any conceivable replacement tax?"

Ryan: "Would you...would you repeat the question please?"

Speaker Katz: "Was that a question, Mr. Kane?"

Kane: "Yes. Does the replacement provision in this Constitutional



Amendment require that revenue from the replacement tax go back to the specific units of government that are now benefiting from the corporate personal property tax or does it allow the...."

Ryan: "Yes. The answer...the answer to that is yes."

Kane: "In other words, the General Assembly will not have the power to distribute the revenue from the replacement tax to units of local government, generally, but that the money must be earmarked to the specific units of government that are now getting a windfall from the corporate personal property tax."

Ryan: "It...it...I'm not sure...."

Speaker Katz: "For what purpose...."

Ryan: "I'm not sure I understand what you mean by windfall, Representative, but...."

Kane: "Okay, let me give you...let me give you an example...."

Ryan: "Let me tell you again that...."

Speaker Katz: "Mr...Mr. Ryan."

Ryan: "It goes back to the same districts that are currently getting it."

Kane: "Okay, let me give you an example. Say there is....a power plant located in the City of Quincy, for example, and all of the corporate personal property tax of that power company is in Quincy and the Quincy Park District and the City of Quincy and the County of Adams and all of the other units of local government, Park Districts, et cetera, benefit from the revenue from that corporate personal property. Now if we, under the provisions of House Joint Constitutional Amendment 21, replace the lost revenue, does that mean that all of the specific units of government in Quincy and in Adams County get the money from the replacement tax or can we distribute it generally to counties, municipalities, park districts on some other grounds as, for example, population?"

Ryan: "Well, I...I'm sure I understand your question, Representative, and I think for the third time, the answer is that it...that it remains distributed...the money is distributed to the units of that...that now receive it."

Kane: "Could I speak to the Amendment then?"

Speaker Katz: "Yes, go right ahead, Mr. Kane."



Kane: "As I understand the response from the Gentleman who is carrying House Joint Reso....Constitutional Amendment 21, is that the units of government that have benefited and gotten windfall taxes from the corporate personal property tax for the last 60, 70, 80 years, that those units of government that happen to have had the benefit of having a power plant or some other large corporation within their taxing body--and they've gotten a windfall and they have had low property taxes as a result of that--is that the replacement provisions in this proposal will continue that windfall. That corporations, for example, if we replace the corporate personal property tax with a corporate income tax is that corporations all around the state will be paying the corporate income tax and all of the revenue from that corporate income tax will be funneled to the specific units of government that have had a windfall for the last 60 to a 100 years. And I would urge the defeat of this Constitutional Amendment at this time because I don't think that the corporations in your districts and in my district and in the various districts around the state are going to want to see their corporate income tax revenue funneled to the units of local government that presently have power companies and other large corporations within their districts. The residents of those districts now have had that windfall for 60 and 70 years and I think it's time to end that windfall and that we at least have a fair and equitable tax system and distribution system to replace the corporate income tax. I don't think that we want to perpetuate the inequities that we've had for the last 50, 60 and a 100 years in this state. And I would urge a 'no' vote on House Joint Constitutional Amendment 21."

Speaker Katz: "The Gentleman from McHenry, Mr. Skinner."

Skinner: "Mr. Speaker, Members of the General Assembly. I absolutely agree with the Gentleman from Sangamon with regard to what should happen to the replacement income if replacement income is ever enacted by the General Assembly. But I do not agree with the Sponsor of this Amendment that that is a....that it is a foregone conclusion that all the money goes back to those tax districts which end up losing the money. That, I believe, is up to the...to the General



Assembly of the State of Illinois. That question has not been answered; however, if some constitutional lawyer here will suggest that the Sponsor's explanation that this money has to go back to Monticello, for example, where Illinois Power has all of its corporate, pays all of its corporate personal property tax, a tax conclave that is absolutely unjustifiable in the State of Illinois. There's no reason the people in Monticello should be paying lower taxes because it just happens to be where the corporate headquarters of Illinois Power is. If...if some other constitutional...if some constitutional, lawyer or authority will stand up and convince the General Assembly that that...that what Representative Ryan has represented is incorrect, then that objection that Representative Kane and I have may be totally invalid. We are playing big stakes games here today. This is extremely important. And if you don't think it's important take a look at your local...local personal property...corporate personal property tax assessment and you will find, if you are not in the City of Chicago, that they are virtually zero compared to what they were before the personal property tax was taken off of individuals. If none of the replacement income is going to go back to your little township where the township assessor has been saying, 'Oh, gee whiz, the General Assembly is going to get rid of the personal property tax on corporations in 1979, so I'm just not going to bother assessing it this year.' Well, that's what's been happening all over Illinois. And if Mr. Ryan's interpretation is found to be ruling on this Amendment, all of downstate Illinois is going to lose big. Chicago is going to win big. There are some parts of downstate Illinois that will win fairly large, those areas where the assessor is conscientious and has the...has the tax assessments on the rolls. It's extremely important that you know how you're voting on this thing because your vote may end up costing your tax districts, your local schools, lots and lots of money for...for dozens and dozens of years. When in doubt, I always vote 'no'."

Speaker Katz: "The Gentleman from Cook, Mr. Ewell."

Ewell: "Sponsor yield ^{to} for a question? The question...."



Speaker Katz: "The Sponsor indicates that he will, Mr. Ewell."

Ewell: "Basically, everybody talks about replacement taxes, can you give me some idea as to what these replacement taxes are going to be, I'm not too good at this."

Ryan: "If you'll read Article IX, Paragraph C, the middle of the... the Amendment, Mr. Ewell, you'll find that you can do your own homework there."

Ewell: "Well, I know, but for the Sponsor, if you could perhaps just explain to me which, in terms of replacement taxes, I know that we're getting ready to take one away and put one on, could you tell me about what tax....what are the possible taxes that we could put on....for the enlightenment of the Body."

Ryan: "Well, it...it...I don't know if I can specifically tell you. It...it does not go on real estate, it goes on those classes that are relieved of the burden of...of...that are now paying. Goes back on the same classes of those that are relieved. Do you understand that, Representative? Did I answer your question?"

Ewell: "Not exactly."

Ryan: "Well, would you state it a little clearer, please?"

Ewell: "If we're going to take one tax away and we're going to have a replacement tax, what type of replacement taxes are we going to put on? I mean, who's going to pay it?"

Ryan: "Are you talking specifically about income tax or property tax?"

Ewell: "Yeah. Yeah."

Ryan: "Well, it can be any of those things....."

Ewell: "Well, what would be your best....."

Ryan: "....State.... It's got to be a state-wide tax."

Ewell: "Yes. What would be your best guess as to a state-wide....."

Ryan: "I would...I would never hazard a guess on what this Body would do."

Ewell: "Pardon?"

Ryan: "I wouldn't hazard a guess."

Ewell: "All right, thank you, Mr. Ryan."

Speaker Katz: "The Gentleman from Whiteside, Mr. Schuneman."

Schuneman: "Thank you, Mr. Speaker, would the Sponsor yield? I think you will, won't you, George?"



Ryan: "Yeah...go ahead."

Schuneman: "George, on listening to the debate - and maybe I misunderstand this Amendment - but as I see it, all you're proposing here is that we delete from the present Constitution the mandate that the Legislature act on or before January of 1979. And that in effect you're leaving everything else in the Constitution. Do I understand that correctly?"

Ryan: "That's exactly right, Representative."

Schuneman: "Well, then...then the question as to what the replacement tax would be is in the same posture as it has been for the past eight years since the Constitution was in effect."

Ryan: "Correct."

Schuneman: "Well, then, Mr. Speaker, I'd like to address the Amendment. I...I believe that this proposal makes eminent good sense now because the fact of the matter is, there has been no proposal brought before this Legislature that would leave our local units of government and schools in the same position that they're in now as respect...loss of revenue. If you'll think back to the time when the personal property tax was eliminated in the State of Illinois, everybody thought that was a wonderful idea. And many of them, from areas such as mine where personal property taxes were being paid by small businessmen, by farmers and by individuals, when those taxes were eliminated that was great but we immediately found that our real estate taxes were increased substantially to make up those revenues. The income taxes which are being paid by the people in our district are not coming back to our districts, they're going somewhere else, largely a result of the resource equalizer and the school aid formula. And I suggest to you that this is the best solution to the problem that was placed upon us by the Constitutional Convention and I would urge adoption of this Resolution."

Speaker Katz: "The Gentleman from St. Clair, Mr. Monroe Flinn."

Flinn: "Well, thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, it seems to me that the...the Constitutional Amendments are getting better and better. This is better than the



Dunn Amendment in my opinion. I think it should be passed. One of the things that this does is leave things status quo. We've got to remember that one thing about the personal property tax, it is assessed on the local level, it's collected on the local level and it is used on the local level. It has nothing to do with us here in Springfield. We don't have to assess it, we don't have to collect it, we don't have to distribute it. To do anything different than that in accordance with the Constitution means that we become involved in it. The best thing we can do is stay out of this, there's no way to win. So far as the Gentleman from McHenry, speaking awhile ago and he alluded to some of the assessors not assessing the tax properly, I don't know how we can police that. If they're not doing their job now, I don't know how we can make them do their job better later on. I think it's a very good Amendment and should be passed."

Speaker Katz: "The Gentleman from Logan, Mr. Vinson."

Vinson: "Mr. Speaker, the point raised by the Gentleman from Sangamon is a point which has some validity but I believe we have to recognize that there's a limited amount of reform the system can take at any point. If we try to design a Constitutional Amendment for a perfect tax we're going to fail and the result is going to be that every school district and every taxing unit in this state is going to have a substantial amount of money tied up in escrow as personal property taxes are paid in protest next year for our failure to act. Therefore, I would urge the adoption of this Constitutional Amendment. I think it's very important. It's the most important Amendment that we face in this Session."

Speaker Katz: "The Gentleman from Cook, Mr. DiPrima, for what purpose does the Gentleman rise?"

DiPrima: "Mr. Speaker, Ladies and Gentlemen of the House, we are honored with the presence of the next Senator from Illinois, United States Senator from Illinois, Alex Seith and Mrs. Seith. Right back here."

Speaker Katz: "The Gentleman from Livingstone, Mr. Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I have the



opportunity to serve on the House Revenue Committee studying the replacement of the personal property tax. We held several hearings at which the business community gave a great deal of testimony on this problem. And I support this Amendment because I believe it's what the...most of the people who are paying this tax want. We're not talking about whether we're going to tax our constituents in a different way. We're either going to replace the personal property tax or we're going to continue it. And those who are replacing it will be the same ones who are paying it now. I think that the...the problem is clear, the personal property tax is not perfect but neither are the proposals for replacement. I think to remove the mandate from the Constitution is by far the best means to solve this problem. And I would encourage an 'aye' vote for this Amendment."

Speaker Katz: "The ques....oh, yes, the Gentleman from Kankakee to close the debate."

Ryan: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. There's...there's no date with which the General Assembly is required to remove and replace the personal property taxes with this Amendment. They can do so only if they wish anytime in the future. Now, if the General Assembly decides to do so or to abolish the personal property taxes they must replace the revenue lost by units of local government and school districts. These replacement revenues must come from state-wide taxes only on those classes relieved of paying personal property taxes. In a nutshell, this Amendment as amended, allows the General Assembly to remove personal property taxes if they want to, when they want to but it requires them to replace this lost revenue with state-wide replacement taxes. And so I would urge the adoption and ask for an 'aye' vote."

Speaker Katz: "The question is, shall the House adopt House Joint Constitutional Amendment #21? All those in favor vote 'aye', those opposed vote 'no'. It will require 107 votes for passage. Yes. The Gentleman from Lake, Mr. Pierce, to explain his vote."

Pierce: "Mr. Speaker, I...I'm going to support this Constitutional Amendment because what it does is maintain the status quo until such



time as the General Assembly determines what it wants to do in eliminating the personal property tax. We have a very fine replacement Bill in 2418. If this Constitutional Amendment is defeated by the people in November then we should meet in emergency Session and pass House Bill 2418. I would urge that we pass 2418 now with an Amendment that would make it effective should the.... people fail to approve this Constitutional Amendment or the one we passed a few minutes ago sponsored by Representative Dunn. I agree with the Sponsor, Mr. Ryan, that this...we are now at the point where we have - and Mr. Ewing - that we have to move ahead with this Constitutional Amendment. I will support it. If the people don't ratify it, then the House Revenue Committee has House Bill 2418 which provides a valid replacement mechanism. And I vote 'aye'."

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

Katz votes 'aye'. On this question, take the record. On this question there are 134 voting 'aye' and 21 voting 'no' and 1 voting 'present' and the House does adopt House Joint Resolution Constitutional Amendment 21. It is passed. Continuing on Constitutional Amendments, House Joint Resolution 36."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #36.

This Amendment has been read a third time previously."

Speaker Katz: "The Gentleman from Cook, Mr. Porter."

Porter: "Mr. Speaker and Ladies and Gentlemen of the House, House Joint Resolution Constitutional Amendment 36 deals with the operations of the General Assembly and I think it's important to all of the Members. Specifically, what it does is to begin the Legislative Sessions earlier and end them earlier. Rather than having installation on the second Wednesday in January after the November election it would provide that Members of the General Assembly and Constitutional Officers be installed on the first Wednesday in December. And rather than running our Legislative Sessions to June 30th every year, they would end in the odd-numbered year on April 30th and in the even-numbered year on March 31st. Would not really change the length of the Session except shorten them



very slightly but would rather put them in the right season so that we are legislating in the winter months rather than in May and June every year. It also provides for biennial budgeting, providing that the even-numbered year Session would be devoted to budgeting only and to emergency matters. It would correct the problem of the Governor's presiding over the Senate and put that responsibility in the hands of the Lieutenant Governor. And it would correct a problem that has existed in the Constitution of providing the correct dates on which the Constitutional officers and the General Assembly begin. Right now, inadvertently, it was placed in the Constitution that we could have the old officers who were defeated or left office in the previous election presiding over the beginning of the Sessions of the General Assembly. That problem, which is a minor one, is also corrected. And I commend this to the Members. I think that it brings the General Assembly into the right season and I think it's of interest to every Member. I urge an 'aye' vote."

Speaker Katz: "All right, the Gentleman from Sangamon, Mr. Kane."

Kane: "Would the Sponsor yield to a question?"

Speaker Katz: "The Gentleman indicates that he will."

Kane: "In the Digest in the description of this Amendment, or this proposed Amendment, it has some provision in there for limiting particular Sessions of the General Assembly by the Constitution. Is this still in there or has that been amended out?"

Porter: "Doug, it's still in there. We were hopeful that we could get an Amendment drafted to make that less than mandatory because I don't think, frankly, that it should but the time has grown short and we thought we could correct that over in the Senate if the House chose to pass it. The Amendment came up but it was not drafted properly and I would have held it but I think our time is so short that the possibility of this being considered before May 7th is fast...fast dwindling away. So it is still in at the moment."

Kane: "Is it your intention to limit the General Assembly?"

Porter: "It's really the intention of this Amendment, as far as I'm



concerned is to change the seasons during which the General Assembly meets and to allow, but not mandate, biennial budgeting. Right now it does mandate it though."

Speaker Katz: "The Gentleman from Cook, Mr. Conti."

Conti: "Mr...Mr. Speaker and Ladies and Gentlemen of the House, some of you that were down in the General Assembly before we had Annual Sessions could remember the hue and cry that most of the Members had that we had...we didn't have fiscal integrity when a Governor presented a two-year budget. The intent of the Annual Sessions was to submit a one-year budget so that prior to an election the Governor wouldn't come up with a very low budget and then call a Special Session and come in with a supplemental appropriation. Now we're falling right back to the archaic days when we had Biennial Sessions with fiscal irresponsibility and not fiscal integrity when it came to submitting a budget for two years. I'm afraid that we're going to fall right back into the same position again. Annual Sessions was for the intent of giving an honest budget so that the people would know what the appropriation would be for the ensuing year."

Speaker Katz: "Mr. Porter to close."

Porter: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I don't really...I'm not really hung up on that issue at all and I really don't want to argue it, I know there are different feelings on it. As I mentioned, it was our intent to change this but the Amendment didn't come up fast enough. I might say that this is probably the only vehicle that's available to get done what I think all of us want to do and that's put these Sessions in the right season of the year. I think that it is something just short of insanity for us to be down here in May and June. And I think many of the Members feel exactly that way, when we ought to be legislating in January and February, we're spending our time trying to get under way and we ought to change that over, get under way earlier, get finished earlier and be back with our families. And I...I think this is a Resolution that will accomplish that purpose and I urge an 'aye' vote."



Speaker Katz: "The question is, shall the House adopt House Joint Constitutional Amendment #36? All those in favor vote 'aye', those opposed vote 'no'. It will require 107 votes. The Gentleman from Cook, Mr. Madigan, to explain his vote for one minute. The Gentleman from Coles, Mr. Edgar, to explain his vote for one minute."

Edgar: "Thank...thank you, Mr. Speaker. I rise in support of this Amendment. Three years ago, I had the opportunity to work for the National Conference State Legislatures and I traveled at approximately 30 different state legislatures and worked with them and one of the things that struck me, that many other states do much more effectively, and that's use their time. They start much earlier in the year and they're able to adjourn sooner in order that all final work can be done before the new fiscal year begins. I think Representative Porter has indicated that this is the intent of this Constitutional Amendment. In no way is this to put any restrictions on what the General Assembly might do in Sessions, or limit them to biennial budgets, but it's to change the seasons. And I think we'd be much better off if we started our Sessions earlier and got done earlier so we could be home during the spring months and summer months. So I'd urge an 'aye' vote."

Speaker Katz: "Have all those voted who want to vote? Please... the Clerk will take the Roll Call. On this question there are 77 voting 'aye' and 48 voting 'no' and the House does not adopt House Joint Resolution.... Is the Gentleman from Cook, Mr. Porter, trying to get recognition?"

Porter: "...Put it on Postponed, Mr. Speaker."

Speaker Katz: "All right. Leave? Matter is...House Joint Resolution 36 is put on Postponed Consideration. House Joint Resolution #44."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment...."

Speaker Katz: "Excuse me, I believe that Mr. Totten wants that passed over. House Joint Resolution #45, Miss Stiehl."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #45. This Amendment has been read a third time previously."



Speaker Katz: "The Lady from St. Clair, Miss Stiehl."

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

House Joint Resolution Constitutional Amendment 45 provides for the appointment of the Superintendent of Public Instruction by the Governor with the advice and consent of the Senate. Now, Ladies and Gentlemen, I know that most of us here are agreed that some improvement must be made in our educational system; that there is very little accountability in the office as the system presently stands. And I offer this Amendment as a back-up, as a compromise. I believe that it has the merit of both of the previous systems because while it allows for merit selection and removes the Superintendent from outside undue influences of political pressures it also provides a system of accountability by making this appointment a cabinet level position. I think that any office of this magnitude should be an integral part of state government and it should be involved in the budgetary process. I also think it's wrong that any office that has such authority over the lives of so many people, and particularly the lives of our children, to have absolutely no accountability. Ladies and Gentlemen, I ask for a green vote, pass this out and give the Senate an alternative. Let this be a back-up to the Constitutional Amendment we passed out of this House previously."

Speaker Katz: "The Gentlewoman from Cook...from Lake, Miss Geo-Karis."

Geo-Karis: "Mr. Speaker and Ladies and Gentlemen of the House, in spite of the lobbying that was done to me, I voted for the Amendment that would give the people a choice. I also said when I voted for that Amendment that I would also support a Resolution whereby the Superintendent of Schools could be appointed by the Governor because then the Governor could be just as fully responsible. Therefore, I do urge an 'aye' vote on this Resolution so that there will be a choice given to the Senate and I certainly support Representative Stiehl in it."

Speaker Katz: "Anyone want to be heard further with regard to House Joint Resolution Constitutional Amendment 45? Miss Stiehl to close."

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



I believe that an office as important as the Superintendent of Public Instruction must be responsive to the needs of our citizens and to the educational community. And any program of this magnitude and any office that is to function efficiently must have clear lines of authority established, and I ask you, vote this Resolution out and send it to the Senate so that we have another back-up Constitutional Amendment."

Speaker Katz: "All those...the question is, shall the House adopt House Joint Constitutional Amendment #45? All those in favor vote 'aye', those opposed vote 'no'. It will require 107 votes. To explain his vote, Mr. Skinner, the Gentleman...."

Skinner: "Mr. Speaker, there's a Gentleman behind me that's suggesting that schizophrenia will descend upon anyone who votes for both the Amendment to allow the people to vote on an elected Superintendent and a more responsibly appointed Superintendent, Representative Stiehl's Bill. And I just don't think that's the case. Those who were suggesting that the merit selection Amendment was deficient because both alternatives, or all alternatives, were not offered cannot say that if we give the people two alternatives, the appointed - or three alternatives, really - the status quo which is definitely intolerable or an elected Superintendent #2 or #3 and an appointed Superintendent under the Governor where at least somebody could talk to him besides God, would not be offering a full range of choices."

Speaker Katz: "Have all those voted who want to vote? The Clerk will take the record. On this question there are 52 voting 'aye' and 69 voting 'no' and 3 voting 'present' and the House does not adopt House Joint Resolution Constitutional Amendment #45. Now, House Joint Resolution Constitutional Amendment #47, Representative Pierce, the Gentleman from Lake. It's on Postponed Consideration."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #47. This Amendment has been read a third time previously."

Pierce: "Mr. Speaker and Ladies and Gentlemen of the House, this Constitutional Amendment is similar to Representative McBroom's as amended. In the House Revenue Committee we agreed to have



Representative Dunn's Amendment, Representative McBroom's Amendment and my Constitutional Amendment come out to the floor to give the House and Senate some choices. This...this Amendment would take out the requirement that the personal property tax end on January 1, 1979 and will give the Legislature the permissive power to remove the personal property tax and to replace it with other taxes on the same group of taxpayers. It did not start out the same as Representative McBroom's but with the Amendment that was put on Representative McBroom's it is essentially the same. I urge in fairness that we pass this Constitutional Amendment over to the Senate as well as Representative McBroom's. And therefore I urge that we get the 107 votes on this Constitutional Amendment that would remove the mandate for removal of the personal property tax."

Speaker Redmond: "Representative Van Duynes. Is there any further discussion? Representative Kane. Representatives Schneider and Sharp."

Kane: "Would the...would the Sponsor yield to a question?"

Speaker Redmond: "He will."

Kane: "Could I ask you the same question that I asked Representative Ryan in terms of...your interpretation of the replacement requirement?"

Pierce: "Yes, as I understood your question, and I think it was a good question, the...all we would be doing would be maintaining the status quo on replacement to the extent the personal property tax has some inequity in it, as far as who receives the funds. Then the replacement would...taxes would contain that same distribution formula. I know I discussed with you earlier when Representative Madigan put the Amendment on Representative McBroom, one of the inequities. And it was my opinion, Doug, that part of that arose from the capital stock tax and not from the personal property tax in the particular instance you cited that day, I notice you cited a different hypothetical today. But it does, it does what you indicate it does, and that is, replaces the tax to the same government, local government entities, that presently receive the personal



property tax."

Kane: "So we would have a state-wide tax, that the revenues of which would be funneled to the specific locations that the....that now collect the corporate personal property tax."

Pierce: "That is correct."

Kane: "I would again urge that we defeat this Constitutional Amendment 47."

Speaker Redmond: "Any further discussion? Representative Ebbesen."

Ebbesen: "Yes, would the Sponsor yield?"

Speaker Redmond: "He will."

Ebbesen: "Representative, I know we've been talking all day about ...replacement of the taxes that are lost to these local governmental units and I guess my question is - I don't know if it's spelled out - but you can, you can call delinquent personal property taxes for corporations as lost revenue. Now, my concern is if we're replacing this on a one hundred percent basis, if you take the County of Cook, they've got delinquent corporate personal property taxes to the tune of a hundred and seventy-five million (\$175,000,000). The question is, are we talking about in the future replacing on the assessed....the amount that is levied or in assessed (sic) or are we talking about what they actually collect?"

Pierce: "In my humble opinion, it's where they actually collect because that's what the Constitutional language provides. It will replace revenue, not assessed valuation, that is my interpretation of my Constitutional Amendment and of Representative McBroom's as amended. We are replacing lost revenue, not lost assessment."

Speaker Redmond: "Anything further? Representative Pierce to close."

Pierce: "To close, what this Amendment does is maintain what we have at present with the Legislature having the power to eliminate the personal property tax on business provided that it replaces that tax. It knocks out the Jan 1, 1979 date, and really, that's all it does as far as the status quo is concerned. It allows the Legislature to eliminate the personal property tax or portions thereof, provides...providing it replaces it on the same taxpayers with the money going to the same governmental units. It knocks



out the January 1, 1979 date and leaves it permissive with the Legislature in the future and I urge....I urge approval of this Constitutional Amendment."

Speaker Redmond: "The question is, shall the House adopt House Joint Constitutional Amendment #47? Those in favor vote 'aye', opposed vote 'no'. Requires a 107 votes. Representative Conti to explain his vote."

Conti: "It's in the matter of not explaining my vote, if...if...if he could answer this question. I see that it leaves the Section 5-C intact. Wouldn't that severely hamper the flexibility of the General Assembly when and if it chooses to seek a replacement tax? If you're going to leave Section 5-C in there."

Pierce: "It does the same thing that Representative McBroom's does as amended, not as he originally introduced it. So it's really the same thing that...that the other one does...you're right, it...it maintains the status quo on replacement but removes the date eliminating the personal property tax. It allows the Legislature to remove the personal property tax provided that local governments are provided with a...with a replacement revenue. And I think we supported Representative McBroom's as amended, it's not perfect. We have a replacement Bill that passed out of Revenue Committee that Representative Mugalian is handling. I supported Representative McBroom's and Representative Dunn's Constitutional Amendment and I would like to see this one supported as well because they all do essentially the same thing. The Gentleman is right in his questioning, it does require replacement as replacement is presently required by the State Constitution but eliminates the January 1, '79 date which would throw us into complete confusion."

Speaker Redmond: "Representative Matijevich."

Matijevich: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, the McBroom Resolution had about a 133 votes and it really wasn't handled by Ed McBroom and we supported that Resolution, this is no different than the McBroom Resolution. As Representative Pierce said, it does...the Resolution does keep the status quo. We know



that the Legislature in all probability will not act with regards to the Bill that is pending therefore we need a Constitutional revision; we all know it. We all did the right thing, I believe, by supporting the McBroom Resolution but if we don't support this Resolution I think we're being political about it. So I would urge the Members to also support this Resolution in the same manner."

Speaker Redmond: "Have all voted who wish? The Clerk will take the record. On this question there's a 117 'aye' and 26 'no'. The House does adopt House Joint Constitutional Amendment #47. The plan is to take 4.....3, Representative Polk, and then take Consideration Postponed #33 for Representative Van Duynes. This being the last week for Bills, House Bills in Committee, we've got...Friday is the last day but we're trying to close this up...the 4th, whatever day that is. House Joint Resolution Constitutional Amendment 3."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #3. This Resolution has been read a third time previously."

Speaker Redmond: "Representative Polk."

Polk: "Mr. Speaker and Ladies and Gentlemen, House Joint Resolution 3 was introduced on the 3rd of February which is quite some time ago. If you refer to the Digest you'll see that it's heavily endowed with both Republican and Democratic Sponsors. The intent of this legislation is to relieve the responsibility of the Secretary of State and the Governor in times of stress when we have...made... have problems making decisions of who should be the leadership in the House. We've discussed this on other pieces of legislation but I think you'll find mine is encumbered and it does not create any major problems. And it says that the Governor 'may appoint' and the Secretary of State 'may appoint' during those periods of times when the House is voting, or the Senate is voting, a second or third or fourth time to make a final determination who will be the President of the Senate or the Speaker of the House. We have bipartisan support, we have the support of the second floor and the Secretary of State's Office in relation to this; this is nonpartisan,



noncontroversial and I'd appreciate your 'aye' support."

Speaker Redmond: "Any discussion? You ready for the question? The question is, shall the House adopt House Joint Constitutional Amendment #3? Those in favor vote 'aye', opposed vote 'no'; 107 votes required. Have all voted who wish? Representative Deuster."

Deuster: "Well, Mr. Speaker and Ladies and Gentlemen of the House, there is no reason for this to fly out of here because I think it's good for the Governor and the Secretary of State to get acquainted with the Legislature. And I think it would be an insult to our chambers, although I'm sure we have....I guess it's going to fly out of here and I'll say no more."

Speaker Redmond: "Have all voted who wish? The Clerk will take the record. On this question....Representative Matijevec."

Matijevec: "Mr. Speaker, I think Representative Cunningham believes I voted against the other one solely on his logic but, really, I'm not sure if Governor Thompson will be reelected but sometimes this is the only way you can keep the Governor in Springfield; therefore, I'm voting against it."

Speaker Redmond: "This question there's 117 'aye' and 30 'no' and the House does adopt House Joint Constitutional Amendment #3. On Consideration Postponed appears House Joint Resolution Constitutional Amendment 33. Representative Van Duyne."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment 33. This Resolution has been read a third time previously."

Speaker Redmond: "Representative Van Duyne."

Van Duyne: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, practically half a day now we've been talking mostly about how we are going to elect our Judges. And I would like to submit House Joint Resolution for a Constitutional Amendment 33 as just an open election type election of our Judges. We've talked about appointment or the merit selection, we have retention now and I submit to you the outright election. In 1970 the merit selection was presented to the voters and they voted it down fairly overwhelmingly. I start with the premise that if you...to have a person responsible to his job, every now and then you have to place his job in jeopardy."



The Bill, or the Constitutional Amendment that I have before you right now gives the person the right to defend himself in that he has a living, breathing opponent every time his office comes up for....being vacant. So, I think we've talked about it enough. The Judges have put themselves in this....in a quandry, so to speak. They superimposed their will on a lot of people by being arbitrary and I think it's time now that we obey the mandate of the people and put them up for open election. And I ask for just a simple 'aye' vote."

Speaker Redmond: "Representative Skinner."

Skinner: "I stand in support of this attempted merit removal of Judges. I certainly....in the present Constitution we have the worst of both worlds and there's just no way to get a Judge out of office once he gets in office as the Illinois Supreme Court has just ruled with the Judicial Inquiry Board. This is, perhaps, not the best way to get rid of Judges - I'd prefer recall such as Representative Grieman suggested when we debated the issue last week - but this is sure better than what we have now and I hope it will....I hope it will pass."

Speaker Redmond: "Is there anything further? Representative Friedrich."

Friedrich: "Mr. Speaker and Members of the House, you are not deciding whether Judges should be elected or not, you're letting the people decide whether they think they should be elected or not. I would like to call your attention to a poll that was taken by the Springfield papers lately and it showed that 76.8 percent of the people that responded want to have their Judges elected by direct election. I'm convinced that this is true all over the State of Illinois and to withhold this Amendment from the people is deliberately thwarting the will of the people. I took a poll in my district - with over 2,000 responses - and the responses were more than 3 to 1 that they wanted to elect their Judges. I can tell you now that this business of the judiciary policing itself is the biggest joke in town. I know of a case where a Judge was reported, where he was actually being blackmailed, (sic) they took an inquiry and they said, 'We can't find any evidence of wrongdoing'.



Now, believe me, the people should have the Judiciary Branch responsible to them just the same as the Legislative Branch and the Executive Branch. If you...and if you believe in government by the people, let the people have a chance to decide how they want to select their Judges. That's all this Constitutional Amendment...this Resolution does is let the people decide. If you believe in government by the people, vote 'aye'."

Speaker Redmond: "Representative Van Duynes to close."

Van Duynes: "Thank you, Mr. Speaker, I don't want to belabor the point but I do want to bring out two or three small things that have been brought before. We've heard about the weight of the Bar Association in selecting our Judges in...in most of the past. We've also heard about the patronage problem where the party put their candidates up for...but I submit to you all that this does give the end choice to the people. And it does do as Cal mentioned, it does take care of the judicial recall automatically. And I think if you...if there's nothing to fear and if you want to really make the choice, put the choice into the hands of the people. I see no reason why anybody would have any problem with voting for this."

Speaker Redmond: "The question is, shall the House adopt House Joint Constitutional Amendment #33? Those in favor vote 'aye', opposed vote 'no', requires a 107 votes. ...All voted who wish? Have all voted who wish? Representative Matijevich."

Matijevich: "Mr. Speaker, I'd like to briefly explain...explain my vote and I guess maybe that's why I voted the way I did on merit selection, I tried to keep my mind open. But I often listen to the people who say they're for good government. And what system of government do we preach against more than any? And that's the system in Russia. In Russia you only vote for one on the ballot, you don't have a choice and that's really what we have when we talk about retention. You really don't have a choice. I agree with the last speaker who said that he believes that the people do want a direct election of the judiciary. I think that that is the popular notion of the people. So let's remember when we talk



about any other system, we really don't want to go to the system that they have in Russia where you only have one choice and one choice only. I think the better choice is to leave it up to the people, to let the people decide whether someone's record is good by placing that name on the ballot - direct election - that is what the people want and I think that you ought to put up a 107 votes up there to show the people that's what you're for, too."

Speaker Redmond: "Have all voted who wish? Have all voted who wish? Representative Katz."

Katz: "Mr. Speaker, I only wanted to speak if it were going to be close. So whether you believe in electing Judges or appointing Judges or however they get to be Judges, when they're sitting there they ought to be able to decide on the merits of the case - and the present system makes it so - that they can decide on the merits of the case and not decide on the basis of what's going to happen when an election that will follow. So I do believe that it is a bad Amendment and I would urge that it be defeated."

Speaker Redmond: "Representative Cunningham, are you seeking recognition?"

Cunningham: "Well, Mr. Speaker, I'm personally embarrassed by the reluctance of people on this side to be nonpartisan in voting. Two years ago this went sailing out of this House and I was the Sponsor at that time and I think this is a nonpartisan issue and I would call on the Republicans on this side of the aisle to stand with Representative Van Duyne in absolute, genuine, honest-to-God judicial reform. You either believe in the right of the electorate to select their servants or you don't. The present system is a joke. Now is the time to put on the green lights on there and show where you stand in this matter. If you keep pushing this merit selection around long enough we'll have merit selection for the Legislature, that'll be fatal to many. But we should have a green light in this particular instance and your voters back home will reward you for it and I urge you to repent and stand with Van Duyne."

Speaker Redmond: "Representative Daniels advises me that merit selection



of Representatives works well in the 40th District. Have all... have all...have all voted who wish? Have all...have all voted who wish? Representative Van Duyne."

Van Duyne: "Mr. Speaker and Ladies and Gentlemen of the House, you know, I think it was Franklin Delano Roosevelt that said one time, 'we have nothing to fear but fear itself'. Now the voters have spoken back in 1970 as far as the Merit Commission was concerned but we never did go far enough, in my mind as far....as we have here. Now, if you really believe in being fair to your constituents, then I think you should have no qualms about supporting this and putting it on the ballot. I...by saying there, either absent or voting present, you're saying to me that, I don't want to put this to a vote of my constituency or the rest of the people of the State of Illinois. I really can't see any reason why in the world that you would be afraid to put this up to the people, except that maybe you may have some kind of a premonition as to which way it will go. So that's the only way I can feel and I'm just...you know, the only conclusion I can draw is that people around here really just like to talk about how bad their Judges are but really they don't want to do too much about it themselves."

Speaker Redmond: "Have all voted who wish? Former House Member, Frank Savickas, from the southwest side of Chicago, former House Member. Have all voted who wish? Clerk will take the record. Representative Van Duyne."

Van Duyne: "Mr. Speaker, can we poll the absentees, please?"

Speaker Redmond: "Gentleman has requested a poll of the absentees. Poll the absentees."

Clerk O'Brien: "Abramson, Epton, Hudson, Klosak, Mann, McBroom, McCourt, Peters, Reed, Schlickman, Schoeberlein, Stearney and Sumner."

Speaker Redmond: "On this....no change. On this question there's 98 'aye' and 51 'no'. The House does not adopt House Joint Constitutional Amendment 33. Announcements...or motions? Representative Schneider."

Schneider: "Thank you, Mr. Speaker. Last week Rules Committee reported out 5 Bills which were assigned to the Committee on



Education. Apparently they were not posted by the Sponsors and I would like to waive the appropriate rule so that those Bills may be heard today in Committee right after adjournment...and I will give you the numbers. And I will give you the numbers, they are as follows: House Bill 2633, House Bill 2647, House Bill 2649, House Bill 2957 and 3003. I believe the Sponsor is entitled to the hearing and we're just faced with the deadline otherwise I'm sure they'd be glad to wait a week but this is the last meeting."

Speaker Redmond: "Representative Madigan."

Madigan: "I haven't seen the Bills, Mr. Speaker."

Speaker Redmond: "We'll hold this one for a while. Representative Pierce, do you have a motion? Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker. On the Calendar on page 8 under Consideration Postponed is House Bill 612; I'd ask leave to bring that Bill back from 3rd Reading to 2nd for the purpose of an Amendment. There have any objections, Mr. Speaker?"

Speaker Redmond: "Does the Gentleman have leave? Hearing no objection leave is granted. 612."

Clerk O'Brien: "Amendment #1. Sharp. Amends House Bill 612 on page 2 by inserting below line 2 and so forth."

Speaker Redmond: "Representative Sharp."

Sharp: "Yes, Mr. Speaker, Members of the House. This Amendment was drafted to take care of a problem in the Bill that would have decreased benefits under the additional tax relief. And by eliminating the social security and railroad retirement in calculating the circuit breaker, the circuit breaker relief would have gone up. But for many people who do not receive the circuit breaker, and only additional grant relief, their relief would have been decreased or eliminated altogether. So this is to take care of that problem so that one group is not penalized for the benefit of another and I would ask for its adoption."

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

Ryan: "Mr. Speaker, this will go back on the Calendar under Consideration Postponed, is that correct?"

Speaker Redmond: "Yes."



Ryan: "Thank you."

Speaker Redmond: "The question's on the Gentleman's motion for the adoption of Amendment #1, those in favor say.... Representative Skinner."

Skinner: "I'm...I'm afraid I wasn't paying attention, I wonder if the Gentleman could repeat what it does again?"

Speaker Redmond: "Representative Sharp, Representative Skinner wasn't listening."

Sharp: "It simply takes care of a problem where some people who just receive the additional tax relief, or what we call the sales tax relief, will not be penalized to benefit another group whose circuit breaker relief is going to be increased due to this Bill."

Skinner: "Check, thank you."

Speaker Redmond: "Question's on the Gentleman's motion of the adoption of the Amendment. Those in favor say 'aye'; 'aye'; opposed 'no'. The 'ayes' have it; the motion carries and the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "Third Reading....pardon me, Consideration Postponed. Constitutional Amendment Second Reading, Senate Joint Resolution 31. Have we read that, Mr. Clerk?"

Clerk O'Brien: "The Resolution has been read a second time previously."

Speaker Redmond: "Are there any Amendments to this....Senate Joint Resolution 31."

Clerk O'Brien: "Amendment #1 offered by Representative Griesheimer. Amends Senate Joint Resolution 31 in Section 2 by inserting between the first and second paragraphs of that Section, the following: 'Any vacancy in the Office of Superintendent of Education shall be filled in the manner provided in Section 7 of Article V'."

Speaker Redmond: "Representative Griesheimer, Daniels."

Daniels: "Yes, Mr. Speaker, this Amendment is a technical Amendment to the Education Article."

Speaker Redmond: "Representative Terzich."

Terzich: "Well, I'd like to do not adopt and move it along, Mr. Speaker."

Speaker Redmond: "You oppose the adoption of the Amendment, is that



correct?"

Terzich: "Yes, I do."

Daniels: "Well, we like the Amendment and we don't agree with what he says."

Speaker Redmond: "Representative Madigan."

Madigan: "Mr. Speaker, a question has been raised as to whether this Resolution was placed on the Order of Third Reading this morning. Would you please consult with the Clerk and respond?"

Speaker Redmond: "Was not moved to Third Reading, was read a second time and held on Second Reading. Representative Matijevich."

Matijevich: "Would the Gentleman yield to a question?"

Speaker Redmond: "He will."

Matijevich: "Representative Daniels, could you tell me why the Amendment refers to Section 7 of Article X which deals specifically with the other...the other offices and why not the better language which would be specific in this Resolution that the vacancy in the Office of the Superintendent of Education shall be filled by the Governor and...and be specific? I think that you have a defect...I'm going to support it only to show that without any mention of filling a vacancy the Resolution is defective, by why...weren't you specific...."

Speaker Redmond: "Representative Stuffle."

Stuffle: "Yes, Mr. Speaker, I rise on a point of order. Is, indeed, the Sponsor of this Amendment on the floor? And if not, can we hear this Amendment?"

Speaker Redmond: "Is Representative Greisheimer here? Representative Geo-Karis, for what purpose do you rise?"

Geo-Karis: "I'd like to ask a question of the Gentleman who is sponsoring the Amendment in absentia of the Sponsor, I'd just like to ask a question."

Speaker Redmond: "He's on the floor. Representative...anything further? Representative Hoffman."

Hoffman: "I was going...Mr. Speaker...."

Speaker Redmond: "You're not listening. Representative Hoffman."

Hoffman: "Mr. Speaker, I might clarify the issue by pointing out that



there is no provision in this Constitutional Amendment for the replacement of a Superintendent of Public Instruction if, after elected, a replacement is necessary. And this Amendment merely addresses that and treats it the same way it was treated before under the old Constitution. I think that answers the previous question."

Speaker Redmond: "Representative Friedrich."

Friedrich: "Mr. Speaker, I'd like to make a parliamentary inquiry."

Speaker Redmond: "David..."

Friedrich: "...Of the chair."

Speaker Redmond: "Proceed."

Friedrich: "If, in fact, we adopted this Amendment, would it not require that this Constitutional Amendment be read three times again and in the Senate three times on three separate days?"

Speaker Redmond: "The answer is yes."

Friedrich: "Which means the effect of adopting this Amendment would be to kill the Committee Amendment? But my timetable says..."

Speaker Redmond: "...Practical proposition the answer is yes."

Friedrich: "I'm real practical and I know how many days we've got left and so do the people who are sponsoring this Amendment. I...I think the Amendment is well intentioned but I think..."

Speaker Redmond: "Representative Pierce, for what purpose do you rise?"

Pierce: "...Of order, Mr. Speaker. It would not kill the Amendment, it would mean it would be voted on in the November of 1980 election, the first election that came more than six months after the day it was passed in the Legislature...."

Speaker Redmond: "You're right."

Pierce: "It wouldn't be killed, it would be alive for those of us that are still around November 1980 to vote on it in the election."

Speaker Redmond: "Well, I said for all practical purposes which I think is what that meant. Representative Matijevich."

Matijevich: "Mr. Speaker, I just thought it'd be nice if I got an answer to my question because I didn't even finish the question yet."

Speaker Redmond: "That's probably why you didn't get the answer."



Matijevich: "Well, no, I don't think so because you want to Stuffle and you went to a few other people after that. But, my question was, why this mechanism to amend Senate Joint Resolution 31 even though 31 does not mention vacancies -and I guess that makes it defective- but you refer to Section 7 of Article V which also had some language about the Lieutenant Governor in that the Lieutenant Governor, if there is a vacancy, it shall remain vacant. And who knows, you...you are very ambiguous when you just refer to that Section. So I...I think you have very ambiguous language here by just referring to Section 7 of Article V. If you are going to amend it, why didn't you just amend this Section and call specifically for the...the manner of filling the vacancy of the Superintendent of Public....of Superintendent of Education?"

Speaker Redmond: "Representative Griesheimer."

Griesheimer: "Mr. Speaker, I'd like to apologize to the House, I was over in my office responding to a telephone call when this was called. To answer the inquiry just made, Section 7 of Article V is not restricted to just the Lieutenant Governor, it is the Section that refers to vacancies of all other elective offices other than the Governor. And if this Constitutional is....Amendment is passed and goes to the voters on the next election without this Amendment on here, we will be creating a Constitutional Officer, the only Constitutional Officer, that has no provisions for filling a vacancy brought upon by death or resignation and it will be totally inconsistent with the rest of the Constitution. I believe that Representative Pierce has hit the nail on the head. A number of people have come to me and said, 'well, this will kill this Constitutional Amendment.' Well, Ladies and Gentlemen, we have our opportunity today to pass a corrected Constitutional Amendment that will correctly do what we are trying to do and I would point out to you, I....supported Representative Friedrich's Bill to do this before; or we have an opportunity of knowingly producing a... incorrect and possibly illegal Constitutional Amendment for the voters to vote on in the next election. I don't see how this could go to the voters without this Amendment."



Speaker Redmond: "Representative Matijevich."

Matijevich: "Well, Mr. Speaker, I had intended to support the Amendment because I think the original Resolution is defective. However, there's one thing of writing wrongfully and writing in bad language just plain old Resolutions but I think it is...it is very wrong to write Constitutional Resolutions in a wrongful, defective manner. I think the more appropriate type of Amendment would have been to be specific, write in the Resolution in the manner of the vacancy because just referring to Section 7, Article V is very ambiguous. For that reason I am not going to support this Amendment."

Speaker Redmond: "Representative Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I oppose this Amendment because it will definitely kill this Resolution. If you think the people of the State of Illinois could have another two years with the appointed Superintendent, well, you better start talking to your constituents. I have checked this out, the Legislature can make this by law, we can fill a vacancy by law. And the...if it is found unconstitutional in the court, which I doubt very much, then I'll have a Bill next year for another Constitutional Amendment in 1980. But I think that the voters of the State of Illinois need this Constitutional Amendment on this 1978 election and not 1980. And I would appreciate your support of defeating this Amendment which will scuttle the entire Bill."

Speaker Redmond: "The question is on the Gentleman's motion for the adoption of Amendment #1 to Senate Joint Resolution 31. Representative Griesheimer to close."

Griesheimer: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Now, there's no question of the earnestness of the last speaker. I know that Representative Terzich very much wants to see this matter continue on to the voters and as I pointed out, I have supported the other Bill that left the House and is over in the Senate to go to the voters on the question of the election of the Superintendent of Public Instruction. I'm afraid the advice that has been given to Representative Terzich is entirely incorrect."



There is not one Constitutional Officer in this state that is replaceable if he dies or resigns through Legislative process. They are all appointed by the Governor under Section 7. And, if we do not do this and we create a new elective officer and we are unfortunately faced with a Superintendent of Education that dies or resigns from office, we will have no head of our state school system which will be intolerable. This would be entirely incorrect to give to the voters on the next ballot without this correction. And I think that if we do correct it it may delay going to the voters but we do have a responsibility in this Legislature to be accurate and if we don't give a darn about our work then we shouldn't even bother to be down here. I urge a 'yes' vote on this Amendment."

Speaker Redmond: "Question's on the Gentleman's motion for the adoption of the Amendment. Those in favor say 'aye', opposed 'no'. In the opinion of the Chair the motion fails and the Amendment is not adopted. Five people ask for a Roll Call? Question's on the Gentleman's motion for the adoption of Amendment #1, those in favor vote 'aye', opposed vote 'no'. ...All voted who wish? Have all voted who wish? Have all voted who wish? Representative Gene Hoffman."

Hoffman: "Mr. Speaker, Ladies and Gentlemen of the House, as most of you know I'm opposed to going back to the old system of electing the State Superintendent but I think if we must do that, and if this House in its wisdom decides to do that, that at the very least we ought to meet all the contingents that exist in the Constitution and this Amendment makes that provision."

Speaker Redmond: "Representative Terzich to explain his vote. Representative Stuffle."

Terzich: "Yes, Mr. Speaker, if this Resolution is adopted in the House on the Third Reading, we will have sufficient time during this Session to draw up any additional legislation that may be required to fill the vacancy in the event of the death of a...an elected Superintendent of Instruction. I think that this is also within the power of the Illinois General Assembly, we can...we can



fill this vacancy. It's very unlikely that a person would expire while in office even though it is possible but I certainly feel that we, in the House, can prepare the necessary legislation to fill that vacancy until the next upcoming election. The similar (sic) Bill was passed over in the Senate, I don't hear of any Amendments going on over in the Senate. And I think that we should give the people, the people of the State of Illinois, a chance to be heard what direction they want the education of their children to be directed. And we definitely need someone who is ^{more} sensitive to the people of the State of Illinois than the present current office.(sic) So I would appreciate a 'no' vote on this Amendment."

Speaker Redmond: "Have all voted who wish? Representative Matijevec, for what purpose do you rise?"

Matijevec: "I'm going to explain my vote because I...in debate I felt that this Amendment is not worded right, however, I think it's..."

Speaker Redmond: "Representative Griesheimer, for what purpose do you rise?"

Matijevec: "...Better..."

Griesheimer: "Mr. Speaker, as I understand it, both...both of these Gentlemen have just spoken in debate and they're not the Sponsor of the Bill."

Matijevec: "Oh, I'm sorry about that..."

Speaker Redmond: "Representative Griesheimer is correct. Record Representative Matijevec as 'aye'. Have all voted who wish? Clerk will take the record. Representative Terzich. Terzich, yeah."

Terzich: "Mr. Speaker, I'd like to ask for a poll of the absentees and also a...oral verification."

Speaker Redmond: "On this question there's 81 'aye' and 75 'no'. The...Representative Terzich has requested a poll of the absentees. Mr. Clerk, will you poll the absentees."

Clerk O'Brien: "Abramson, Collins, Greiman, Hudson, Jaffe, Klosak, Levin, Mann, McBroom, McCourt, Meyer, Molloy, Peters..."

Speaker Redmond: "Representative Peters, 'no'."

Clerk O'Brien: "Robinson, Schoeberlein, E. G. Steele, Sumner, W. D. Walsh."



Speaker Redmond: "Representative J. J. Wolf."

Wolf: "Mr. Speaker, could you please change me from 'yes' to 'no', please?"

Speaker Redmond: "Representative Stanley."

Stanley: "I'd like to change my vote from 'aye' to 'no'."

Speaker Redmond: "Representative Wolf changes from 'aye' to 'no'.

Representative Wolf, 'no'. Any other absentees? Peggy Smith Martin."

Martin: "I'd like to change my vote please, Mr. Speaker, from 'no' to 'aye'."

Speaker Redmond: "Change Representative Martin from 'no' to 'aye'.

Representative Geo-Karis."

Geo-Karis: "I think that this Amendment by going on would be, you know, extending...cutting down our time so the main Resolution couldn't go to the ballot, so I'm going to change my vote from 'aye' to 'yes' or 'no', please."

Speaker Redmond: "79 'aye' and 78 'no'. Representative Bradley."

Bradley: "Mr. Speaker, before you announce the results of the vote I'd like some clarification, if I might, because there seems to be some confusion in...if this Amendment is adopted, is there sufficient time for the Amendment, then, to be read three times before it goes over to the Senate? And what would the...what would the time be on a situation like that?"

Speaker Redmond: "Well, the answer to that question is yes providing the Senate stays here through Sunday."

Bradley: "Well, that actually means that...in reality then the... the answer is no if this Amendment goes on and the...there is really not time because we all know the Senate will not be here on Sunday."

Speaker Redmond: "I have the greatest confidence in the Senate performing their Constitutional duties."

Bradley: "...So do I."

Speaker Redmond: "Representative Gaines. Representative Gaines, 'aye'.

Now what have we got? You're pointing but I don't see to whom.

Representative Byers. Representative Byers has the miseries.

80. 'aye' and 77 'no'. Representative Terzich."

Terzich: "Mr. Speaker, I did request an oral verification, we want a



record of all of our people who want to take away the opportunity of the people of the State of Illinois to vote on this important issue. We want to see what they traded off merit selection on."

Speaker Redmond: "...We'll have an oral verified....Oral Roll Call. All Members in their seats. All Members in their seats. Representative Catania, you're supposed to be in your seat according to 47-B. Byers. Bradley. 47-B requires you to be in your seat. Call the roll, Mr. Clerk. Representative Huskey...Cunningham, you're all violating the rules here. Proceed."

Clerk O'Brien: "Abramson, pass."

Speaker Redmond: "...We call you'll have to...on the Verified Oral Roll Call when your name is called you must arise, indicate how you vote and depress the button at the same time. So in the absence of the response why there will be no recording."

Clerk O'Brien: "Adams, pass."

Speaker Redmond: "Adams....Adams you must recognize...turn on the switch, Mr. Electrician, when they seek recognition. Representative Adams, have we got him?"

Clerk O'Brien: "Adams, 'aye'. Anderson, 'aye'. Antonovych...."

Speaker Redmond: "Antonovych."

Clerk O'Brien: "Antonovych, 'aye'. E. M. Barnes. E. M. Barnes, 'aye'. Jane Barnes."

Speaker Redmond: "Representative Jane Barnes."

Clerk O'Brien: "Jane Barnes, 'aye'. Bartulis, pass. Beatty. Beatty, 'no'. Bennett. Bennett, 'aye'. Birchler. Birchler, 'no'. Bluthardt."

Bluthardt: "Bluthardt, 'no'."

Clerk O'Brien: "Bluthardt, 'no'. Boucek. Boucek, 'aye'. Bowman. Bowman, 'aye'. Bradley. Bradley, 'no'. Brady...pass. Brandt. Brandt, 'no'. Breslin. Breslin, 'aye'. Rich Brummer, pass. Don Brummet. Don Brummet, 'no'. Byers. Byers, 'present'. Caldwell. Caldwell, 'aye'. Campbell. Campbell, 'no'. Capparelli, pass. Catania. Catania, 'aye'. Chapman. Chapman, 'aye'. Christensen. Christensen, 'no'. Collins, pass. Conti. Conti, 'no'. Cunningham. Cunningham, 'no'. Daniels. Daniels, pass. Darrow.



Darrow, 'aye'. Cornelius. Cornelius Davis...Corneal Davis,
'aye'. Jack Davis. Jack Davis, 'no'. Dawson. Dawson, 'no'.
Deavers. Deavers, 'aye'. Deuster."

Deuster: "No."

Clerk O'Brien: "Deuster, 'no'. DiPrima. DiPrima, 'no'. Domico.
Domico, 'no'. Doyle. Doyle, 'no'. John Dunn. John Dunn, 'aye'.
Ralph Dunn. Ralph Dunn. Ralph Dunn, 'aye'. Dyer. Dyer, 'aye'.
Ebbesen. Ebbesen, 'aye'. Edgar. Edgar, pass. Epton...."

Speaker Redmond: "Representative Ralph Dunn, will you push your switch,
please? It takes...depressing the switch is what was announcing
orally. Representative Collins."

Collins: "Mr. Speaker, I was off the floor and you passed me, I'd
like to be recorded as voting 'no'."

Speaker Redmond: "Representative Collins desires to be recorded as 'no'."

Clerk O'Brien: "Epton, 'aye'. Ewell. Ewell, pass. Ewing. Ewing, 'no'.
Farley. Farley, 'no'. Flinn, pass. Friedland. Friedland, 'no'.
Friedrich. Friedrich, 'no'. Gaines. Gaines, 'aye'. Garmisa.
Garmisa, 'no'. Geo-Karis. Geo-Karis, 'no'. Getty. Getty, pass.
Giglio. Giglio, pass. Giorgi. Giorgi, 'aye'. Giglio voted 'no'.
Greiman. Greiman, 'aye'. Griesheimer. Griesheimer, 'aye'.
Hanahan. Hanahan, 'aye'. Harris. Harris, 'no'. Hart. Hart, 'aye'.
Hoffman. Hoffman, 'aye'. Holewinski. Holewinski, 'no'. Dan
Houlihan, pass. Jim Houlihan, pass. Hoxsey."

Speaker Redmond: "Representative James Houlihan. James Houlihan."

Houlihan, J: "Mr. Speaker, I'd like to vote 'no'...or vote 'aye'."

Clerk O'Brien: "James Houlihan, 'aye'. Hoxsey, 'aye'. Hudson.
Hudson, pass. Huff. Huff, pass. Huskey. Huskey, 'aye'. Jacobs.
Jacobs, pass. Jaffe. Jaffe, pass. Johnson. Johnson, 'aye'.
Dave Jones. Dave Jones, 'no'. Emil Jones. Emil Jones, pass.
Kane. Kane, pass. Katz. Katz, 'aye'. Keats. Keats, pass.
Kelly. Kelly, 'no'. Kempiners. Kempiners, 'aye'. Kent. Kent, pass.
Klosak. Klosak, pass. Kornowicz. Kornowicz, 'no'. Kosinski.
Kosinski, 'no'. Kozubowski. Kozubowski, 'no'. Kucharski.
Kucharski, 'no'. Vinson. Vinson, 'aye'. Laurino. Laurino, 'no'.
Lechowicz. Lechowicz, 'no'. Leinenweber. Leinenweber, 'no'."



Leverenz. Leverenz, 'aye'. Levin. Levin, pass. Lucco.
 Lucco, 'aye'. Luft. Luft, 'no'. Macdonald. Macdonald, 'aye'.
 Madigan. Madigan, 'no'. Madison, pass. Mahar. Mahar,
 'aye'. Mann. Mann, pass. Marovitz. Marovitz, pass. Lynn
 Martin. Lynn Martin, 'aye'. Peggy Smith Martin."

Martin, P.S: "Aye."

Clerk O'Brien: "Peggy Smith Martin, 'aye'. Matejek. Matejek, 'no'.
 Matijeovich. Matijeovich, 'aye'. Mautino. Mautino, 'no'.
 McAuliffe. McAuliffe, 'no'. McBroom. McBroom, pass. McClain.
 McClain, pass. McCourt. McCourt, pass. McGrew. McGrew, 'aye'.
 McLendon. McLendon, 'aye'. McMaster. McMaster, 'aye'. McPike.
 McPike, 'aye'. Meyer. Meyer, 'no'. Miller. Miller, 'no'.
 Molloy. Molloy, pass. Mudd. Mudd, 'no'. Mugalian. Mugalian,
 'aye'. Mulcahey. Mulcahey, 'aye'. Murphy. Murphy, 'no'.
 Nardulli. Nardulli, 'no'. Neff. Neff, 'no'. O'Brien. O'Brien,
 'no'. R. V. Walsh. R. V. Walsh, pass. Pechous. Pechous, 'no'.
 Peters. Peters, 'no'. Pierce. Pierce, 'aye'. Polk. Polk, 'aye'.
 Porter. Porter, 'aye'. Pouncey. Pouncey, 'aye'. Pullen. Pullen,
 'no'. Reed. Reed, 'no'. Reilly. Reilly, 'aye'. Richmond.
 Richmond, 'no'. Rigney. Rigney, 'aye'. Robinson. Robinson, 'no'.
 Ryan. Ryan, 'aye'. Sandquist. Sandquist, 'aye'. Satterthwaite.
 Satterthwaite, 'aye'. Schisler. Schisler, 'no'. Schlickman.
 Schlickman, pass. Schneider. Schneider, 'aye'. Schoeberlein.
 Schoeberlein, 'no'. Schuneman. Schuneman, 'aye'. Matula.
 Matula, 'aye'. Sharp. Sharp, 'aye'. Shumpert. Shumpert,
 pass. Simms. Simms, 'no'. Skinner. Skinner, 'present'. Stanley.
 Stanley, 'no'. Stearney. Stearney, 'no'. Steczo. Steczo, 'aye'.
 E. G. Steele. E. G. Steele, 'no'. C. M. Stiehl. C. M. Stiehl,
 'aye'. Stuffle. Stuffle, 'no'. Sumner. Sumner, pass. Taylor.
 Taylor, 'aye'. Telcser. Telcser, pass. Terzich."

Speaker Redmond: "Representative Telcser, 47-B requires that you be
 in your seat. You...you voted for that."

Clerk O'Brien: "Telcser votes 'aye'. Terzich, 'no'. Tipsword.
 Tipsword, 'aye'. Totten. Totten, 'no'. Tuerk. Tuerk, 'aye'.
 Van Duyne. Van Duyne, 'no'. Vitek. Vitek, 'no'. Von Boeckman.



Von Boeckman, 'no'. Waddell. Waddell, 'no'. W. D. Walsh.
 W. D. Walsh, pass. Wikoff. Wikoff, 'aye'. Willer. Willer, 'aye'.
 Williams. Williams, 'no'. Winchester. Winchester, 'no'. Wolf.
 Wolf, 'no'. Younge. Younge, 'aye'. Yourell. Yourell, 'no'.
 Mr. Speaker?"

Speaker Redmond: "No."

Clerk O'Brien: "Mr. Speaker, 'no'."

Speaker Redmond: "Representative Kane."

Kane: "I'd like to vote 'aye'."

Speaker Redmond: "Representative Kane votes 'aye'. Are there....

Representative Friedland."

Friedland: "How am I recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'no'."

Friedland: "Change that to 'aye'."

Speaker Redmond: "Representative Kempiners."

Kempiners: "Mr. Speaker, after conferring with my legal adviser,
 Representative Leinenweber, I'd like to change my vote from 'yes'
 to 'no'."

Speaker Redmond: "Change Representative Kempiners from 'yes' to 'no'.

Representative Macdonald."

Macdonald: "Conferring with the same legal authority, I would like to
 change my vote to 'no'."

Speaker Redmond: "Representative Flinn. Wait a minute, now, one at
 a time. Representative Flinn."

Flinn: "I...I think I'm voting as not voting, I'd like to vote 'no'."

Speaker Redmond: "Representative Flinn, 'no'. Representative Huff."

Huff: "Thank you, Mr. Speaker, I'll vote 'no' also."

Speaker Redmond: "Representative Huff votes 'no'. Representative
 McClain."

McClain: "No. No, please."

Speaker Redmond: "Representative McClain votes 'no'. Representative
 Madison."

Madison: "Mr. Speaker, I'd like to vote 'aye'."

Speaker Redmond: "Representative Madison, 'aye'. Representative
 Ralph Dunn."



Dunn, R: "Thank you, Mr. Speaker, I'd like to have the privilege of changing my vote to 'no', please."

Speaker Redmond: "Change his switch, has the switch closed? Representative Robert Walsh."

Walsh: "Recorded as voting....vote 'no'."

Speaker Redmond: "Press your switch. Representative Brummer."

Brummer: "Record me as 'no'."

Speaker Redmond: "Representative Byers."

Byers: "No."

Speaker Redmond: "Representative Getty."

Getty: "Aye."

Speaker Redmond: "Representative Getty 'aye', anyone else decide to change his vote? Representative Boucek."

Boucek: "Mr. Speaker, change my vote to 'no', please."

Speaker Redmond: "Your switch is still open, I believe, isn't it, Mr. Clerk?"

Clerk O'Brien: "Yes, the switch is still open, please change your...."

Speaker Redmond: "Change your switch. When we take the record it will have to..... Representative Shumpert. Push the switch there, Representative Shumpert. Representative Mulcahey."

Mulcahey: "Change my vote to 'no', please."

Speaker Redmond: "Anyone else? Representative Ewell. Representative Leverenz, press your switch. Anyone else? Representative Keats, how are you feeling today? Ewell voted, yes. Representative Daniels."

Daniels: "No."

Speaker Redmond: "Anyone else desire to change? Well, I'm sure.... Representative Shumpert, your switch reflects the way you desire to vote, is that correct? Representative Jacobs. Is there anyone else? Have all voted who wish? Anyone else decided to change? Clerk will take the record. On this question there's 71 'aye' and 83 'no' and the motion fails. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "Third Reading. Schneider, have you made your motion? Representative Schneider."



Schneider: "The numbers were given to the Clerk, I believe they have them and Representatives Madigan and Ryan approve, so again, I would ask leave of the House for those Bills to be posted so that we can hear them in Committee immediately upon adjournment."

Speaker Redmond: "Is there any objection? Hearing none, we'll use the Attendance Roll Call in support of the motion. Representative Pierce."

Pierce: "Mr. Speaker, House Bill 2620 was up last week, it was heard and the Sponsor asked to be postponed a week, so inadvertently it wasn't posted Friday but it was posted yesterday, now I'd like to ask leave to suspend the Posting Rule so House Bill 2620, which was posted and heard last week and asked to be postponed one week, can be heard today. We did...we did post it yesterday, we'll have to suspend the rule, House Bill 2620."

Speaker Redmond: "Does the Gentleman have leave? Hearing no objection. the Attendance Roll Call will be used in support of the motion. On the Order of Consideration Postponed, appears House Bills 388 and 389. Representative Dyer is recognized."

Dyer: "Mr. Speaker, I understand that the correct parliamentary procedure is simply to move these Bills back to Second Reading for the purpose of seeing if there are any Floor Amendments."

Speaker Redmond: "...Okay. Does she have leave to return House Bill 388, take it from Consideration Postponed, to the Order of Second Reading? Will you read the Bill, Mr. Clerk. Are there any Amendments to House Bill 388? Hearing...no....any Amendments from the floor? Back to Consideration Postponed. House Bill 389."

Dyer: "Mr. Speaker, 389 was amended in Committee and Amendment #4 struck everything to the enacting clause and really...completely amended the Bill. Now, I think we're just going through this procedure just to give any Member of the House a chance to add an Amendment."

Speaker Redmond: "Now are there any motions with respect to Amendments 1, 2, 3 or 4 with respect to House Bill 389? Any motions, Mr. Clerk?"

Clerk O'Brien: "No motions filed."



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

Clerk O'Brien: "No Amendments."

Speaker Redmond: "Back to the Order of Consideration Postponed,"

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

Speaker Redmond: "Constitutional Amendments Second Reading. House Joint Resolution Constitutional Amendment 46. Mr. Clerk, you will read this one."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #46. This Resolution has been read a second time previously. No Committee Amendments."

Speaker Redmond: "Any Amendments from the floor?"

Clerk O'Brien: "None."

Speaker Redmond: "Third Reading. Representative Chapman,"

Chapman: "Mr. Speaker, we were sent a Bill, the Human Resources Committee was sent a Bill last Friday that we inadvertently did not post, so I would now ask leave to suspend the rules in order to post Mr. Johnson's Bill for a hearing on Thursday. It's obviously a very important Bill to be declared an emergency by the Rules Committee. What it does is prohibit the use of state monies, under this Act, for the purpose of obtaining sex change operations. So, clearly, this is a matter that we should post for Thursday and I would ask leave to suspend the rules in order to hear the Bill on that day."

Speaker Redmond: "Is there any objection? Hearing no objection the attendance....Representative Ryan."

Ryan: "Mr...Mr. Speaker, I was on the phone and I didn't hear what the Lady said. I wish you'd take it out of the record and talk to me about it."

Speaker Redmond: "Take it out of the record and will you....discuss it with Mister Ryan, Representative Chapman. Representative... Representative Ryan."

Ryan: "Mr. Speaker, I withdraw my opposition to House Bill 3104."

Speaker Redmond: "Get a call from the Governor? Do we have leave to use the Attendance Roll Call in support of the motion? Hearing no objection the Attendance Roll Call will be used. Motion carries."



Representative Madigan, do you have a motion? Representative Winchester."

Winchester: "Yes, Mr. Speaker, in regards to House Bill 3349(sic) and I would like to have unanimous consent to have my name removed as the Chief Sponsor of House Bill 3345(sic) and I'd like to replace it with Rigney, be the hyphenated Sponsors, Rigney-Winchester-Schisler, as Chief Sponsors."

Speaker Redmond: "We have some forms down here that we like...."

Winchester: "I have filled out the forms, too, Mr. Speaker and I...."

Speaker Redmond: "That's all it takes."

Winchester: "All right, thank you very much."

Speaker Redmond: "What was that, dash-dash? Blank-Blank."

Winchester: "Rigney-Winchester-Schisler."

Speaker Redmond: "Representative Madigan for a motion?"

Madigan: "Mr. Speaker, have we offered a motion on Senate Bill 1602?"

Speaker Redmond: "That's what we called on you for."

Madigan: "And pursuant to Rule 66-A, I move to discharge the Committee on Appropriations I from further consideration of Senate Bill 1602 and to suspend Rule 66-B relating to Calendar requirements and advance to the Order of Second Reading, First Legislative Day."

Speaker Redmond: "Been discussed with Representative Ryan, is that correct?"

Madigan: "Yes, it has...."

Speaker Redmond: "That's the transfer of funds for the Senate. The question's on the...is there...Gentleman's motion, will he have leave to use the Attendance Roll Call in support of the motion? Hearing no objection the Attendance Roll Call will be used. Yeah, why don't you tell Mike? Representative Martin."

Martin, P.S: "Thank you very much, Mr. Speaker. Today I had to...to leave the building to attend a funeral of a loved one and while I was away, two very important measures that I wanted to be recorded 'aye' on was voted upon and I'd like leave to be recorded upon HJRCA 1 and House Bill 2582, and I ask leave to be...please be recorded as 'aye' on those. It will not change the outcome."

Speaker Redmond: "It will not change the results. The Lady has asked



leave to be recorded on House Joint Resolution Constitutional Amendment 1 and House Bill 2582, her absence was occasioned by the attendance at a funeral, is there any objection? It will not change the result. Representative Ryan."

Ryan: "Mr. Speaker, was that House Bill 2582?"

Speaker Redmond: "2582? Yes."

Ryan: "Did that vote....Bill move today or did it go back to Second for an Amendment?"

Speaker Redmond: "She's talking about voting on the Amendment and...."

Ryan: "Oh, all right, fine."

Speaker Redmond: "Yeah. Any announcements? Representative Katz."

Katz: "Mr. Speaker, Ladies and Gentlemen, Judiciary II will be meeting in 114 and in spite of the lateness of the hour we plan to stay there and finish all of the Bills which the Committee...had been assigned. Sponsors are told to be there and Members, too, so that we can complete work today and sometime before we adjourn this evening."

Speaker Redmond: "Representative Madigan."

Madigan: "Mr. Speaker, I suggest that the 2 o'clock Committees meet at 5 o'clock and that the 4 o'clock Committees meet at 7 o'clock."

Speaker Redmond: "Representative Taylor."

Taylor: "Mr...Mr. Speaker, Members of the House, the Committee on Cities and Villages will meet promptly at 5 o'clock in Room D-1, Stratton Building."

Speaker Redmond: "Representative Pierce."

Pierce: "Mr. Speaker, the Revenue Committee will meet promptly at 5. We have off-track betting and the 5 dollar windows close at 5:30 so we better be there early."

Speaker Redmond: "Representative Tipsword."

Tipsword: "Mr. Speaker, Ladies and Gentlemen, Insurance Committee will meet at...then at 7 o'clock in 122-B and this is the last day Insurance Committee will meet on House Bills."

Speaker Redmond: "Any further announcements? Representative Matijevich."

Matijevich: "Mr. Speaker, in behalf of Representative Gene Barnes, Chairman of Appropriations II and myself, this is a reminder of



Democrats on both Appropriations I and Appropriations II, we have a staff briefing at 9 a.m. in G-3 and G-4. And I understand we are going to be honored with the presence both Mike Bakalis and Dick Durbin, so be there."

Speaker Redmond: "Representative Garmisa. Garmisa."

Garmisa: "Mr. Speaker and Ladies and Gentlemen of the House, the House Transportation Committee will meet in D-1 at 7 o'clock tonight. We do have 13 Bills but every one of them are important particularly to the Sponsors. I would ask each and every Member of that Commission to be there promptly at 7, we'll get out as soon as possible. I understand there will be quite a few witnesses there. I would appreciate their attendance."

Speaker Redmond: "Any further announcements? Representative Hart."

Hart: "House Committee on Financial Institutions will meet at 5 o'clock in Room 122-B....we get there we'll get done pretty quickly."

Speaker Redmond: "Anything further? Representative Madigan, Adjournment Resolution...announcement...motion. Representative J. J. Wolf, first. Representative Keats, you're too tall, I can't see, will you sit down, please?"

Wolf: "Mr. Speaker, I just...inquiry. There's a Subcommittee on Appropriations II, I was wondering what time that was going to be."

Speaker Redmond: "Appropriations II Subcommittee, can you...anybody help J. J. Wolf? I don't know what we can do for you, the... both Appropriations Chairmen are gone. I think you can trail them to the office. Representative Madigan, 12 o'clock."

Madigan: "Mr. Speaker, I move that we adjourn until 12 o'clock tomorrow."

Speaker Redmond: "Any discussion? Are there any announcements from Committees in the morning before we put the Adjournment Motion? Any Committees in the morning? Question's on the Gentleman's motion that the House stand adjourned until noon tomorrow, those in favor say 'aye', 'aye', opposed 'no'. The 'ayes' have it; motion carries and the House now stands adjourned until 12 o'clock noon tomorrow."



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HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT 21

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of this State for adoption or rejection at the general election next occurring at least six months after the adoption of this resolution, a proposition to amend Section 5 of Article IX of the Constitution to read as follows:

ARTICLE IX

Section 5. PERSONAL PROPERTY TAXATION

(a) The General Assembly by law may classify personal property for purposes of taxation by valuation, abolish such taxes on any or all classes and authorize the levy of taxes in lieu of the taxation of personal property by valuation.

(b) Any ad valorem personal property tax abolished on or before the effective date of this Constitution shall not be reinstated.

(c) The General Assembly by law may abolish all ad valorem personal property taxes and concurrently therewith and thereafter shall replace all revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes subsequent to January 2, 1971. Such revenue shall be replaced by imposing state-wide taxes, other than ad valorem taxes on real estate, solely on those classes relieved of the burden of paying ad valorem personal property taxes because of the abolition of such taxes subsequent to January 2, 1971. If any taxes imposed for such replacement purposes are taxes on or measured by income, such replacement taxes shall not be considered for purposes of the limitations of one tax and the ratio of 6 to 5 set forth in Section 3(a) of this Article.

1 The foregoing Amendment to Section 5 of Article IX of the
2 Constitution takes effect upon its adoption by the electors
3 of this State.

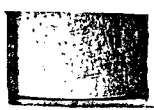
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et al*

1 HOUSE JOINT RESOLUTION 10
2 CONSTITUTIONAL AMENDMENT 29 12

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE 17
4 EIGHTIETH GENERAL ASSEMBLY OF THE STATE OF ILLINDIS, THE 18
5 SENATE CONCURRING HEREIN, that there shall be submitted to 19
6 the electors of this State, at the general election next
7 occurring at least 6 months after the adoption of this 20
8 resolution, a proposition to amend Section 6 of Article IX of 22
9 the constitution to read as follows:

10 SECTION 6. EXEMPTIONS FROM PROPERTY TAXATION 26

11 The General Assembly by law may exempt from taxation only 28
12 the property of the State, units of local government and 30
13 school districts and property used exclusively for veterans' 32
14 organizations, agricultural and horticultural societies, and 32
15 for school, patriotic, religious, cemetery or charitable 33
16 purposes. The General Assembly by law may grant homestead 34
17 exemptions or rent credits.



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O'Brien et al

HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT *46*

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RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
EIGHTIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
SENATE CONCURRING HEREIN, that there shall be submitted to
the electors of the State for adoption or rejection at the
general election next occurring at least six months after the
adoption of this resolution, a proposition to amend Sections
2 and 5 of Article IV of the Constitution to read as
follows:

ARTICLE IV

Section 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative
District. Immediately following each decennial redistricting,
the General Assembly shall divide the Legislative Districts
as equally as possible into two groups. Senators from one
group shall be elected for terms of six years and four years,
and Senators from the second group for terms of four years
and six years. The Legislative Districts in each group shall
be distributed substantially equally over the State.

(b) Three Representatives shall be elected from each
Legislative District. Immediately following each decennial
redistricting, the General Assembly by law shall divide the
Legislative Districts into three groups. Representatives
from one group shall be elected for terms of four years, four
years and two years; Representatives from the second group,
for terms of four years, two years and four years; and
Representatives from the third group, for terms of two years,
four years and four years. No political party shall limit
its nominations to less than two candidates for
Representative in any Legislative District. In elections for
Representatives, including those for nomination, each elector
may cast three votes for one candidate or distribute them



1 equally among no more than three candidates. The candidates 48
 2 highest in votes shall be declared elected. 49

3 (c) To be eligible to serve as a member of the General 51
 4 Assembly, a person must be a United States citizen, at least 52
 5 21 years old, and for the two years preceding his election or 53
 6 appointment a resident of the district which he is to 54
 7 represent. In the general election following a 55
 8 redistricting, a candidate for the General Assembly may be 56
 9 elected from any district which contains a part of the 57
 10 district in which he resided at the time of the redistricting 58
 11 and reelected if a resident of the new district he represents 59
 12 for 18 months prior to reelection. 60

13 (d) Within thirty days after a vacancy occurs, it shall 61
 14 be filled by appointment as provided by law. If the vacancy 62
 15 occurs with more than twenty-eight months remaining in the 63
 16 term, the person appointed to fill the vacancy shall serve 64
 17 until the next general election, at which time a person shall 65
 18 be elected to serve for the remainder of the term. If the 66
 19 vacancy occurs with no more than twenty-eight months 67
 20 remaining in the term, the appointment shall be for the 68
 21 remainder of the term. An appointee to fill a vacancy shall 69
 22 be a member of the same political party as the person he 70
 23 succeeds. 71

24 (e) No member of the General Assembly shall receive 72
 25 compensation as a public officer or employee from any other 73
 26 governmental entity for time during which he is in attendance 74
 27 as a member of the General Assembly. 75

28 No member of the General Assembly during the term for 76
 29 which he was elected or appointed shall be appointed to a 77
 30 public office which shall have been created or the 78
 31 compensation for which shall have been increased by the 79
 32 General Assembly during that term. 80

33 Section 5. SESSIONS 81

34 (a) The General Assembly shall convene each year on the 82



1 second Wednesday of January. The General Assembly shall be a 82
 2 continuous body during the two-year period commencing with 83
 3 the convening of the regular session of each odd-numbered 84
 4 year.

5 (b) The Governor may convene the General Assembly or the 86
 6 Senate alone in special session by a proclamation stating the 87
 7 purpose of the session; and only business encompassed by such 88
 8 purpose, together with any impeachments or confirmation of 89
 9 appointments shall be transacted. Special sessions of the 90
 10 General Assembly may also be convened by joint proclamation
 11 of the presiding officers of both houses, issued as provided 91
 12 by law.

13 (c) Sessions of each house of the General Assembly and 93
 14 meetings of committees, joint committees and legislative 94
 15 commissions shall be open to the public. Sessions and 95
 16 committee meetings of a house may be closed to the public if
 17 two-thirds of the members elected to that house determine 96
 18 that the public interest so requires; and meetings of joint 97
 19 committees and legislative commissions may be so closed if 98
 20 two-thirds of the members elected to each house so determine.

21 SCHEDULE 101

22 This amendment applies to the redistricting of 1981 and 104
 23 subsequent decennial redistricting and to the nomination and 105
 24 election of Senators and Representatives in 1982 and 106
 25 thereafter.



<u>l.</u>	<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
	1	1:00	Speaker Redmond	House to order
	1		Reverend Krueger	Prayer
	1		Speaker Redmond	Roll Call for attendance
	1,2		Clerk O'Brien	Message from Senate
	2		Speaker Redmond	
	2		Clerk O'Brien	Reading of Journal
	2		Matijevich	Move to dispense, etc.
	2		Speaker Redmond	Motion carries
	2		Clerk O'Brien	HJRCA 21-3rd R-as amended
	3		Speaker Redmond	
	3		Clerk O'Brien	HJRCA 29-3rd R-as amended
	3		Speaker Redmond	
	4,5		Clerk O'Brien	HJRCA 46-2nd Reading
	6		Speaker Redmond	
	6		Clerk O'Brien	SJRCA 31-2nd Reading
	7		Speaker Redmond	
	7		Greisheimer	Parliamentary Inquiry
	7		Speaker Redmond	
	7		Madigan	
	7		Speaker Redmond	
	7	1:22	Ryan	Excused absences
	7		Speaker Redmond	Consent Calendar
	7		Clerk O'Brien	HB 2902-2nd R-No C.A.
	7		Speaker Redmond	3rd Reading
	8		Clerk O'Brien	HB 3117-2nd R-No C.A.
	8		Speaker Redmond	
	8		Houlihan, D.	Hold on 2nd



2.

<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
8		Clerk O'Brien	
8		Speaker Redmond	
8		Houlihan	Don't move it
8		Speaker Redmond	HB 2582-return to 2nd
8		Clerk O'Brien	Reads Bill
8		Speaker Redmond	Returned to order of 2nd
8		Taylor	Amendment #1
8		Speaker Redmond	
9		Houlihan, J.)	
9)	
9		Taylor)	
9		Speaker Redmond	
9		Waddell)	
9)	
9		Taylor)	
10		Speaker Redmond	Amendment #1-adopt-3rd Reading
10		Clerk O'Brien	HJRCA #1-3rd time previously
10		Daniels	'Joke'
10		Speaker Redmond	
10	1:29	Wolf	
11		Speaker Redmond	
11		Houlihan, J.	Point of order
11		Speaker Redmond	
12		Wolf	Continues
12		Speaker Redmond	
12		Kosinski)	
12)	
13,14		Wolf)	
15		Speaker Redmond	
15		Simms	Oppose



<u>3.</u> <u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
16		Speaker Katz	
16		Willer	
16		Speaker Katz	
16,17,18		Deuster	Oppose
19		Speaker Katz	
19		Getty	Oppose
20		Speaker Katz	
20		Cunningham	Oppose
20		Speaker Katz	
20		Skinner	Point of order
21		Speaker Katz	
21	1:55	Mugalian	
21		Speaker Katz	
21		Conti	Moves previous question
22		Speaker Katz	
22		Ewell	Out of order
22		Speaker Katz	
22		Wolf	To close
22		Speaker Katz	
22,23,24		Daniels	
24		Speaker Katz	
24		Johnson	
25		Speaker Katz	
25		Ewell	Explains vote-oppose
25		Speaker Katz	
25		Gaines	Explains no vote
26		Speaker Katz	



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
4.			
26		Bowman	Explains yes vote
26		Speaker Katz	
26		Dyer	Explains vote
27		Speaker Katz	
27		Mudd	Explains vote
27		Speaker Katz	
27,28	2:11	Houlihan, J.	Explains vote
29		Speaker Katz	
29		Sandquist	Explains vote
29		Speaker Katz	
29		Williams	Explains vote
30		Speaker Katz	
30		Griesheimer	Explains vote
30		Speaker Katz	
30		Lechowicz	Explains no vote
31		Speaker Katz	
31		Tipsword	Explains vote
32		Speaker Katz	
32		Brady	Explains vote
33		Speaker Katz	
33		Houlihan, J.	Explains vote
33		Speaker Katz	
33		Geo-Karis	Explains no vote
34		Speaker Katz	
34		DiPrima	
34		Speaker Katz	
34		Wolf	Poll absentees



<u>5.</u> <u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
35		Speaker Katz)	
35		Clerk O'Brien)	
35	2:30	Speaker Katz	HJRCA 1-lost
35		Clerk O'Brien	HJRCA 18-read 3rd time previously
35		Speaker Katz	
35		Beatty	
36		Speaker Katz	
36		Houlihan, J.)	
36		Beatty)	
36		Speaker Katz	
36		Beatty	To close
37		Speaker Katz	
37		Bradley	
37		Speaker Katz	
37		Cunningham	
37		Speaker Katz	
37		Matijevec	Change to no
37		Speaker Katz	
37		Ebbesen	Change to no
37		Speaker Katz	
38		Van Duyne	Parliamentary inquiry
38		Speaker Katz	
38		Walsh, Wm.	
38		Speaker Katz	
38		Cunningham	Responds to Van Duyne
39	2:40	Speaker Katz)	
39		Deuster)	Verification



6.

<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
39		Clerk O'Brien	Polls absentees
39		Speaker Katz	
39		Mugalian	Change to no
39		Speaker Katz)	
39		Clerk O'Brien)	Proceeds
39		Speaker Katz	
39		Hoxsey	Change to no
40		Speaker Katz	
40		Mulcahey	Votes aye
40		Speaker Katz	
40		Beatty	HJRCA 18-PPC
40		Speaker Katz	
40		Clerk O'Brien	HJRCA 20-read 3rd previously
40		Dunn, R.	
41		Speaker Katz	
41		Flinn	Support
42		Speaker Katz	
42		Madigan	Support
43		Speaker Katz	
43	2:49	Mugalian	
43		Speaker Katz	
43		Skinner	Explains vote
43		Speaker Redmond	
44		Dunn	To close
44		Speaker Katz	Dump Roll Call
44		Robinson	Possible verification
45		Speaker Katz	HJRCA 20-adopt and passed



7.

<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
45		Clerk O'Brien	HJRCA 21--read 3rd previously
45		Speaker Katz)	
45		Ryan)	
46		Speaker Katz	
46		Madigan	Support
46		Speaker Katz	
46		Kane)	
47		Ryan)	
48		Kane	Speaks to Amendment
48		Speaker Katz	
49		Skinner	
49		Speaker Katz	
50		Ewell)	
50		Ryan)	
50		Speaker Katz	
51		Schuneman)	
51		Ryan)	
51		Speaker Katz	
51	3:10	Flinn	Support
52		Speaker Katz	
52		Vinson	
52		Speaker Katz	
52		DiPrima	Introduce Alex Seith
52		Speaker Katz	
52		Ewing	
53		Speaker Katz	
53		Ryan	To close



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

8. Page	Time	Speaker	Information
53		Speaker Katz	
53		Pierce	Explains vote-support
54		Speaker Katz	HJRCA 21-adapt & passed
54		Clerk O'Brien	HJRCA 36-read 3rd previously
54		Speaker Katz	
54		Porter	
55		Speaker Katz	
55		Kane)	
)	
56		Porter)	
56		Speaker Katz	
56		Conti	
56		Speaker Katz	
56		Porter	To close
57	3:25	Speaker Katz	
57		Edgar	Explains vote-support
57		Speaker Katz	HJRCA 36
57		Porter	Postponed Consideration
57		Speaker Katz	
57		Clerk O'Brien	HJRCA 45-read 3rd previously
57		Speaker Katz	
58		Stiehl, C.M.	
58		Speaker Katz	
58		Geo-Karis	
58		Speaker Katz	
58		Stiehl, C.M.	To close
59		Speaker Katz	HJRCA 45
59		Skinner	



<u>9.</u> <u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
59		Speaker Katz	Lost
59		Clerk O'Brien	HJRCA 47-read 3rd previously
59		Pierce	
59		Speaker Redmond in the Chair	
60		Kane)	
)	
61		Pierce)	
61		Speaker Redmond	
61		Ebbesen)	
)	
61		Pierce)	
61		Speaker Redmond	
61	3:35	Pierce	To close
61		Speaker Redmond	HJRCA 47
62		Conti)	
)	
62		Pierce)	
62		Matijevec	
63		Speaker Redmond	Adopted
63		Clerk O'Brien	HJRCA 3-read 3rd previously
63		Speaker Redmond	
63		Polk	
64		Speaker Redmond	
64		Deuster	Oppose
64		Speaker Redmond	
64		Matijevec	
64		Speaker Redmond	Adopted
64		Clerk O'Brien	HJRCA 33-read 3rd previously
64		Speaker Redmond	
64		Van-Duyn	Oppose



<u>10.</u> <u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
65		Speaker Redmond	
65		Skinner	Support
65		Speaker Redmond	
65		Friedrich	
66		Speaker Redmond	
66	3:47	Van Duyne	To close
66		Speaker Redmond	HJRCA #33
66		Matijevich	Explains vote
67		Speaker Redmond	
67		Katz	
67		Speaker Redmond	
67		Cunningham	
67		Speaker Redmond	
68		Van Duyne	Explains vote
68		Speaker Redmond	
68		Van Duyne	Polls absentees
68		Speaker Redmond	Lost
68		Schneider	Motion
68		Speaker Redmond	
68		Madigan	
69		Speaker Redmond	
69		Lechowicz	HB 612-leave to return to 2nd
69		Speaker Redmond	Leave
69		Clerk O'Brien	Amendment #1
69		Speaker Redmond	
69		Sharp	



11. Page	Time	Speaker	Information
70		Ryan)	
)	
70		Speaker Redmond)	
70		Skinner	Repeat?
70	4:01	Sharp	
70		Speaker Redmond	Motion carries. Consid. Postpd
70		Clerk O'Brien	
70		Speaker Redmond	3rd Reading
70		Clerk O'Brien	SBJ #31-Am 1-read 3rd prev.
70		Speaker Redmond	
70		Daniels	
70		Speaker Redmond	
71		Terzich	Oppose
71		Daniels	
71		Speaker Redmond	
71		Madigan)	
)	
71		Speaker Redmond)	
71		Matijevich)	
)	
71		Speaker Redmond)	
71		Stuffle	
71		Speaker Redmond	
71		Geo-Karis	
71		Speaker Redmond	
71		Hoffman	
72		Speaker Redmond	
72	4:05	Friedrich)	Parliamentary inquiry
)	
72		Speaker Redmond)	
72		Pierce	Point of order



<u>12.</u> <u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
72		Speaker Redmond	
72		Matijevich)	Wants answer to question
73		Speaker Redmond)	
73		Greisheimer)	
73		Speaker Redmond	
74		Matijevich	Oppose
74		Speaker Redmond	
74		Terzich	Oppose
74		Speaker Redmond	Am #1_SJRCA 31
74		Griesheimer	To close
75		Speaker Redmond	
75		Hoffman	
75		Speaker Redmond	
75		Terzich	
76		Speaker Redmond	
76		Matijevich	Explains vote
76		Speaker Redmond	
76		Griesheimer	Object
76		Speaker Redmond	
76		Terzich	Poll absentees-oral verification
76		Speaker Redmond	
76	4:16	Clerk O'Brien	Polls absentees
77		Speaker Redmond	
77		Wolf	Change to no
77		Speaker Redmond	
77		Stanley	Change to no
77		Speaker Redmond	



<u>13.</u> <u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
77		Martin, P.	Change to aye
77		Speaker Redmond	
77		Geo-Karis	Change to no
77		Speaker Redmond	
77		Bradley	Asks for clarification
77		Speaker Redmond	80 aye - 77 no
77		Terzich	Oral verification
78		Speaker Redmond	
78		Clerk O'Brien	
78		Speaker Redmond	
79		Deuster	No
79		Speaker Redmond	
79		Clerk O'Brien	Continues
79		Speaker Redmond	
79		Houlihan, J.	Votes aye
79		Clerk O'Brien	Continues
79	4:30	Madigan	No
79		Clerk O'Brien	
80		Martin, P	Aye
80		Clerk O'Brien	
81		Speaker Redmond	No
81		Kane	
81		Speaker Redmond	
81		Friedland	Aye
81		Speaker Redmond	
81		Kempiners	No
81		Speaker Redmond	



14.			
<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
81		Macdonald	No
81		Speaker Redmond	
81		Flinn	No
81		Speaker Redmond	
81		Huff	No
81		Speaker Redmond	
81		McClain	No
81		Speaker Redmond	
81		Madison	Aye
81		Speaker Redmond	
82		Dunn, Ralph	
82		Speaker Redmond	
82		Walsh, Robert	No
82		Speaker Redmond	
82		Brummer	No
82		Speaker Redmond	
82		Byers	No
82		Speaker Redmond	
82		Getty	Aye
82		Speaker Redmond	
82		Boucek	No
82		Speaker Redmond	
82		Mulcahey	No
82		Speaker Redmond	
82		Daniels	No
82	4:40	Speaker Redmond	Motion fails
83	4:40	Schneider	Motion



<u>15.</u> <u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
83		Speaker Redmond	
83		Pierce	HB 26260-motion
83		Speaker Redmond	
83		Dyer	Postponed Consideration 388-389 Leave to return to 2nd
83		Speaker Redmond	Back to Consideration Postpd
83		Dyer	HB 389
83		Speaker Redmond	
83		Clerk O'Brien	
84		Speaker Redmond	Back to C.P.
84		Clerk O'Brien	HJRCA 46-2nd R-No C.A.
84		Speaker Redmond	3rd Reading
84		Chapman	Leave to suspend rules HB 3104
84		Speaker Redmond)	
84		Ryan)	Withdraws opposition
84		Speaker Redmond	Motion carries
85		Winchester	HB 3349 or 3345-Sponsor change
85		Speaker Redmond	
85		Madigan	SB 1602 - motion
85	4:47	Speaker Redmond	
85		Martin, P.	Record aye on HJRCA 1 & HB 2582
85		Speaker Redmond)	
86		Ryan)	Question
86		Katz	Announcement
86		Speaker Redmond	
86		Madigan	
86		Speaker Redmond	



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
16.			
86		Taylor	Announcement
86		Speaker Redmond	
86		Pierce	Announcement
86		Speaker Redmond	
86		Tipsword	Announcement
86		Speaker Redmond	
86		Matijeovich	Announcement
87		Speaker Redmond	
87		Garmisa	Announcement
87		Speaker Redmond	
87		Hart	Announcement
87		Speaker Redmond	
87		Wolf	Inquiry
87	4:55	Speaker Redmond	
87		Madigan	Move adjourn till 12:00 Wed.
87		Speaker Redmond	House adjourned.

