

STATE OF ILLINOIS  
87th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

95th Legislative Day

April 23, 1992

PRESIDENT ROCK:

The hour of noon having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Our prayer this afternoon by the Reverend Marilyn Brewer, Laurel United Methodist Church, Springfield, Illinois. Reverend.

THE REVEREND MARILYN BREWER:

(Prayer by the Reverend Marilyn Brewer)

PRESIDENT ROCK:

Thank you, Reverend. Reading of the Journal, Madam Secretary. Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that reading and approval of the Journals of Tuesday, April 21, and Wednesday, April 22, in the year 1992, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Hall. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to wit:

Senate Bill 511.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference to consider the differences of the two Houses in regard to their amendment to the bill.

Action taken by the House, April 21, 1992.

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PRESIDENT ROCK:

All right. Senator Jacobs will move to accede to the request of the House for a conference committee. All in favor of that motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered.

SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 109.

Adopted by the House, April 21, 1992. It is congratulatory.

And I have like Messages on House Joint Resolutions 110, 112, 114, 116, 117, 119 and 120.

They're all congratulatory.

PRESIDENT ROCK:

All right. With leave of the Body, we'll add those to the Consent Calendar for today, that will be considered a little later. Message from the House.

SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a House Joint Resolution Constitutional Amendment of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution Constitutional Amendment 28.

Passed the House, April 22, 1992.

PRESIDENT ROCK:

Executive. Committee Report.

SECRETARY HAWKER:

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Senators Demuzio and Lechowicz, Co-chairmen of the Committee on the Assignment of Bills, reports the assignment of -- the assignment of the following bills to committees: Agriculture and Conservation - Senate Bills 1947 and 2182; Appropriations II - Senate Bill 2215; Commerce and Economic Development - Senate Bills 1994 and 2211; Consumer Affairs - Senate Bills 1503, 1507, 1739, 2191, 1511 and 1708; Elections and Reapportionment - Senate Bills 1713 and 1992; Elementary and Secondary Education - Senate Bills 1494, 1536, 1537, 1604, 1621, 1640, 1772, 1988, 1997, 2075, 2110, 2111, 2118, 2179, 2218 and 2116; Energy and Environment - Senate Bills 1576, 1577, 1750, 1943, 1954, 2094, 2095, 2096, 2103, 2105, 2181, 2079 and 2239; Executive - Senate Bills 1620, 1721, 1747, 1758, 1897, 1937, 2069, 2070, 2086, 2108, 2117, 2140, 2161, 2166, 2189, 2192, 2201, 2225, 1564, 1565, 1773, 2204 and 1770; Finance - Senate Bill 1926; Higher Education - Senate Bills 1998, 2000, 2115 and 2212; Insurance, Pensions and Licensed Activities - Senate Bills 1502, 1614, 1638, 1799, 1807, 1808, 1829, 1922, 2042, 2123, 2145, 2153, 2197, 2208 and 1516; Judiciary I - Senate Bills 1570, 1669, 1720, 1749, 1861, 1962, 1979, 2062, 2065, 2076, -- pardon me, 2134, 2152 2154, 2163, 2164, 2171, 2178, 2190, 2207, 2232, 2233, 1890, 1892, 1895 and 2155; Judiciary II - Senate Bills 1555, 2102 and 2165; Labor - Senate Bills 1488, 1907, 1986, 2057, 2219 and 1657; Local Government - Senate Bills 1558, 1562, 1573, 1574, 1580, 1628, 1679, 1684, 1777, 1822, 1826, 1828, 1830, 1858, 1871 <sic> (1971), 2049, 2053, 2090, 2091, 2092, 2093, 2097, 2098, 2099, 2101, 2139, 2147, 2205 and 1606; Public Health, Welfare and Corrections - Senate Bills 1524, 1615, 1622, 1692, 1811, 1814, 1827, 1946, 2068, 2104, 2138 and 2141; Revenue - Senate Bills 1528, 1556, 1557, 1649, 1707, 1723, 1756, 1918, 1925, 1935, 1976, 1977, 2048, 2051, 2100, 2120, 2135, 2156, 2183, 2213, 2214, 2229; State Government Organization and Administration - Senate Bills 1794, 1806, 1983, 2043, 2054, 2066, 2087, 2128, 2131, 2151, 2162,

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1860 and 1945; Transportation - Senate Bills 1496, 1567, 1695, 1742, 2039, 2088, 2142, 2167, 2168, 2169, 2170 and 2200.

PRESIDENT ROCK:

Resolutions.

SECRETARY HAWKER:

Senate Resolution 1189 offered by Senator Keats.

Senate Resolution 1190 offered by Senator Geo-Karis.

Senate Resolution 1191 offered by Senator Jerome Joyce.

Senate Resolution 1192 offered by Senator Berman.

Senate Resolution 1193 offered by Senator Mahar.

Senate Resolution 1194 offered by Senator Demuzio.

And Senate Resolution 1195 offered by Senator Demuzio.

They're all congratulatory and death resolutions.

PRESIDENT ROCK:

Motions in Writing, Madam Secretary.

SECRETARY HAWKER:

I move to recommit Senate Bill 1896 to the Committee on Agriculture and Conservation, and that all applicable rules be waived so that the bill may be heard in the Committee on Agriculture and Conservation at its meeting on Friday, May 1, 1992, at ten o'clock a.m.

Filed by Senator Demuzio, on April 23rd.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. This is a motion to recommit Senate Bill 1896 to the Committee on Ag and Conservation, and I would move that we waive the applicable rules so that it also could be heard in committee next Friday, May the 1st. There was a number of Members who were confused toward the end yesterday, and it is a bill that deserves a hearing. So I would move to recommit Senate Bill -- I'm sorry, 1896.

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PRESIDENT ROCK:

All right. You've heard the Gentleman's motion to recommit Senate Bill 1896 to the Committee on Agriculture. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. It's so ordered. Gentleman's motion to waive the applicable posting rules is also approved. Ladies and Gentlemen, WCIA-TV, WICS-TV and the Illinois Information Service have all requested permission to videotape. Without objection, leave is granted. ...(machine cutoff)...Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

Thank you, Mr. President. Ask that the record indicate that Senator Davidson is in Washington, D.C., on legislative business.

PRESIDENT ROCK:

The record will so reflect. All right. Ladies and Gentlemen, while we are momentarily standing at ease, it is, of course, as I'm sure everybody's aware, the final day for conducting business this week. We have two committees scheduled this afternoon; but in the meantime, on page 5 on the Calendar, we will be going to the Order of Constitutional Amendments on 3rd Reading, if the sponsors so desire. So while everybody is gathering their papers, I would ask the Members of the Rules Committee - Senators Philip and Weaver and Demuzio - to meet in my office for a brief meeting immediately. So I'd ask the Members to please stand at ease for a moment while the Rules Committee meets in my office immediately.

(AT EASE)

(SENATE RECONVENES)

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PRESIDENT ROCK:

All right. Ladies and Gentlemen, the Senate will please come to order. WAND-TV, additionally, has requested permission to shoot some video. Without objection, leave is granted. Committee Reports.

SECRETARY HAWKER:

Senator O'Daniel, Chairman of the Committee on Agriculture and Conservation, reports Senate Bills numbered 1550, 1591, 1734, 1754, 1896 and 1953 Do Pass; and Senate Bills numbered 1616 and 1637 Do Pass, as Amended.

Senator Marovitz, Chairman of the Committee on Executive, reports Senate Bills numbered 1531, 1532, 1618, 1793, 1914 and 1939 Do Pass; and Senate Bills numbered 1485 and 1782 Do Pass, as Amended.

Senator Jones, Chairman of the Committee on Insurance, Pensions and Licensed Activities, reports Senate Bills numbered 1629, 1651, 1660, 1662 and 1769 Do Pass; and Senate Bill 1581 Do Pass, as Amended.

Senator Thomas Dunn, Chairman of the Committee on Judiciary I, reports Senate Bills numbered 1510, 1523, 1592, 1648, 1678, 1741, 1763 and 1821 Do Pass.

Senator Cullerton, Chairman of the Committee on Local Government, reports Senate Bills numbered 1585, 1683, 1688, 1711, 1823, 1832, 1936 and 1940 Do Pass; and Senate Bill 1664 Do Pass, as Amended.

Senator Luft, Chairman of the Committee on Revenue, reports Senate Bills numbered 1479, 1518, 1520, 1547, 1599, 1643, 1671, 1743, 1816 and 1825 Do Pass; and Senate Bill 1539 Do Pass, as Amended.

PRESIDENT ROCK:

All right. Well, Ladies and Gentlemen, as we've done in the past, with leave of the Body, we'll suspend the six-day posting

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requirement. I'd ask the Chairmen of the respective committees to post for next week, but we will have an omnibus motion to waive the -- specifically waive the six-day posting requirement. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1196 offered by Senator Karpiel.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar. All right. With leave of the Body, we'll move to page 5 on the Calendar. Page 5 on the Calendar. On the Order of Constitutional Amendments 3rd Reading, SJR 15. Madam Secretary, read the amendment.

SECRETARY HAWKER:

Senate Joint Resolution Constitutional Amendment 15.

(Secretary reads SJRCA 15)

3rd Reading of the resolution.

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and fellow Senators. Senate Joint Resolution Constitutional Amendment 15 is a straightforward amendment to the present Constitution presented to you one last time before my retirement, not because I wish to challenge my respected good friend Phil Rock's patience, nor because I wish to bash the Supreme Court needlessly. It is presented simply because the issue of erosion of constitutional authority of uniform compliance audits by the Auditor General to protect the people of this State continues to threaten the auditing process of over twenty-two billion dollars of State funds that should be routinely examined. This amendment contains new language to cover previous objections of Senator Berman and others by specifically excluding units of local governments and school districts from compliance

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audits by the Auditor General, since these entities are funded by monies generated mainly from local taxes imposed by local governments. I have prepared a packet for each Senator which contains important facts which support the issue of public accountability that SJRCA 15 provides. To refresh your memories, this whole debate has continued for over ten years, due to a lawsuit generated on behalf of the Supreme Court to exempt two Supreme Court agencies from being audited. Those agencies are the Attorney Registration and Disciplinary Commission and the State Board of Law Examiners - both of which are funded by registration fees of all attorneys in Illinois. One cannot practice law in this State without paying a registration fee to the Supreme Court. Realizing the fundamental problems posed by the lawsuit, delegates to the 1970 Illinois Constitutional Convention met in -- 1987 to reaffirm the intent of the Constitutional Convention with regard to the audit of public funds which were defined -- which do define the present framework of the State's government. And I would like to read into the record the resolution adopted by the Constitutional delegates at their September 19th, 1987, meeting, which was held in Springfield. It was the only action taken at that reunion twenty years after the Constitution, because we felt this issue was so important. And I would read the resolution: "Be it resolved, that it is the consensus of the delegates to the 1970 Illinois Constitutional Convention who are assembled in Springfield on September 19th, 1987, that the intent of the 1970 Constitutional Convention was that the Auditor General would have the responsibility and the authority to audit the expenditures of all funds administered directly or indirectly by each of the three branches of State Government or by any agencies created by them, whether or not such funds are derived from taxation, fees or other sources. Specifically, the consensus of the assembled delegates is that the license fees imposed on attorneys for the privilege of



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practicing law in the State of Illinois are public funds and subject to audit by the Auditor General, just as are the license fees of other professions licensed and regulated by the State." Unquote. Some wish that this constitutional crisis would fade away. But as a former delegate to the 6th Illinois Constitutional Convention, I feel it cannot be ignored. We - you and I - as Members of the Illinois General Assembly, have the responsibility of assuring the people of Illinois that all funds expended by State agencies are audited by the Auditor General, as mandated by the Constitution, and that we have the opportunity of reviewing them. For many years this issue was interpreted by many to be on a -- a turf battle between the former Auditor General and the Supreme Court. That was not the case in the past, and it most certainly is not the case today, since the Auditor General no longer is in office. The crisis in credibility created by potential unaudited funds of over twenty-two billion dollars, due to a court ruling, is -- is as serious today as it has ever been, and it must be resolved. Twenty-two billion in non-tax public funds are held and administered by some one hundred and twenty-two State agencies. If the Appellate Court's position prevails, that twenty-two billion could be beyond legislative oversight. Former Senator Dawn Clark Netsch is still strongly in support of this amendment, as evidenced by her splendid statement found in your packet. Senator Earlean Collins has joined me today. Senator Keats and many others who are on the amendment that is on your desk have joined in -- me in insisting that this situation be clarified. It is additionally important to point out that newspapers throughout this State have historically criticized the Supreme Court for their resistance to public accountability, and in particular, the Illinois Press Association registered in favor of SJRCA 15 when it was heard two weeks ago in Executive Committee. Just this morning, a very important editorial from the

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Sun-Times appeared, which is on your desks, and I hope all of you will read it before the conclusion of the debate on this amendment. So the time for action is now, and I urge your favorite support of SJRCA 15.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there further discussion? Is there any discussion?  
Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise, again, as I have in the past, in opposition to Senate Joint Resolution Constitutional Amendment 15. I think the last time I rose it was 72, and the time before that it was 26, and there have been a number of numbers. And I would also just ask the Membership to forget for a moment the personalities, and there were, indeed, some personalities involved between Mr. Cronson and two or three successive justices of -- chief justices of the Supreme Court. Forget that for a moment. When the Constitution was adopted by the people of this State back in 1970 by an overwhelming vote, one of the Articles said, and the Article that Senator Macdonald now seeks to change, said, very simply - and I thought very aptly - the General Assembly shall provide by law for the audit of the obligation receipt and use of all public funds of the State. Simple declaration. If it's public money, the General Assembly should see to it that it is properly audited. And even the editorial that -- that Senator Macdonald refers to says, "Only a Constitutional Amendment will restore the people's right to a rigorous check of how their" - their, T-H-E-I-R - "money is handled." Public money. So what are we now confronted with? We are now confronted with a proposed amendment that attempts to change the definition of public money - what is public money. I, too, have read Senator Netsch's letter - and have argued at length since her days in the Constitutional Convention - and she says,

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"In my judgment, the Supreme Court's position in this regard is dead wrong." Senator Netsch, you are dead wrong. Strong letter to follow. Justice McMorrow, writing the final decision in the Illinois Appellate Court - and she is the Lady who will soon be seated upon the Supreme Court - said, "We conclude that the Auditor General's audit of the funds of the Disciplinary Commission and Board of Law Examiners was not envisioned in Article 8 of the 1970 Constitution, or in that constitutional provision statutory codification in the Illinois State Auditing Act. We further determine that the Auditor General's audit of funds of the Disciplinary Commission and the Board of Law Examiners, with report of said audit to the General Assembly and to the Governor, would violate the separation of powers clause of the 1970 Constitution." This has been litigated, Ladies and Gentlemen, and the fact - the simple fact - of the matter is, with respect to those two agencies that are not State agencies, there is no public money. The court said in Madden versus Cronson, some years ago - this is 1986 - "Those funds are completely segregated from appropriated funds and are neither turned over to the State Treasurer nor disbursed by the Comptroller. The accounts are audited by independent certified public accountants, and their reports are made public." And prior to 1979 - I'm sure everybody who's been around here remembers - there was an audit of the Supreme Court that was done annually. And apparently somewhere around 1979 or 1980, the Auditor General got on his high horse and decided that he was no longer going to audit the public monies of the Supreme Court. The Supreme Court has always welcomed the conduct of an audit of public funds by the Auditor General. The Supreme Court invited, if you will recall, the Legislative Audit Commission to conduct an audit of nonpublic funds of the Registration and Disciplinary Commission and the Board of Law Examiners - nonpublic funds - by using a nationally recognized

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accounting firm. The Audit Commission did agree, and in fact, there were a couple of audits by the Audit Commission of the Board of Law Examiners and of the ARDC. And then again, the Auditor General, for some reason, got on his high horse and decided he was not going to even audit the public monies. So some eight hundred and forty-five million dollars, over a period of time, was, in fact, not audited by the Auditor General, because of his unwillingness to conduct that audit. The fact of the matter, Ladies and Gentlemen, is nobody can deny - should deny - that public funds are subject to audit. But if they're not public funds, they are not subject to audit. I think this is a radical departure from what the Constitutional Convention had in mind and what the people of this State voted on, and I would urge a No vote on Senate Joint Resolution-CA 15.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate - I have the highest respect for our President of the Senate, but this is one time I have to respectfully disagree with him. We have been charged by the public to have better accountability. Funds are funds, whether they're public or private. There's a big, substantial amount of money coming in that should be audited - absolutely. I certainly have an audit. You people can audit my accounts any time you like. And when we say here that we can't do it - that's wrong. That's why we're having this amendment on the Floor. We should have strict accountability. The public has been bashing the Legislature constantly. It's one time we can show that we can be above their right to bash us. And this is the time. We should go for this amendment, because for heavens' sakes, when you say, "Well, it's not public money," it's still money; it's still green. Are we going to deny it? I'm speaking

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now - and perhaps I -- I will be chastised by the Supreme Court, because I'm not doing this because of the Supreme Court. I feel all of these -- everything should be audited, every -- every department. And I am a lawyer, so maybe I will get the wrath of the Disciplinary Commission. Who knows? But the ARDC, incidentally, Mr. President, was not in effect at the time the Constitutional Convention had met and gone into the various amendments. All I'm saying to you folks is, now is the time for us to show our accountability as legislators. Let's have strict accountability of all funds, and I speak in favor of this Constitutional Amendment.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I want to correct a mistake that the President has made. And for a moment, follow the logic, because it's important - the difference between public and private funds. It is his explanation that public funds are raised one way and private another. Well, if you read the Illinois Constitution, as many of us have, there is only one group empowered to raise funds, and that's us. There is only one group that can raise money, and that is us. The Supreme Court is saying they have the right to raise money. And when they raise this money, it's not a public fund. Now, think about this a moment. If this is not public money, then the President is probably correct. But if it's not public money, where's the Supreme Court getting the money? We technically know that they charge the attorneys, et cetera. But the point I'm making is, they do not have the power to raise money. There is only one group in Illinois - there is only one group in America - that has the power to raise and spend money, and that is the Legislative Branch. The Supreme Court is empowered to regulate these groups, but the Supreme Court's funds

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come from the public - technically, from us. Now they have chosen to charge the attorneys. They do not have the power to do that. It is not authorized in the Constitution. The only way they could have the power to raise this money would be if the Legislature allowed it and the Legislature did it. Therefore, they have to be public funds, because public funds are raised by the Legislature. The Supreme Court does not have constitutional or legal authority to tax anyone - period. End of discussion. Therefore, these monies must be public by the very definition that the Court has no power to raise money at all. One or two other quick points: I do appreciate the comment about the previous litigation. But, you know, the issue of conflict of interest is on a rare occasion raised in this House. And within our House, the Government - the Senate, the House, the Supreme Court, the Executive Branch - within our group we've always decided that if you're too close, be careful. The Supreme Court decided their own case where the Supreme Court was a litigant. That is unique jurisprudence. I would say that perhaps this was a case better left to a Federal Court, since the Supreme Court itself clearly was ruling on the Supreme Court itself and on their legitimacy. I conclude with a -- a last point: Take a look at what Senator Macdonald sent you. Because of the Supreme Court action, take a look at the list of people that will not allow themselves to be audited: the Supreme Court State Board of Law Examiners; the Supreme Court Attorney Registration and Disciplinary Commission; Chicago Technology Park; Society for the Illinois Scientific Surveys; Illinois' Executive Mansion Association; Protection and Advocacy, Incorporated; Illinois State Historical Society; Illinois State Museum Society; Illinois Ambassadors; the Superconducting Super Collider Funds; the USS Abraham Lincoln. These are groups that now say they can't be audited. Is there anyone in this room who thinks those groups are not involved with at least some form of public funds? Other

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groups who are saying in the future they may not allow that they be audited: Northern Illinois University Foundation, Northern Illinois Alumni Group, and you can read down the list yourself. Illinois Armory Board. You're telling me the Illinois Armory Board is telling the Auditor General, because of the Supreme Court decision, the Auditor General can't audit them? Are you telling me the Illinois Armory Board is not public funds? And yet, because of the Supreme Court case, they are saying that they may not accept audits in the future. You could run down the rest of the list. It's here; I don't have to read it off. But I just remind you of the plain and simple fact - nowhere in any constitution in America is a court given the power to tax; therefore, if funds are raised, only the Legislative Body can raise them, and they are raised as public funds. I would appreciate your support for the amendment, because, as the staff in the Constitutional Convention said at the time - and many of the delegates explained - it was the intent of the Constitutional Convention that all public funds be audited by the Auditor General. Thanks.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Collins. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. For a number of years I've been a Member of the Legislative Audit Commission, and I have a great deal of respect for that Commission. I think they perform a valuable service to the people of Illinois, and particularly to the Members of the General Assembly. Because if there is failure in government, Ladies and Gentlemen, it's going to come back to your doorstep. If there is failure in government by an official who is a State official - a government official - who is managing funds which he maintains are not public funds - but nevertheless, there is a failure - who do you think is going to get the blame?

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Who do you think is going to be required to take some action to clean up that mess? I have a pretty good idea who it's going to be; it's going to be the local legislator who is going to hear about it and who is going to be expected to react to it. This is not solely an argument between the Illinois Supreme Court and Members of the General Assembly. But I think we ought to understand that the Auditor General is our auditor. He's our guy. We elect him to do a job for us. Now it so happens that there are many agencies who plead to the Audit Commission, "Oh, we're not a State agency. These are not public funds." And then they go into great detail telling you why they are not public funds. But, most often, they want the person running those funds to be on State pension and State health benefits and all the -- all the rest of it, oftentimes not wanting to pay for those benefits. The universities have tried repeatedly to establish funds outside for their own purposes and not have them audited by the Auditor General. Now, to their credit, they have, in recent years, worked out arrangements whereby they voluntarily agree that the Auditor General can audit those funds. But I think you owe it to yourselves - those of you who are going to stay here - you owe it to yourselves to have an audit process that would allow your auditor to look at the records of these agencies who say they are not managing State funds, but the funds are being -- managed by officers of the State. So I don't think that you can -- you can rely entirely upon what the Supreme Court says in this instance. I happen to think that if the tribunal hearing - the case - was not the Illinois Supreme Court and they did not have a vested interest in this, they would have immediately ruled that all those other funds were subject to State audit. So try to -- you know, Senator Rock has said that the Auditor General got on his high horse. Well, Senator, that's not the only high horse around here. There have been a number of high horses. And I think it's time to



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call them all to task, think in terms of what's good for the General Assembly and for the people of Illinois, because, in fact, we are their representatives here, and the people are entitled to look at those funds that are administered by public officials.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I'm not sure whether I have a comment or a series of questions. And I'm not sure who should answer the questions, but I certainly would appreciate some education on -- on these -- on these points. First of all, I have to ask myself who is responsible for the money. And if it is in the hands of the State or being handled in any way by State employees, then I would assume - and somebody could correct me, if you will, please - I would assume that the State has direct responsibility for that -- for those monies. Secondly, if the -- if, by some remote chance, the funds are -- are misused, what responsibility does the State have in that case? Does the State have the responsibility to prosecute? Does the State have the responsibility to defend? Just exactly in whose name are those funds held? And, if so, it would -- if they are, indeed, in the name of the State, it seems to me we have a -- we, as the State, have a fiduciary responsibility to protect those funds, be sure they're not misused, and, if they are misused, to prosecute. Those are in the form of a question. My -- my own feeling is that all of us should support this amendment. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. And I apologize for rising a second time. I was almost enthused when I heard Senator Keats say that my logic was

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compelling; that if indeed it's public money, it's subject to public audit. And I agree, and that's where it ought to be. And to answer Senator Butler: No, Senator, you have the wrong assumption on your first observation or question. And two, there is none; there is no responsibility on the State's part for either of these. And I would again reiterate that the question is, do we audit public money, and everybody says, "Yes." And it's obvious. We do. Yes, we do, and we should. But the only source, I will point out again, of the Disciplinary Fund is a registration fee paid by all of us annually, by attorneys who are licensed to practice in this State. It's not funded from any form of State taxation or revenue. Funds are not appropriated, not authorized by, not governed by any enactments of the Illinois General Assembly. The Commission utilizes no State facilities, has no State employees, equipment, property or supplies. Now again, it just seems to me to be perfectly logical that if you're dealing with State money, you're subject to State audit. If you're dealing with private money, it's a different question. And I don't know, truly, Senator Keats, about the Illinois Armory Board. I don't know what it is. Illinois Ambassadors I know what it is, because I was one. And I hope in the future to be one again if, indeed, the program continues. And that's a program that's privately funded by the business community and the corporations of Illinois. Got nothing whatever to do with State Government, except that it promotes our State as a place to do business. And all the big corporations and all the fellows that are on your list, they're all part of it, and they all contribute their private money. And I can see very well why they might object, and did object, to the Auditor General sticking his nose in where it didn't belong. If it's public money, it's subject to audit at our direction - no question about it. If it's not public, what in the world are we doing?

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Geo-Karis, for the second time.

SENATOR GEO-KARIS:

I apologize for the second time. I just want to make one response to Senator Rock. As a practitioner, a lawyer for almost fifty years, I can tell you that if I don't pay that registration fee, I cannot practice law. So there is a public interest in that money.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Macdonald, to close.

SENATOR MACDONALD:

I would just like to answer Senator Butler by also telling you that there are any number of fees, Senator Butler. There are fees paid by plumbers, by beauticians, by any a number of tradespeople and others that are put into State Government and overseen. The expenditure of those funds are expended by and overseen by State Government; and therefore, they are subject to audit. Other funds are. These funds are no different than those kinds of funds. And in years past, Senator Netsch has been very clear and very articulate in explaining that. So there are other fees and funds that are under the auditing procedure, and there is no reason for these funds not also to be included.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. The question is, shall SJR 15 pass. Those in favor, vote Aye. Opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On that question, the Ayes are -- take the record, I'm sorry. On that question, the Ayes are 38, the Nays are 16, and none voting Present. Senate Joint Resolution 15, having received the required constitutional majority, is declared passed. SJR 18, Senator Watson. Senator Watson. Oh. Madam Secretary, read the resolution.

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SECRETARY HAWKER:

Senate Joint Resolution Constitutional Amendment No. 18.

(Secretary reads SJRCA No. 18)

3rd Reading of the resolution.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Thank you, Madam Secretary. Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. I appreciate giving -- being given the opportunity to present this Constitutional Amendment, which I think is very important.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Could we get some order in here, please?

SENATOR WATSON:

This is the Constitutional Amendment that deals with State mandates. And as all of you know, we do have a State Statute that requires us to fund a State mandate if we're going to pass on to a unit of local government. Well, unfortunately, we exempt, oftentimes, the legislation. In fact, we've only, in one time in eleven years, paid for a State mandate that we've passed on to a unit of local government. So as a result of that, I think we have to come up with -- with a solution. And the only solution that I've been able to find is a possibility of the Constitutional Amendment that we have here today, that would require a three-fifths vote of both the House and the Senate if we're going to pass a mandate onto a unit of local government; and therefore, we can still mandate policy onto our schools, onto our communities, onto our counties, by a three-fifths vote. If it's a simple majority, then we either fund this or it's not required of the unit of local government. Now I'm sure we've all been hearing recently of the problems of local government. And I attended a meeting a couple of weeks ago, here in Springfield, and we were talking about the fiscal problems of the State of Illinois. And

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those problems revolve around a great deal of the federal mandates that are passed on to us here at the State. And I would have to say that most of the legislators that were in attendance at that meeting rejected the -- the dictating of policy by the Federal Government, and we have the same -- same problems that are presented to local governments. And this is one way that we can help solve some of the fiscal problems that are being experienced at the local level. Be glad to answer any questions, and I'm sure there'll be a great deal of discussion. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

He indicates he'll yield.

SENATOR CULLERTON:

Senator Watson, I'm trying to understand procedurally how this would work, and I -- I -- I have a feeling that it would be a little difficult for it to work. And I just wanted to see if I understand how it's supposed to work. If a bill gets, in the Senate, 29 votes or less, it doesn't become law; therefore, it's not a mandate. Under the terms of your -- your bill, if the bill gets 36 or more votes, then it would be exempt from the requirements of the Constitutional Amendment and -- and would not be considered a mandate that -- is that right?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

SENATOR WATSON:

We could pass that mandate onto a unit of local government without funding, if it -- if it received a 36 -- three-fifths vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Senator Cullerton.

SENATOR CULLERTON:

So, if you wanted to vote for a bill that imposed a mandate on local government and you thought that the -- the State ought to pay for it, the only way you could ensure that to happen would be to hope that the bill got between 30 and 35 votes. Is that right?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

SENATOR WATSON:

I guess I don't understand the question. Would you repeat it again?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Cullerton.

SENATOR CULLERTON:

Okay. Let's say I'm -- I'm a legislator - I'm a State Senator from Chicago - and we're imposing a -- a mandate on the City of Chicago, and I want to make sure that the State pays for it, because the City doesn't have any money, because, you know, we just stole their surcharge money or whatever. So I want to make sure that we pay for it. So I'm sitting here trying to vote for this bill, and, you know, unlike the House, you don't have much time to look up at the board and see what the total vote's going to be. You want it to pass, but if it looks like it's getting more than 36 votes -- if it got 36 or more votes, it wouldn't -- it would be a mandate imposed on the City of Chicago and we wouldn't have to reimburse them. So how would I decide how to vote? I'd have to kind of look at the board and try to decide whether or not I should lay off it or vote for it. And I -- I just see a procedural problem that it would be hard to overcome. If you're talking about -- this isn't supposed to cover, say, criminal laws, where we increased the criminal penalties for some -- for some offense and it's going to impose a big cost on the

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county government - for it to work, it would have to get less than 36 votes. And traditionally, those kind of bills always get a lot of votes; they get more than 36 votes. So -- I know it's too late to amend this, as a practical matter, but I'm just wondering if you could explain to me some way around this procedural problem that I perceive.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

SENATOR WATSON:

Well, we could always appropriate the money. I mean, that's one thing that can be done. I mean, if we're going to dictate policy, maybe that's what we ought to be doing. And if that's the way you want to -- to vote -- I mean, I don't understand really why you would be in such a dilemma as to how you're going to vote on a particular issue, based on whether we're going to fund it or not. I mean, if you think that the issue is important enough and it's one that we receive a three-fifths vote, then we ought to -- then -- certainly then we ought to be dictating policy. But if it's just a simple majority, we ought to be paying for it. Simple as that.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Cullerton.

SENATOR CULLERTON:

Well, as I understand the need for the Constitutional Amendment, we're saying to ourselves that we're not responsible enough to appropriate the money. I mean, we can appropriate the money right now. Whenever we impose a mandate on local governments, we can appropriate the money. But you're saying we're not doing that, and therefore we need to have some -- the electors out there impose on us a Constitutional Amendment that -- that forces us to appropriate the money. As a matter of fact, if the bill gets 30 to 35 votes, you have this procedure here where

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we have to appropriate the money, and if it's vetoed - it can't be vetoed. And it's -- it's very clear here that -- that you're forcing us, if a bill falls within 30 to 35 votes, to appropriate the money. I, quite frankly, would -- might even be in favor of this if it -- if it didn't have this three-fifths limitation here. But obviously the need for the Constitutional Amendment is gone if -- if your answer is simply, "Well we can appropriate the money," because we can appropriate the money now.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

SENATOR WATSON:

One thing, Senator, is that if we do, in fact, pass it by a simple majority versus three-fifths, then it's just simply not a mandate; the unit of local government doesn't have to comply if we don't fund it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Yeah, I guess -- thank you, Mr. President, Ladies and Gentlemen of the Senate. I guess I'm a little confused, too, because, as I look at the amendment, and as I think it -- it is saying, is that if it gets 30 votes, it passes, but it takes 36 votes to take it from the mandates. So we're really having two pieces of legislation rolled into one, as I read it. I -- you know, I agree with Senator Cullerton that I think that if this just called for 30 votes and we just follow the law that we currently have on the books, which we don't do anything with, and just pay for State mandates. I think everything that we mandate to municipalities should be paid for by the State; otherwise, we should get out of their business. But I think here's a case where we've got two bills rolled up into one whenever we present this to the Senate. And if I'm wrong in that, I'd like to know how we --



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how we rectify that problem.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to SJRCA 18, and -- and I will be mercifully brief. Again, why are we attempting to do violence to -- to a longstanding constitutional provision? This is the -- the worst case that I have ever seen of the tail wagging the dog. My understanding of government is that these units of local government - townships, counties, school districts - are created by law and have those duties and responsibilities that are given to them by law. That's by us. And now you're saying, at the request of those creatures of ours - because I heard the same ones: the county board presidents from a couple of the counties and a few other people - and what they were complaining about, Ladies and Gentlemen, was that there's too darn much expense being expended on criminal law. They have to have jails, and they have to put people in jails, and they have to have sheriffs and police. We've got to stop passing criminal laws, because we have given them the duty; we have given them that responsibility. And to that extent, yes, indeed, it is a mandate. But I don't know why we want to say to future General Assemblies, "You can't do this; you can't tell them what to do and expect them to do it, unless you have an extraordinary majority vote in both Houses." That is absolutely contrary to what's in the Constitution and has been there for years. I think we're just -- we're making a serious mistake, listening to, I suppose, the -- the cacophony that's coming from the various counties. They don't like property tax; they don't like caps; they don't like anything. And now we're -- our response to that is, well, we'll just deny the General Assembly the power to do what they constitutionally have the power

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to do. It truly doesn't make any sense.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I rise in support of this Constitutional Amendment, and I think it's a reasonable compromise. It does not unduly infringe on the power of the General Assembly, but addresses a very major problem we have in this State and this nation. And despite any attempts to make this sound cumbersome or confusing, it's basically very simple. It says that if -- if I want to introduce a bill to tell the school districts they have to teach about the history of Illinois for one semester to every high school student, that I've got to get 36 votes, unless I'm going to fund that program for those schools. If I get between 30 and 36 votes, the school districts can do it if they feel like it, if we don't appropriate the money. There isn't anybody in this room that's run for public office that at one time hasn't wrung their hands and said, "Oh, I'm against unfunded mandates. Oh, how evil they are." Particularly, in front of an education group. And let's face it, that's where most of the unfunded mandates go in this State, is to education, at a time when we aren't funding education at the level perhaps we'd like to or feel we should. It's a simple proposal. An unfunded mandate - it is an act of political cowardice. It is when we in the General Assembly say, "We want this thing to happen, but we don't have the guts to vote for a tax increase or to cut some other level of -- of spending to fund it." This proposal would say to the General Assembly, "Show some guts. Either put the money up or you need an extraordinary majority to pass." And that's a good proposal. That's a proposal ninety percent of the people of this State would support, and it's something that should be in the Illinois Constitution.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I spoke on behalf of this matter when it appeared before the Executive Committee, and that was after the President of the Cook County Board came and testified on -- in Senator Luft's committee in support of this proposal. He is not the only elected official in this State who has faced the mandates of this State without the necessary resources to follow. If you recall the testimony in committee, the President of the DuPage County Board was there, Lake County, as well as Cook County. So all your major counties in this State are faced with this dilemma of State mandates without the money to implement the mandate. This is not the panacea, as I see it, but it's a step in the right direction. I, too, am questioning as far as the requirement of a three-fifths vote, but if these other elected officials come up with a consensus of supporting this proposal because it's affecting their budgets so adversely, maybe we should listen to them for a change. Maybe it's important then, when you're sitting down on a local budget level, when the mandates come in and all of a sudden you have to be the person to raise the real estate taxes and it wasn't your responsibility, maybe that real estate tax wouldn't have -- would not have to be raised if the mandate wasn't there. I would strongly recommend that all of us look in your own soul, look -- look -- put on a hat of an official who is mandated to do something by us without the money. If you do that, you'll vote for this proposal. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Mr. President and Members of the Senate, I rise in strong opposition to this bill, and I'm going to give you a simple

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example why we ought not to do this. I'm sure most of you have been reading the Sun-Times series on what is happening to the juvenile court system - juvenile justice system - in the County of Cook. What this bill would do, it would allow the local government - Cook County - to walk away from that situation, if we pass some laws here, and which I hope to do and have been trying to do over the years. And thank God that -- for the reporter, the Sun-Times series, that has now focused some attention on something that I've been trying to get across for a long time. I would hope that we are going to do something, because it is our responsibility - this Body, as elected legislators and representatives of the people throughout the State of Illinois - to protect the welfare of the people of this State. And God forbid, if we just say to that situation, to the children of this State that is impacted by that system, "It's all right. You don't have to do it because we don't give you the money. And because you made a political pledge not to raise taxes; therefore, you don't have to raise local taxes. Just don't do it. Just ignore the problems of how we treat the children in the State of Illinois." That's why this bill can't pass, because you know - you know - that it is very difficult - very difficult - to get 36 votes here on any kind of social issue. To pass any kind of appropriations here that would withstand a veto of the Governor's Office, it takes 36 votes. You know we won't get them. So all you're saying here is, "We can just walk away from it ourselves and say to the local units of government, 'Okay, you don't have the money; let's just let the children suffer.'" That's what this bill does, and I say it isn't -- we would be derelict in our responsibility to pass this bill. We ought to defeat it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

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Thank you, Mr. President. Just very briefly: You know, I don't think this is a very simple proposal. I don't think this is a very simple resolution. Having been here a long time, this is the first time I've seen the passage of a bill have different effectiveness, have a different meaning depending on the number of votes it gets. Now, sure, we have different effective dates, depending on how many votes it gets, but that's one thing. But having a different meaning or effectiveness to the bill depending on whether it gets 32 votes or 33 votes or 36 votes - I don't think that's very simple. And I think it sets a very bad precedent, and I don't think this is a very good idea.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I don't think anybody can deny the fact that the Revenue Committee this year initiated the hearings on mandates, and we did that because of the concern that's what's happened to this government by the Federal Government, and hopefully would, through the process of hearings and debate and the expression of concern, come forth with either legislation or a Constitutional Amendment that would satisfy the concern that most of us have on this subject matter. But we're falling fate to the same problem that we always have had in the last ten years that I've been here, and that's falling into catchy titles and never, ever falling and looking into what's in the text of a bill or the Constitutional Amendments - the text of the Constitutional Amendment. And I think what you have here -- and remember, you can't go back and change Constitutional Amendments. Once these are adopted by the public, it gets very difficult to do that. And what you have incorporated in this Constitutional Amendment is a system that I think is extremely dangerous. It's been mentioned here, but we have not mentioned the fact that this also -- if we

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pass a mandate that eliminates a tax base in a local government, we have to pay for it. So if the tax cap bill that passed here last year received less than 36 votes, would the State of Illinois had to pick up the cost to all local governments through appropriations? Would, in fact, Senator Topinka's bill, who wants the State to go back to prior EAV, and costs all local governments in the neighborhood of two hundred and twenty to two hundred and thirty million dollars - and it passed with 33 votes in this Body and 63 votes in the House - we have to appropriate that money? I'm for the concept, philosophically. Senator Schaffer gave a great philosophical speech, but please read the text. And all I'm saying is that I think there's a flaw here. I'm not opposed to Senator Watson's effort. I applaud it and try to help him. But I'm telling you there's a flaw here, and we owe it to the people that we represent to pursue this in a manner that is not flawed, does not deal in catchy titles; that simply attempts to do a job that is accurate.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

He indicates he will yield.

SENATOR FAWELL:

Senator Watson, right now I know we have a system that says that no mandates shall have to be enforced unless it's passed by three-fifths. But what I have seen since I have been down there is just a little line at the end of each bill that says, "And by the way, we are exempting this bill - this particular bill - from the State mandates." And therefore, it indeed is a mandate without the money. What you are basically saying is, if it is passed by a simple majority, it really, in effect, is not a

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mandate, if the money isn't there. Is that correct?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

SENATOR WATSON:

That is correct, yes.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Fawell.

SENATOR FAWELL:

And if it passes by three-fifths, whether the money is there or not, we feel, indeed, that it's important enough that it is a mandate. Is that correct?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

SENATOR WATSON:

That is correct.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Fawell.

SENATOR FAWELL:

So if we feel, for instance, that Senator Collins' bill about juvenile justice is -- is important enough, whether the money is there or not, whether we feel we can fund it at this particular point or not, and she gets a three-fifths vote, then indeed it will be a mandate upon local government - is that correct?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

SENATOR WATSON:

Yes, it is - exactly.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Fawell.

SENATOR FAWELL:

Well, to the bill: It just seems to me what we are doing is forcing this Assembly to do exactly what we claim we do, and yet

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we manage to get -- wiggle our way out of it all the time by putting this little line in that says, "This particular bill is exempt." We will not be able to do that anymore, unless enough of us truly feel that it is important. I think it's an excellent amendment. It does what we tell the local government we are doing; that if we feel it is important enough and we can't get the votes, we're coming up with the money. But if we feel that it is important enough and we don't have the money, we will ask for a three-fifths vote. I think it's a good amendment. It only does what we should have been doing all these years, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Senator Watson, I -- I agree with your philosophy, but the only way a voter is going to understand this as he reads it in the booth is if his -- he brings in a lawyer with him into the booth. I mean, here -- here you have -- here you have, you know, a Body composed of veteran legislators and you can see the -- the problem in interpretation already amongst ourselves. And how, in God's name, is the poor voter who goes in and tries to digest this and try to figure out that there's two standards here to apply to a law that's going to be applied? I just don't think this is the way to do it. I agree with your philosophy, but not this way.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I think there's been some confusion on both sides of the aisle, and I'm going to take the suggestion of one of the speakers on the other side, and suggest that everybody look at the language, because there's been a suggestion



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here that if it gets less than 36 votes, the bill will somehow have different effect than if it gets more than 36. And there's also been a suggestion here that there will be a requirement on the State to pay for certain mandates that come down the road if it gets less than 36 bills <sic>. But if you would all turn to page 2 of the bill and look at the underlying language, you'll find that's not true. In fact, if the bill doesn't get thirty-six votes and there's no appropriation passed, it does not become law; therefore, there's no permissiveness about it or no duty about it on local governments. It simply does not become law. So I think the confusion that this is somehow going to force great expenditures on us if it doesn't get 36 votes just isn't true. If the money's not there and it's not -- and it's not appropriated, it will not become law. This is -- I would hark back then to what Senator Schaffer said: If we're going to put these mandates on our local governments, we ought to -- either ought to have the extraordinary majority or we shouldn't be doing it to them. And I would rise in support of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Collins, for a second time.

SENATOR COLLINS:

I apologize for rising a second time, because that's exactly what -- what I said, and that's the real flaw in this bill. It says that if we do not -- if we do nothing about the juvenile justice system in Cook County, then what we are saying is, "You don't have to do anything. Let the problem remain." And that's the real problem, and that's the flaw with the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson, to close.

SENATOR WATSON:

Well, thank you, Mr. President. Senator Collins, if we do think it's important, and if it is a concern of ours, then

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three-fifths vote is all it needs in order to become a mandate without funding. I -- I don't see where your -- your concern has much validity. Senator Luft, on the -- the tax caps: that did not impact the tax base, and that's what -- if we affect a tax base, that's when the mandate occurs. So the caps are not a consideration here either. Senator Dunn, the Secretary of State, whenever there's a Constitutional Amendment on a ballot, sends out to everyone, in language in which I think we all can read, an explanation of the pros and cons of a particular Constitutional Amendment prior to the election, and I think the electorate would be very much informed by that. And also, every unit of local government is going to be supporting this concept if it's on the ballot. They have to this point in the process. They've testified before the committee that Senator Luft was referring to. They've -- they're -- all units of local government that I'm aware of are supportive of what we're trying to do here. And -- and, Senator Fawell, you're right. As I mentioned in the opening remarks, one time in eleven years has the General Assembly funded a mandate in which we've required the units of local government to comply. I -- I don't know about you, but in my area one of the big problems that we're having is simply in the county jails. How many of you heard from your county officials about the problems of complying with these State and federal mandates on -- on the structures of county jails - that these counties simply don't have the money to -- to comply? I mean, all units of local government are having a problem right now - financial problems, many of which we've created. I think we've -- we've created a multitude of problems for the education system, simply by us dictating policy here on the Senate and House Floor. It just really isn't fair. If we think it's so doggone important, we ought to put our money where our mouth is and fund it, or it shouldn't be required. I think this is long overdue - this concept. And I think the public, once

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it's on the ballot, will overwhelmingly support this -- this proposal, and I would hope that you would also. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. The question is, shall SJRCA 18 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 23 Nays, and 1 voting Present. SJRCA 18, having not received the required constitutional majority, is declared failed. SJR 89, Senator Watson. Read the resolution, Madam Secretary.

SECRETARY HAWKER:

Senate Joint Resolution Constitutional Amendment 89.

(Secretary reads SJRCA No. 89)

3rd Reading of the resolution.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. This -- if you read your Calendar on page 5, SJR 89, it's really in simplistic terms; this is exactly what it does. It makes April 30th, rather than June 30th, the deadline for passage of a bill in the General Assembly. As you know, we adjourn, by the Constitution, June 30th of each year, and in many cases we've gone overtime. In fact, I wish this would have been brought up about July 15th of last summer, and I think we would have had 59 Yes votes in support of -- of this proposal. But anyway, the reason for this -- there's several reasons: one, the school years begin in August shortly after -- after we adjourn, in many cases. Schools have no idea what kind of funding they're going to receive. We haven't -- we've passed our appropriation here, but the Governor hasn't necessarily acted on it. So the schools go into -- their budgetary process already been established at the schools, they go into their school year

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really not knowing, quite frankly, what kind of revenues to expect. If we would adjourn April 30th, it would give those schools ample opportunity to get their budgets in line and know what kind of revenues to expect. And it's also the same kind of impact with the State agencies. Our fiscal year -- in fact, this does not impact our fiscal year. The fiscal year of the State of Illinois remains July 1st -- beginning July 1st, ending June 30th. All we're doing is changing the adjournment from June 30th to April 30th. But this will also give our State agencies, whom -- their year begins July 1st, ample opportunity to know, again, what kind of revenues to expect and be able to plan for the programs for that next fiscal year. We get sworn in the second Wednesday of January, and then it seems like we go home and stay until the middle of April, or the first of April, and then we get started working. I'd like to see us come in the second Wednesday of January and get to work and get the business of the people of Illinois done, and let's adjourn on April 30th. That's the staff. But anyway, I'll be glad to answer any questions, but this is truly a very simple proposal. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? Senator Hall -- Senator Hall.

END OF TAPE

TAPE 2

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

He indicates he'll yield.

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SENATOR HALL:

Senator Watson, what are you trying to do? You want this to be a ninety-day Legislature? Is that what you want?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

SENATOR WATSON:

Well, actually if you get -- every year we get from the Comptroller the number of days we're in Session. Usually that's about right. Ninety days is pretty close to what -- we're in Session. I think if we got in here and we got to business, we could get things done pretty quick. If we set -- seems like we get things done pretty quick the last two weeks of June. I believe we could certainly get it done in ninety days prior to April 30th. So let's -- I'd just like to see us get the work of the people done in a timely fashion.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator -- Oh. Senator Hall. I'm sorry.

SENATOR HALL:

What kind of shape would we be if we had a ninety-day this year? Have you seen the problems that come up and all this stuff? I don't understand you -- you fellows that come here, and you want to be here ninety days or you don't want to do it. And then I -- the real reason is that I think that you are -- well, anyway, this is a bad concept, and I'm opposed to it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I guess, again, you know, it -- what you're trying to do, Senator, I think is -- is really great, 'cause I think it's time - whether we pass this amendment or whether we don't - that we really recognize, as an example, that education's our number one priority. And let's give that budget

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to them early, and we can do that. The only problem I see with this -- I have no qualms with moving it to April, or you can move it to March - don't make any difference to me. My -- my point, though, that I have, is nothing changes. Instead of being June, it becomes April, and -- if April doesn't work, then we can go to March. And everything's going to be done that last week anyway. I think there's more problems with this Legislature and -- and -- and the system and the Body than just changing the date. I don't know yet, before I push this button, whether I'm going to vote with this or against it. But I think that there's a very important point to be made here and that is, regardless of whether this amendment passes or not, that we continue to concentrate on allowing school districts to know what kind of money they're going to be getting in April so that we can -- can save a lot of teachers a lot of trauma and a lot of librarians and everyone else across this -- this State. So I think regardless of what we do, you make a good point, and that should be followed through regardless.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Schaffer. Senator Schaffer.

SENATOR SCHAFFER:

Yes. This is a -- a very simple concept, and I don't think it would involve the Legislature being in one day more or one day less. It just basically means we'll do our work in January and February, instead of in May and June. And if we got into a deadlock, why I suppose the same type of situation we saw in July would happen. But I don't think the people of this State are -- are probably going to vote for a thing like this simply because it means that we would get to be down here in the nasty weather and could be home playing golf in the nice weather. I don't think they're -- that's going to set them on fire. I think the justification for it is that that would give the other units of

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government, particularly school districts, an idea of exactly how much money - not to mention our departments - how much money they're going to have. Now you'll recall, because of laws we've passed every spring, because the school districts don't know what's coming from the State, they send out tens of thousands - I suspect, Statewide - layoff notices to teachers. And they -- teachers -- they have to do this to comply with our laws. And most of those teachers are going to eventually get hired, but for several months they get to hang by their thumbs, wondering what their fate is, while we fumble around down here in May and June. I don't think it makes a whole lot of difference, Senator Hall, whether we're here in January and February or -- or May and June, to us particularly. But I think if you're really interested in good government, this is a very sound, simple, noncontroversial proposal that would make government in Illinois better.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson, to close.

SENATOR WATSON:

Well, thank you. I'm not sure who made the comment, but someone said that all we're doing is changing it from June 30th to April 30th - nothing really changes. Well, sure it does. The three-fifths vote that requires -- that -- what goes into effect on midnight, July 1st, goes into effect then on May 1st of -- of that particular year. So really we are speeding the process up, and we're -- we're talking about three months there. We're talking about we go in the second Wednesday of January. We got January, February, March and all of April to get the business of the people done. And I -- so what if we're here fewer days? That means the people of Illinois save some of the per diem that we're paid while we're here. And I just think, you know, we've got -- we have a responsibility to -- to our families also, and I think that -- this -- this is a tough business we -- we're in here.

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There's no doubt about it, and it's tough on families. And I think that we have an obligation, obviously, to the people that are back home that are supporting us, and that's -- that's our -- certainly our wives and our kids. And when we're here in June and July, when some -- oftentimes graduations are going on, weddings are going on, vacations have been planned. I know some -- some -- Members last year had to cancel their vacation plans because of the fact that we were in Session as late as we were. So there's -- there's a personal aspect to this also, besides being just the fact that it does give the State of Illinois and the agencies of the State of Illinois a better opportunity to prepare, and also the education community. And I think it -- I -- again, I know that our friends in the row here would probably be writing editorial after editorial in support of this, and again the people would -- would know what they're voting on when they go in. And I just -- let's get the work of the people done. We go in the second Wednesday of January. Let's get it done; get it over with. And April 30th is certainly not an unrealistic date. I'd appreciate your support.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. The -- the question is, shall SJRCA 89 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 15 Nays, and 2 voting Present. SJRCA 89, having received the required constitutional majority, is declared passed. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

I request a verification of the roll call. That's an important vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Demuzio has requested a verification. Will all



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Senators be in their seats. Will the Secretary -- will -- will all Senators be in their seats. The Secretary will read the affirmative votes.

SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, Butler, Carroll, DeAngelis, Donahue, Dudycz, Ralph Dunn, Thomas Dunn, Etheredge, Fawell, Friedland, Geo-Karis, Hawkinson, Holmberg, Hudson, Jacobs, Karpel, Keats, Kelly, Lechowicz, Macdonald, Madigan, Mahar, Maitland, Munizzi, Philip, Rigney, Savickas, Schaffer, Schuneman, Severns, Topinka, Watson, Weaver, Welch and Woodyard.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Demuzio.

SENATOR DEMUZIO:

Senator Lechowicz on the Floor?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is Senator Lechowicz on the Floor? Senator Lechowicz on the Floor? Madam Secretary, strike his name. Senator Demuzio.

SENATOR DEMUZIO:

Senator Barkhausen on the Floor?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Barkhausen on the Floor? Senator Barkhausen on the Floor? Madam Secretary, strike his name. All right. The verified vote is 34 Ayes, 15 Nays, 2 voting Present. SJRCA 89, having not received the required constitutional majority, is declared failed. SJR 130. Senator Berman. Read the resolution, Madam Secretary.

SECRETARY HAWKER:

Senate Joint Resolution Constitutional Amendment 130, as amended by Senate Amendment No. 1.

(Secretary reads SJRCA No. 130, as amended)

3rd Reading of the resolution.

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PRESIDING OFFICER: (SENATE J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. SJR Constitutional Amendment 130 is a rewrite of the Education Article of the Illinois Constitution. If there is any subject that each of us proudly proclaims on the campaign trail that we are concerned, interested, committed to, it's the concept of education. For the past eighteen months a task force created by this General Assembly - the Task Force on School Finance - has been meeting, and we have looked at issues that concern each one of us. We have looked at issues of an adequate education. We have looked at issues of equity, regional cost differences - does it cost more in some parts of the State to deliver a quality education than it does in other parts of the State. We've looked at grade weightings, where we spend more money traditionally in high schools than we have in elementary schools. We've looked at the evaluation of Chapter I Weightings for children from educationally deprived -- I'm sorry, economically deprived homes, and many times they also are educationally deprived. This amendment is before us today because it was the conclusion of Senator John Maitland and myself - two of the members of the task force - that the language that exists in the present Constitution has been interpreted by our courts as not giving us a sufficient mandate - we've heard that word before today - but that the language in the existing Constitution does not give us a sufficient mandate; does not give us a sufficient commitment in the Constitution to do what the public expects us to do. And therefore, we have presented SJRCA 130, that gives substantially stronger language as the educational article in our Constitution. I want the record to note that yesterday we had distributed to every Senator a packet of material that explains the legislative

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intent behind each of the phrases that are in this proposed Constitutional Amendment. There are some new words. There are some strong words. And we wanted every Senator to have the opportunity to read why we are doing this. We have passed out to every Senator on the Floor today a packet consisting of a total of eight pages - a cover sheet, the new language on page two, and six more pages consisting of explanation and questions and answers that explain what this new language does. And, Madam Secretary, I would ask that this explanation and question and answer be incorporated into the record, so that there is no question of our legislative intent in the event that in the record of debate it is not addressed. But I want it entered into the record in the journalized -- in the -- in the discussion and deliberations for today's debate and vote. Ladies and Gentlemen, every one of us goes out on the campaign trail - and I don't only mean at campaign time - but we go around and we proclaim - and when I say we, I mean Members of the General Assembly, and I mean the Governor, and I mean the President of the United States - and we all say education is our number one priority. And yet, our action belies our words. The funding of education today in Illinois is funded two-thirds by property taxes and only one-third by State appropriation. That percentage has been slipping. In the seventies we hit an area where we were pretty close to fifty percent, and we have been moving backward, and backward and backward. And with the proposed budget of today, we're close to thirty-three percent of the cost of elementary and secondary education. And I want to underline that all we're talking about today is elementary and secondary education. The public does not want us to do things that way. There is inadequacy in our education system in Illinois. There is inequity in our education system in Illinois. And I suggest to you that what this proposed Constitutional Amendment does is to put us on the track that the

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public expects us to follow. And I want to underline something. This is not a bill that by a vote today in the -- in the Senate and a vote next week in the House, becomes law. We're doing something that is even more fundamental. We are voting on whether this should be on the ballot in November, and that that will cause substantial debate between now and November, and whether the voters will come in November and say, "Yes, General Assembly, we want education to be our number one priority. We want it to be a fundamental right of our children. We want the State to undertake and spend the kind of money so that every child has an adequate education." This is an invitation not to us, but to our voters. Are they going to put their vote where our speeches have been? That's the issue today. And I ask for your Aye vote to invite our constituents to tell us what they want us to do in the area of educating our children. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. Will the sponsor yield for a question? Senator Berman, I have served on the Education Committee for ten years. I have raised four children and I have now got six grandchildren that are in school. And I have been a teacher in the past, so I indeed agree with you that education is important. But I also serve on the Commission for Mental Health and Developmentally Disabled. I also serve on the Infant Mortality Commission. I also serve on a number of other commissions, such as -- or advisory committees, such as shelters for battered women and -- and my DCFS regional office. The problem that I have with your bill - and -- and -- and -- and -- and I'm leading up to a question, believe me - is that you are saying that education is the preponderance -- is the -- is the paramount duty of the State. Now I happen to have a Black's Law Dictionary - and indeed you

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have quoted from the Black Law Dictionary - but the word "paramount" means foremost in importance, predominant, superior to all others. In short, it is the first duty which the State much consider. Is that true?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Fawell.

SENATOR FAWELL:

You also say the paramount duty will affect the allocation process requiring education to receive priority funding consideration, which I presume means that all other agencies, all other problems that we have to deal with down in the State must take second place to education, as far as funding is concerned. Is that right?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Fawell.

SENATOR FAWELL:

Can you tell me, then, why I should vote for this bill over the needs of a child who is abused sexually or physically, or over the needs of a child who is mentally ill or developmentally disabled, or over the needs of a woman who is battered, or a senior that needs food and housing? Can you tell me why education is that so important that we put everything else as a -- as a minor priority to the State of Illinois?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Senator Berman.

SENATOR BERMAN:

Senator Fawell, in the process of making priorities - and that is exactly what we do in every Legislative Session when we appropriate money - there are certain things that do, in fact, take precedence. And -- and what has happened is that education has not taken the precedence that you and I and others say it will, but in fact, it doesn't. And that -- therefore, over the past fifteen years, education has slipped from funding levels of forty-eight percent to forty-four percent - downward, downward - and now it's only thirty-three percent. Now I'm -- what I'm saying, and maybe I ought to be more politic and say that -- that education isn't more important than mental health, or isn't more important than battered women, or isn't more important to the other items that you mentioned. But I will tell you this: In setting priorities - in setting priorities - we are elected here to, in fact, set priorities. Now if -- let me point out to you, you and I are making this debate. I'm saying that education should be a priority and should be paramount. That's not to the total exclusion of any of those other good causes, but we ought to do what we have to do first for education. And then -- assuming you don't want to raise any taxes, then you take what's left after you take care of education and you do all the rest, including employees and including all the perks and all the good causes that we want to take home to our constituents. But first and foremost is education. Now the debate that you and I are having is exactly the debate that I'm asking the public to have, and why I'm asking you to vote yes, even if you disagree with my answer. The debate should be in the public, and the vote should be on the -- on November 3rd. And let the public say to us, "No, education should not be paramount." And the vote and this amendment would be defeated, and you've got your answer.

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Fawell.

SENATOR FAWELL:

Senator -- Senator Berman, I wish it were that simple. But you are right - it is the thing to say right now; that education is the most important thing. It's a nice phrase that has been out there for a long time. Unfortunately, as I talk to my constituents, particularly when I point out that thirty-seven percent of our budget goes to Public Aid, but two-thirds of that thirty-seven percent goes to things like nursing homes, goes to things like our Ray Graham Association, where our retarded children are housed, goes to things like our Phil Rock Deaf-Blind School, which is in my district. It is only then, when this is pointed out, and I point out to them over and over again, these problems are multiplying. Twenty years ago we didn't have as many retarded children, because they died. Twenty years ago we didn't have deaf-blind children to the extent that we do now, because they were never born or they died. Twenty years ago we didn't have eighty- and ninety-year-old seniors sitting in nursing homes, because they died. We have those people now and someone has to take care of them, and that someone has to be the State. And it seems to me to set one priority over another by a Constitutional Amendment is wrong. That's the reason we're elected. That's the reason we are down here. It is our job to set those priorities, because perhaps we have more of the facts than the general public. I think this is a bad idea. I agree education is important, but this is not the way to go.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Senator Berman, I'm having some difficulty with some of the new language inserted in SJR 130. Why

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did you insert the word "citizen" as having a fundamental right of equality of educational opportunity?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

I'm -- I'm not sure I understand what the gist of your question is.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator Berman, how would you define "citizen," as it refers to Article X?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

Anyone who can go to school in Illinois is a citizen.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator Berman, I -- I'm not an attorney, but I did go through the Constitution. I read through it, and I had staff attorneys research the Illinois Constitution, as well as the Statutes, trying to find a definition of "citizen," and was told that, in fact, there is no language that specifically defines what a "citizen" means in the Constitution or in the Statutes. Current language in the Article, in Article X, as well as in other places in the Constitution, refer to persons, people, members, as well as individuals. On the other hand, specific references to the rights of citizens, rather than individuals or persons, in the current Constitution include the right to vote, the right to bear arms and the right to seek public office. And everywhere else, all persons are -- or have the rights to religious freedom, speech, assembly



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and other rights as established in the Constitution. Senator Berman, your language, as I read it, is flawed, in that it guarantees educational opportunities specifically as a fundamental right of each citizen; thereby, it may exclude all persons of Illinois who are not citizens, as -- as defined in federal law, which, I believe, is what we in Illinois go by. And I just cannot support this amendment, which -- which may, I believe, create a dual-class system in education in Illinois. What I mean by that is, in the one class we would have people whose rights are not denied by the Constitution as defined in Section 24 of the Bill of Rights, and the second class, or the other class, whose rights as citizens are guaranteed the quality of education under Article X. And I believe that Senate Joint Resolution No. 130 is flawed and is unacceptable, and I don't think we should support it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

I'm glad you raised that question, because if you had that question as to what "citizen" means, there may be others. And for the record so that there is no misunderstanding, inasmuch as you've acknowledged that you could find no definition of that word, let me indicate for the record that the word "citizen" is a similar use as the word "persons" in the first paragraph of this, and it means everyone - every child that would have the opportunity to enter a public school in Illinois from kindergarten through twelfth grade - is included within the word "citizen."

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Dudycz.

SENATOR DUDYCZ:

Just briefly: I understand your legislative intent, but how -- I don't know whether that would apply when you're dealing with the Constitution of the State, not a simple piece of legislation. And

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when you're talking about defining "citizen," I think that those that are learned in the law would -- would be able to -- to describe "citizen" as -- as defined by the federal law.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, and specifically to sponsor -- Senator Berman. I have four major concerns with this, although I think all of us wish to do as much as we can for education in this State, and certainly do have the responsibility to do significantly more than we have to this point. The first problem I would have - I suppose as being Minority Spokesman on the Senate Health and Human Services Committee and somewhat dovetailing to what Senator Fawell has said - there are innumerable questions that come before our committee of a social service nature, which you can see already coming down the road are going to be significantly greater. For instance, and in my readings, the year 2010 is already projected as to be a time when those who are HIV positive will now be kind of blossoming forth in full-blown AIDS; baby boomers will already be reaching their seniority and will be asking for pension benefits, home health care, for various other health care problems that they will be facing, in a significant sum as Illinois ages; our cocaine babies, which are now very, very small, will have reached adulthood - their problems will have magnified. And again, the year 2010 is used kind of as a point of blossoming for those three major areas of endeavor alone to be fully impacting on the State of Illinois, both socially and financially. I think we have to look, too, at the question of what the word "predominant" means. I'm not sure that I know; and, having come out of a journalism background who likes to play with words, I can define "preponderant" in all sorts of different ways. Not being an

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attorney but knowing that attorneys love to split hairs, and since attorneys grow up to be judges, they would fall into that category as well. I'm wondering that by passage of something like this if, indeed, we do not turn over the responsibility that is currently legislative for determining how much money we are going to be giving out on any given program, or what will be a priority program, or to what extent it will be a priority program - are we not ceding that right to the Judicial Branch, to ultimately have some judge somewhere down the road, who feels creative and likes to think of him or herself as a wordsmith, determining that "preponderant" is the great majority of our budget, leaving but crumbs to all of these other programs that are out there. I think by putting forth an amendment like this, you also create an atmosphere where you would open the door to other groups having other problems to also seek Constitutional Amendments so that they can determine what will be on the front burner. The -- this legislative Body is elected to determine what will be the priorities, what will be on the front burner. And I think we all understand that very often our priorities are all number one, because they all come at the same time and they all beg for need. The other and fourth and final question and problem I would have with this: I don't see that this in any way impacts changes or makes fairer the current school aid formula which the public, in having to vote on this type of a referendum issue, is, by and large, unaware of. I find most of my constituents don't even know there is a school aid formula, which basically determines how State funds are spread throughout the State. Representing a suburban area, I can tell you that my people are usually struck by the fact that they pay significantly more in monies that they never get back for their schools, because those monies are sent elsewhere, courtesy of that school aid formula. So as long as that stays intact, you can put predominating monies into education

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all you want, but, by and large, it will not change the very sad state of the amount of money that the State funds for suburban schools. And on the basis of those four reasons, unless you can give me something contrary, I can't see how I can support this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? The Lady from Cook, Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I am hopeful that this will receive bipartisan support, and I certainly applaud Senators Berman and Maitland for going on record to give it that impetus. Before I came into this Body, one of the last events I attended as the executive director of an organization that dealt with children, was to spend a day in Washington, D.C., and part of that time was spent in the White House listening to the representatives of the President and of his initiative for Education 2000 to talk about the priority of educating the children of this country. Most recently, a few weeks ago, we heard similar discussions and a similar speech from the Governor of this State. So I would hope that that would be in our minds as we look at this resolution, which merely goes on to the voting public to permit them to tell us whether they, in fact, agree with what seems to be a general sensibility throughout the country that children should come first, and that the proper place to begin with that is in the home, and certainly next to that, the school. So I would hope that today we would not confuse what seems to be an underlying discussion here about whether indeed there are enough revenues within the State at this particular moment with whether or not educating our children, who are certainly the most fundamental and important resource we have in our State, and making that a priority. So I would hope that we would get bipartisan support for this and let this go forward as a message that we in Illinois value our children very much. Thank you.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from DuPage, Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I've tried to give this question serious thought, as I know all the rest of you have, and in my mind, certainly education is a prime concern of each and every one of us here. But I'm wondering if there isn't a consideration that perhaps we've overlooked when we begin to pick out one aspect of our activities and our concerns and call that the primary and, through a Constitutional Amendment, make that the primary goal of State Government. Now I'm buttressed in my thinking on this by what I read in the Preamble to the Constitution of the State of Illinois, where it mentions being grateful to Almighty God and so forth, "order to provide for the health, safety and welfare of the people; maintain a representative and orderly government; eliminate poverty and inequality; assure legal and social economic justice; provide opportunity for the fullest development of the individual" - which I think is partly where Senator Berman's thoughts are on this, certainly, and he's to be commended for that - but to also "insure domestic tranquility; provide for the common defense; and secure the blessings of freedom and liberty to ourselves and our posterity." Now there's a long -- rather long list of concerns that the framers of the Constitution of the State of Illinois - patterned somewhat after, of course, our Federal Charter - seemed to feel were important, and nowhere in there is a suggestion that we should take one of those concerns and make it the primo - or prime - concern over and above another. And I'm just wondering. That -- that bothers me, because I think all of these concerns are of perhaps equal importance. Because where will we be with -- with -- with one - with education - if we don't have liberty and freedom, or if we don't have a host of the other things that are

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mentioned here? So I'm wondering if there isn't some food for thought here. I could see myself possibly - I'm not sure yet - voting for this here so that the people themselves can debate the subject; they can discuss it; they can think about it. It would make for lively debate - that's for sure, Senator Berman. But I'm not sure that when it hit the public that, in its present form, I could vote for it for the reasons that I have mentioned. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Perry, Mr. -- Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I was a member of the Constitutional Convention, and I thought I ought to rise on this. I think that we're blaming our trouble with schools on something that's not to blame. Article X of the Constitution is not causing the problems that we're involved with. We're -- some of the problems are caused because we don't have enough money. If Senator Berman wants a tax increase and doesn't want to vote for it here on this Floor, he might want to put it on the ballot and see if the people want it. That is what this is, in disguise. This is a tax increase. I think it could be as much as a billion dollars, if the courts were to start telling us how much we had to spend for education instead of letting the Legislature do it. I -- I noticed in debate -- we heard about this bill - or this Constitutional Amendment - day before yesterday -- those of us who at least weren't on the -- on the committee or on the task force that was working on education. I might say that - as Senator Hudson said a while ago - there are other equally important things that we have to do. You can't educate a kid when it's hungry, when it's not clothed, when it can't get to school. But we are saying in this that a fundamental right, instead of a goal. In the Constitutional Convention, I remember we argued and debated -

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I guess we should say - for at least three or four hours whether we should use the word "a" or "the" fundamental goal. First word of this -- of this Article was debated quite extensively. And we decided we should say "a fundamental goal" should be the primary responsibility of the People of Illinois for education. And we're changing that to paramount right. And I think that this is wrong. A fundamental right is also to have other things. I think there is nothing wrong with the Constitution. If it ain't broke, don't fix it. Let's leave this -- let's defeat this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from DuPage, Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. First of all, I'd like to set the record just a little bit straight. In his opening remarks, Senator Berman said that he and Senator Maitland decided on this -- this course of action because the courts have determined that we have not met our mandate -- that we have not sufficiently met our mandate in the present Constitution. I presume he's talking about the court case that has been filed against the State, but I do want to tell all of you people that it has not determined a thing. The courts have not acted on that -- those complaints, and so certainly there has been no determination yet. He also talks about how the Governor, the President and all of us run around the State saying that education is our priority. Well, in most cases, I am sure that is true. But in this amendment, he's changing priority, he's changing goal, or objective, or wish, or desire, to right - and believe me, Ladies and Gentlemen, that is a big, big change. And I think that if we are going to make such a critical change - and again I quote Senator Berman from this green paper - he says that -- not quite as tall as I thought. He says that this -- "This is a critical change to the 1970 Constitution." And that's absolutely true. It is critical. Of all the issues that

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we debate this year - and I'm sure we'll be -- debating -- casino gambling, and airports, and flooding problems, and budget problems and other issues - of all the issues we debate this year, a change in our -- in our Constitution detailing how we're going to fund and what we're going to do about education for the children of this State for the future, I believe, is the most important issue that we're going to be debating this year. And how are we getting the information to debate this Constitutional Amendment, and what kind of time limits do we have? Two days. I am on the task force that Senator Berman talked about. I'm also the Minority Spokesman on the -- Senate Education Committee, and I did not even know about this Constitutional Amendment, or see any wording, until two days ago - Tuesday afternoon. Now I'm not saying I'm put out by that; I'm not - except that we're all put out by that. Why should we debate or think about voting on a Constitutional Amendment that has such far-reaching impact on the citizens of our State, in two days, when we have really not an awful lot of idea yet what the impact of this is going to do? And I don't -- I'm not concerned about preponderant, or primary, or paramount, as adverse, or whatever. I'm concerned that we are taking this up in two days' time of study. Now I've been told that the reason for this is because of this court case that I mentioned, and that we have to change the -- the Constitution so it will go along with a proposal from the task force for a change in the school formula. Well, I want to tell you, Ladies and Gentlemen, the task force doesn't have a proposal yet - not complete. I'm not at all sure that it's going to have a proposal that's agreed upon. If it does have a proposal and it comes out as legislation, we're not at all sure that it's going to be passed here. The court case, I understand, is in trouble - may be withdrawn. If it's not withdrawn and they do, in fact, rule against us, it's going to be years before they do, very probably. And in all the other court cases that were



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decided against the states, they were never told what they had to do. The courts simply told them that they should go and do something better and change it. This leaves us years, Ladies and Gentlemen, to debate what we're going to do about education funding or education in Illinois. There is no reason for the haste and the hurry to pass this amendment today. If it's a great Constitutional Amendment today, Senator Berman, it'll be a great one after we've had a year of public hearings and we've had -- the Education Committee can look at it, and the task force can look at it, and everybody in the State can look at it. I ask for your No vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Franklin, Senator Rea.

SENATOR REA:

Thank you, Mr. President. A point of special privilege.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Proceed.

SENATOR REA:

Today we have a special guest with us, a person who has served in the Illinois Senate and is presently serving in Congress, our friend, Congressman Glenn Poshard.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Let's give a warm welcome to a former colleague and a great Congressman. Glenn, good to see you. Any further discussion? The Gentleman from Cook, Senator del Valle.

SENATOR DEL VALLE:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR DEL VALLE:

Senator Berman, on the use of the word "citizen," can you once again define "citizen" as it appears here?

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

Yes. Senator del Valle, the word "citizen" here is not used in the limited technical sense that was raised by Senator Dudycz in relation to the Federal Constitution and U.S. citizenship. The word "citizen" here is a descriptive word to expand on the words "fundamental right of each citizen." The word "citizen" in the second paragraph is the same meaning as the word "persons" in the first paragraph, where again we talk about "the educational development of all persons to the limits of their capacities." The fundamental right of each citizen is the same as the fundamental right of each person. Again, if you can be educated in the elementary and high schools of Illinois, this applies to you, whether you have a citizenship or not. We have thousands of children in the schools of Illinois that are not technically citizens of the United States, but it is our obligation under our present Constitution, under the Federal Constitution, and under this proposal, to educate those children.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? The Gentleman -- Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, I noticed that when Senator Berman made his opening remarks, he lamented the fact that now two-thirds of our money is coming off of property taxes, and only about one-third from the State level off of the income tax and our other sources of taxation here. And yet, I think I would point out - and I think probably Senator Berman would agree with me - that there's really nothing in this proposed amendment that suggests that in any way it's going to curtail the ability of the General Assembly to keep on raising money for education off of the property tax. I, too, am one of them around here that serves as a

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member of this special task force. I have been totally disappointed by the work of the task force, when the only thing that they apparently are going to be willing to propose is a slight reduction in property taxes by way of an additional one thousand dollars of -- of deduction on your income tax for the school portion of that tax, which translates to a lousy forty bucks of tax relief for most people. And for about one-third of the districts in this State, of -- the majority of which are downstate, it's going to amount to a significant property tax increase upon these people. And I have a feeling when this amendment is proposed next fall that there's going to be a lot of people running around the State in behalf of this, saying, "Boy, you know, you're going to get a big reduction in your property tax if you vote for this amendment." It just simply isn't going to be true. The only way, I think, that we're ever going to achieve anything in this particular area, if we're going to make any significant shift, is not going to come in the form of a Constitutional Amendment, unless you specifically want to put that in that proposed amendment. But I don't see any inclination on the part of the sponsors here to include any language to that extent in this Constitutional Amendment. So, I guess I feel a little bit like I do on some of the issues that have come before our special task force, that I'm kind of disappointed in what is not being said.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I have a question, I think, for every person in this Chamber today, and it's simply this: If this were on the books today, or a -- excuse me -- if this were on the books in the past, would you have changed your vote in any way? Truly would you have changed your vote? Would you have spent

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money any differently? We've always had a commitment to education. I just don't understand the -- I guess one of the endemic problems with a deliberate Body is it falls in love with words, and these are nitty-gritty words in so many cases. We always have two options: one is to either reduce spending on one thing; or second, in order to make up a different kind of a commitment where the second part of it is to raise taxes. And with this on -- on the books, what's new? I can't figure out what could possibly change in our own minds and in our own hearts.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Knox, Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. Will the sponsor yield for some questions? I share some of the concern with the fact that this has only been before us for two days. And while I agree that education is our absolute top priority as a Legislature, I also believe that it is our responsibility as a Legislature to fund education. And I have some concern about possible judicial intervention or the judicial takeover of the funding of education. And I guess I'd like to ask some questions about -- about what your language intends and what it doesn't. I have read over the prepared question-and-answer remarks, and I don't believe that they address the questions that I'm going to address briefly to you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He indicates he'll yield.

SENATOR HAWKINSON:

Thank you. First of all, although the language doesn't say it, I understand from your previous answers that this is directed at elementary and secondary education, as opposed to higher education. Is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Berman.

SENATOR BERMAN:

Yes.

SENATOR HAWKINSON:

Secondly, I -- I happen to agree with Senator del Valle and others, I think, that the use of the word "citizen" was an unfortunate one in here, and your answer has seemed to indicate that you don't really mean citizen, but that you mean child and every child, whether legal alien or illegal alien, who's entitled to be educated in our elementary and secondary schools. And that's correct, I understand, from your prior answer, so I won't re-ask it. You've not placed any percentage of funding in here, and I assume that you don't intend to give a judge or a court authority under this Constitutional Amendment to say that all of education funding in Illinois is a responsibility of the State or any other set certain percentage. Is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

Let me -- let me answer that question in -- in this way. I call your attention to the -- to the sentence, the last sentence of paragraph two. "The State has the preponderant ...responsibility for financing the system of public education." I want to specify what the legislative intent of that is. It is not intended to mean that if the total cost - total cost - of education in Illinois today -- if we took a snapshot, and the total cost is six -- six billion dollars, it does not mean that tomorrow we must appropriate three billion and one dollars. It does not mean that. But what it does mean is that the State has the obligation to be the funder of more than half - meaning preponderant - more than half of the cost of an adequate education for every child. And let me translate what that means. The Task

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Force on School Finance has gone through a methodology to determine today what should be the cost of an adequate education - adequate, high-quality education - for every child in Illinois. Now to use a -- an example: I'm not talking about a Cadillac education, but I'm also not talking about a -- a tricycle, or a Schwinn bike, or even maybe a Chevrolet. I'm talking perhaps an Oldsmobile - a quality education and an adequate education in this time and under these circumstances. The task force has said that the cost today for that kind of an education for a child in Illinois - a normal child in elementary education - is about thirty-nine hundred dollars. Let's round that off, four thousand dollars. If we've got four thousand -- four thousand dollars per child is adequate, and you have X-number of children, you multiply the four thousand dollars by the number of children, and this would say that the State must fund a dollar more than half of that -- a dollar amount. So we're not paying half of the cost of a Seneca that's spending twelve grand a kid, but we're not spending -- you know, but we do recognize that there is an adequacy level, and that is the measure of preponderant responsibility of the State.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR HAWKINSON:

In that regard, Senator Berman - and I appreciate that explanation and particularly the last remark - we are not saying that any individual school district, if it happens to be of a Cadillac variety, can come in and insist under this amendment that the State pick up more than half of that individual school district's financial burden.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

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That is correct.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Do you also agree that the measure of adequacy of an education measured Statewide, which you've described as something that the task force is dealing with, is a somewhat subjective concept and will remain a determination, with the aid of task force, to be sure, but a determination that ultimately must rest here with the Legislature?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

Exactly.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson. Any further discussion? Gentleman from Cook, Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President, and I apologize for rising a second time, but, Senator Berman, I understand your -- your legislative intent, but the current language in the Constitution is very, very clear. Only citizens in Illinois have the right to vote. Only citizens have the right to bear arms, and only citizens have the right to run for public office. And under that definition -- this Senate Joint Resolution defines citizens as being the only ones guaranteed equality of educational opportunities as a fundamental right.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman. Citizen Berman.

SENATOR BERMAN:

I may go back to elementary and secondary school for this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Maybe we all should.

SENATOR BERMAN:

Senator Dudycz, this does not deal with voting. I'm not an expert. You are. It does not deal with bearing of arms. Part of the problem is that we have too many children bearing arms, and some of whom are not citizens. This deals with the people of Illinois who can get an education, and that is what it's all about. We've said it five times, and that's what it means.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Very quickly: How many people in this Body are satisfied with the way school funding is done in Illinois? How many people are satisfied with the reliance of property taxes for education in the State of Illinois? How many people are satisfied with the one-thousand-percent inequity in the revenues collected per pupil by school districts in the State of Illinois? Somebody said that this piece of legislation...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me, Senator. Can we have your attention, please? Gentlemen. -- Gentlemen. Please proceed.

SENATOR DeANGELIS:

Somebody said this bill would have a far-reaching impact on education and educational funding in the State of Illinois. So I guess the proposition ought to be put very simply: "If you're satisfied with what's going on, vote No; if you think it ought to be changed, vote Yes."

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from McLean, Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. Debate has been long and difficult and thorough. But



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I want to respond, I guess, to -- to two or three comments that have been said. Let me go back to a point made by -- by Senator Fawell. She indicated to you the number of other areas that she's involved with: boys and girls, boys and girls in trouble, abused children, and the list went on and on. But she didn't tell you that these same boys and girls get a preponderance of their money and additional money, and a disproportionate share of their money, from this very educational budget. She didn't tell you that. But that's a fact of life. Senator Topinka, you mentioned similar concerns and the fact, years ahead, there are going to be greater and greater and greater social problems that we have to deal with; therefore, probably education should not be one of the major areas of concern, or the primary concern, or a preponderant concern, or what have you. But let me tell you that many of the reasons that our social problems continue to grow in this country, and continue to grow in this State, is because of our unwillingness to put our money where our mouth and are concerns are - in education first. And that in itself will help to stabilize and reduce the growing social problems, and we cannot and we must not ignore that. Senator Rigney, I cannot let this debate end without cleansing the record of the Task Force on School Finance, upon which you sit, and upon which I sit, and several other Members sit. I am disappointed at your comments because there have been major - major - goals reached and are hanging out there waiting for a final vote. One of the major ones was a description of what an adequate education is in this State, and that took us a lot of time. Long before you were even on the task force we dealt with that. So we have made tremendous progress and will continue to move forward. Senator DeAngelis mentioned the property tax issue, and indeed -- and indeed there is nothing on the horizon in the task force report that aggressively deals with that. And yet this Constitutional Amendment that we are talking about today responds

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to the concerns of every one of your constituents that I've heard for the last fourteen years and you have as well. Every speech you've ever given, seventy-five percent of the conversation deals with education, and in the Q-and-A period, it's always, "Senator, why don't -- why doesn't the State spend more or send to the school districts more money?" And we always say, "Gosh, Bill, I'm trying, I'm really trying. I know we're supposed to do it about fifty percent. I'm trying." This puts teeth in it, Ladies and Gentlemen. This absolutely does. This Constitutional Amendment has nothing to do with the lawsuit. Nothing to do with the lawsuit at all. This is prospective. This is prospective, and this is going to put Illinois on the map, nationally. And let me close by telling you why. In 1985, this State passed the Educational Reform Act, an Act that was heralded around this nation as one that addressed the needs of a nation at risk and other reports that were critical of elementary and secondary education. And we arose to the need of boys and girls who were at risk of academic failure. That's where our educational problem is. And we did it. And we did it. And other states copy us. We're not funding it adequately, but they are copying us. Then we addressed the concern with Chicago Reform; something both sides of the aisle felt strongly about, because those boys and girls in that great city had just as much a right to a quality program as anyone else. And we passed it. And then a year ago -- and then a year ago, we passed accountability legislation with business, and industry, and education - every citizen in this State on board - saying education is important - is important - the most important thing. And we're going to demand that a school district year after year, be evaluated against itself and show improvement, or we're going to know why -- we're going to know why. And business said, "We're with you," and now we're coming down the final road to home. We've got to fund that great system. And I hear concerns

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on the Floor of the Senate today that the language is a little bit confusing in this amendment, that it may not do what we want it to do. My gracious, folks, let's don't lose it now. The task force report's coming to closure. Let's put it on the ballot, and let's see if these eleven and a half million people in this State feel - as I hope all of us do - that we've got to fund this great system and do it right. I urge your support of this Constitutional Amendment. Thank you.

SENATOR LECHOWICZ:

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm going to be brief. Yesterday I posed a number of questions to Senator Berman, because I too was concerned that I had not seen this language until a couple of days ago, and had the same concerns as Senator Karpel had, and raised obviously some questions yesterday about the language. I've had an opportunity to discuss this language with some of the individuals who were involved in the 1970 Constitution. And frankly, I think Senator Dunn made some comments with respect to the Constitution of 1970, as well. Ladies and Gentlemen, it doesn't work. It hasn't worked. That language that has been in the 1970 Constitution has now provided us with about - what is it? - about thirty-eight percent of the support of education in Illinois. In 1976 we came close to the fifty percent. I think we came about two percentage points from it. I think we were around forty-eight percent. But I've had an opportunity to look at this. I've had an opportunity, also - as any citizen would - to look at the terminology and the wording of the amendment by virtue of the dictionaries. The fact is that I believe that this is something that we really need to do. Senator Maitland was absolutely correct. I've been here eighteen years and I don't think there has been not one of us in

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eighteen years who hasn't gone around in all their legislative districts saying that we believe that education ought to be the number one responsibility and primary objective and primary goal of Illinois -- from the State of Illinois. We haven't done it. It's gone down. I don't know if this is going to achieve that which we expect, and which we hope. Why, certainly none of us quarrel with the end result. The end result must be that we have to increase the support for education in Illinois. Let me simply say that I don't believe my ears by these individuals who have come today and who have argued that education ought not to be the priority of Illinois. Certainly, it should. This is an election year. Certainly the debate with respect to this Constitutional Amendment will -- will sort out those who believe that education is in fact going to be the priority in Illinois, or it is not. The word "paramount" - and I go from the dictionary - means foremost in importance; preeminent; superior to all others. In short, it is the first duty of the State, and we must consider it. And I would urge your support for this amendment today. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Berman, to close.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen. Couple of fast comments. Senator Karpel, you didn't listen; I did not say that the reason for this is the lawsuit. Senator Ralph Dunn, you said, "If it ain't broke, don't fix it." It is broke; it is broke. It is broke, and that's why we have inequities; we have inadequacies. We have an overreliance on real estate taxes because the courts have said that the language in the present Constitution that says the State has the primary responsibility for financing the system of public education -- that that language is only advisory. It doesn't make us do anything. That's what

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the courts have said. That's why it's broke. That's why it needs fixing. The roll call now is not on whether we want to debate any single language here; we've been debating this beautifully. The question that you are now to vote on is whether the voters on November 3rd will have the chance to vote on the question of the issue of the State's commitment to education. If you think the voters should have that opportunity to voice their opinion, vote Yes. If you think the voters should not have the opportunity, vote No. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Joint Resolution 130 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 38 Ayes, 14 Nays, 1 recorded as Present. And this matter, having received the constitutional majority, is hereby declared passed. Senate Joint Resolution 130. The Lady from DuPage, Senator Karpziel, on a point of personal privilege.

SENATOR KARPIEL:

Personal privilege is to respond. I never said you said it was because of the court suit. I said you said the courts determined and that -- that we are -- right now. But that's not what I'm rising for, I'm rising to verify.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

You're entitled to that. Senator Hudson, you rising for the same purpose? Would the Membership please be in their seats. Madam Secretary, would you please verify the roll call.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Butler, Carroll, Collins, Cullerton, DeAngelis, del Valle, Demuzio, Di Turi, Donahue, Thomas Dunn, Hall, Hawkinson, Holmberg, Jacobs, Jones, J.J. Joyce, Kelly, Lechowicz, Leverenz, Luft,

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Madigan, Mahar, Maitland, Marovitz, Munizzi, O'Daniel, Palmer, Rea, Severns, Smith, Vadalabene, Watson, Weaver, Welch, Woodyard and Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpziel, any questions of the affirmative vote? I'm sorry.

SENATOR KARPIEL:

Senator Marovitz.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He's on the Floor, ma'am. He's here.

SENATOR KARPIEL:

Yes. Thank you, Mr. Speaker.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

On this question, there are 38 Ayes, 14 Nays, 1 recorded as Present, and this Constitutional Amendment - Senate Joint Resolution 130 - is hereby declared passed. Okay. Committee Reports. One moment, ma'am. Senator Hudson, what purpose seek recognition?

SENATOR HUDSON:

The purpose of an introduction, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please proceed.

SENATOR HUDSON:

In the President's Gallery is a group of eighth grade students from Thompson Junior High School in -- from Oswego, Illinois, and they are down here with their teacher, Mr. Tom Fletcher, who has brought groups down here for seventeen consecutive years now, and I would introduce them to the Senate.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Let's give them a nice warm cordial welcome. Welcome to Springfield. The Senator from McLean, Senator Maitland, what purpose seek recognition? Maitland.

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SENATOR MAITLAND:

Thank -- thank you very much, Mr. President and Members of the Senate. With leave of the Body, I would like to ask that Senator Richard Luft be served as a -- be shown as a hyphenated co-sponsor to Senate Bill 1546.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Hearing no objections, so recorded. Lady from Lake, Senator Geo-Karis, what purpose seek recognition? Yes.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, immediately after adjournment we have a Republican Caucus in Senator James "Pate" Philip's Office. Republican Caucus.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

We've got just -- we just have a few more items before we get to announcements, if I could, please. Madam Secretary, let's continue with the Committee Reports.

SECRETARY HAWKER:

The Rules Committee met on Thursday, April 23, 1992. The attached list of Senate Bills were unanimously recommended for referral to the Committee on Assignment of Bills.

Filed by Philip J. Rock, Chairman.

Senate Bills 436, 969, 1440, 1468, 1491, 1541, 1600, 1605, 1631, 1663, 1665, 1722, 1731, 1736, 1765, 1766, 1768, 1796, 1803, 1856, 1929, 1995, 2044, 2045, 2056, 2072, 2107, 2114, 2119, 2125, 2127, 2159, 2176, 2177, 2180, 2199 and 2217.

Senators Demuzio and Lechowicz, Co-chairmen of the Committee on the Assignment of Bills, reports the assignment of the following bills to committees: Agriculture and Conservation - Senate Bill 2177; Elementary and Secondary Education - Senate Bills 2199, 2217 and 1736, (2072) (Bill within parentheses submitted in writing, but inadvertently not read into record); Energy and Environment - Senate Bills 1765, 1766, 1768, 1929, 2176

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and 2180; Executive - Senate Bills 1541, 1600, 1605, 1856 and 2127; Insurance, Pensions and Licensed Activities - Senate Bills 1803, 2056, 2119, 2125; Judiciary I - Senate Bills 2045 and 2159; Judiciary II - Senate Bill 2114; Labor - Senate Bill 1722; Local Government - Senate Bill 1995 and 1731; Public Health, Welfare and Corrections - Senate Bills 1491, 1631, 2107 and 1663; Revenue - Senate Bills 1665, 1796 and 2044.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Resolutions.

SECRETARY HAWKER:

Senate Resolution 1197 offered by Senator Rea.

It is a death resolution.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Consent Calendar. Consent Calendar, please. Have there been any -- any objections or additions and corrections to the Consent Calendar?

SECRETARY HAWKER:

There have been no objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please proceed with the Consent Calendar. Would you kindly add the ones that were introduced today, as well?

SECRETARY HAWKER:

Additional resolutions added...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me. Is Senator Marovitz on the Floor? Would you please



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see the Chair?

SECRETARY HAWKER:

Additional resolutions added to the Consent Calendar are Senate Resolutions 1192, 1193, 1194, 1195, 1196 and 1197.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

All those in favor of the Consent Calendar, signify by saying Aye. Opposed. The Consent Calendar's adopted. Senator Marovitz, purpose of a request? Marovitz, please.

SENATOR MAROVITZ:

Thank you, Mr. President. I would ask leave to have Senate Bill 2201 transferred from the Committee where I have a problem with the Chairman, and I don't want it there - in the Executive Committee - to the Consumer Affairs Committee, to be heard on -- on Tuesday. I -- I spoke with both Chairmen involved and would just like the bill re-referred from the Executive Committee to the Consumer Affairs Committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz moves that the appropriate rules be suspended to have Senate Bill 2201 be moved from the Executive Committee to Senator del Valle's Committee. Hearing no objections -- hearing no objections, it's granted. Any further requests? Senator Margaret Smith.

SENATOR SMITH:

Thank you, Mr. President. I want to announce that the Health, Welfare and Corrections Committee will meet directly after this meeting, in Room 400. It will only be two bills, but it's important. Please, and you will be gone in fifteen minutes. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. The Election and Appropriation

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<sic> Committee will not meet. We have one bill; it'll be carried over to next week. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

God bless you. Anything else? Resolutions. Adjournment resolution.

SECRETARY HAWKER:

Senate Joint Resolution 149 offered by Senator Demuzio.

(Secretary reads SJR No. 149)

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio, on the adjournment resolution.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Joint Resolution 149 is the adjournment resolution. When we adjourn here in a few moments, it calls for us to come back next...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Tuesday.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Next Tuesday, April the 28th, at the hour of high noon - twelve noon. I would move to suspend the rules for the immediate consideration and adoption.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

All in favor, signify by saying Aye. Opposed. Ayes have it. The Senate stands adjourned till Tuesday, April the 28th, at twelve noon. Have a nice weekend. Senate stands adjourned.

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