

80th GENERAL ASSEMBLY

REGULAR SESSION

APRIL 20, 1978

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. The Senate will come to order. Prayer by Senator
3. Vadalabene. Will the guests in the galleries please rise.

4. SENATOR VADALABENE:

5. (Prayer by Senator Vadalabene)

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Reading of the Journal. Senator Sangmeister.

8. SENATOR SANGMEISTER:

9. Mr. President, I move that the reading and approval
10. of the Journals of Thursday, April 13th, Friday, April
11. 14th and Wednesday, April 19th in the year 1978 be postponed
12. pending arrival of the printed Journals.

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14. Heard the motion. Those in favor indicate by saying
15. Aye. Those opposed Nay. The Ayes have it. The motion
16. carries. Committee Reports.

17. SECRETARY:

18. Senator Carroll, Chairman of the Appropriations I Committee,
19. reports out the following bills: Senate Bill 1514, 1571
20. and 1578 with the recommendation Do Pass.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. A Message from the House.

23. SECRETARY:

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

25. Mr. President - I am directed to inform the
26. Senate that the House of Representatives has passed a bill
27. with the following title in the passage of which I am instructed
28. to ask the concurrence of the Senate, to-wit:

29. House Bill 2669.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Rules. Resolutions.

32. SECRETARY:

33. Resolution 327, offered by Senator Berning, it's

1. congratulatory.

2. Resolution 328, offered by Senator Mitchler, it's

3. congratulatory.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Consent Calendar. Stand at ease. Senator Mitchler.

6. SENATOR MITCHLER:

7. Mr. President and members of the Senate. In the President's

8. gallery, are members of the Aurora Board of Realtors who have

9. been in Springfield as a small group of ten observing the

10. Illinois General Assembly and visiting around the Capitol

11. Complex. They also attended the Governor's Prayer Breakfast

12. this morning. I would ask that they would please rise and

13. be recognized by the Senate.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Please rise and be recognized.

16. SENATOR MITCHLER:

17. The Aurora Board of Realtors lead by Darrell Garr,

18. the president. And also, members of the Senate and Mr.

19. President, in the President's gallery are some members of the

20. Veterans of Foreign Wars and the American Legion, the Marine

21. Corps League and the Amvets that are contacting members of the

22. Senate on Senator Maragos' House Joint Resolution Constitutional

23. Amendment 29. I'd like to have them rise and be recognized by the

24. Senate.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Bloom, for what purpose do you arise?

27. SENATOR BLOOM:

28. Thank you, Mr. President. While we're on this Order,

29. there...

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. That's out of order, but we'll let you go.

32. SENATOR BLOOM:

33. Oh, all right. Thank you. There is a group of...from

1. my district in Peoria from the Academy of Our Lady,
2. Spalding...now, now, no girls. I'd ask them to stand and
3. be recognized by the Senate.

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. Please stand and be recognized.

6. SENATOR BLOOM:

7. Thank you.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. The Rules Committee is still in session, so we'll...
10. just a moment. They're about to...Senator Rock. Resolutions.
11. Senator Rock.

12. SECRETARY:

13. Senate Joint Resolution 76.

14. (Secretary reads SJR 76)

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Senator Rock.

17. SENATOR ROCK:

18. Thank you, Mr. President and Ladies and Gentlemen of the
19. Senate. Senate Joint Resolution 76 is the adjournment resolution.
20. It calls for us to conclude our business today and return next
21. Tuesday at the hour of noon and I would move for the suspension
22. of the rules and the immediate consideration and adoption
23. of this joint resolution.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. Heard the motion. Those in favor indicate by saying Aye.
26. Those opposed Nay. The Ayes have it. The rules are suspended.
27. Senator Rock now moves for the approval of the motion. Those
28. in favor indicate by saying Aye. Those opposed. The Ayes
29. have it. The motion carries.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Is there leave to go to the Order of Senate Bills, 3rd
32. reading? Leave is granted. Senate Bill 1602, do you wish to have
33. that called, Senator Hynes? Read the bill, Mr. Secretary.

JCR 29
H-20-78

1. SECRETARY:

2. Senate Bill 1602.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Hynes. I would alert the members that we are on
7. 3rd reading and on passage stage. Senator Hynes is recognized.

8. SENATOR HYNES:

9. Mr. President and members of the Senate. This is a transfer
10. bill. It transfers within the appropriation of the General
11. Assembly. There is no increase in the appropriation and I would
12. ask for your support.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Is there discussion? Is there discussion? The question is
15. shall Senate Bill 1602 pass. Those in favor vote Aye.
16. Those opposed vote Nay. The voting is open. Have all voted
17. who wish? Have all voted who wish? Take the record. On that
18. question the Ayes are 43, the Nays are none, none Voting
19. Present. Senate Bill 1602 having received a constitutional
20. majority is declared passed. Is there leave to go to the
21. Order of Constitutional Amendments on 2nd reading...

22. Constitutional Amendments on 3rd reading? Is there leave?
23. Leave is granted. Senator Maragos, are you ready to proceed
24. on Senate Joint Resolution 29? We...Senator Maragos, I'm
25. informed that Senator Soper...has one of the amendments, is off
26. the Floor momentarily, so we will take this out of the record
27. for the time being. Senator Maragos is recognized.

28. SENATOR MARAGOS:

29. Mr. President, is it possible for us to go to House
30. Constitutional Amendments for reading and...have one...that's
31. House Joint Resolution Constitutional Amendment 29 that has to deal
32. with the veterans and it's on 2nd reading. If there's not any
33. opposition, we could move it to 3rd reading, if you call it.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. For what purpose does Senator Rhoads arise?

3. SENATOR RHOADS:

4. Point of Parliamentary inquiry, Mr. President.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. State your point.

7. SENATOR RHOADS:

8. I regret that I was not here yesterday when a ruling was
9. made relative to the amendment of joint resolutions
10. constitutional amendments. Is my understanding that if Senator
11. Maragos amends HJR-CA 29 today even though it's removing a
12. prior amendment, will we then revert to the first day of reading?

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. It's my understanding a ruling was made yesterday
15. that we will read the constitutional amendments three times in
16. their final form before we vote on them. So if they are...
17. amended in the 3rd...if amended on the 2nd reading stage then
18. we would then read them three times although the rule, I believe,
19. being considered by the Rules Committee and adopted would be
20. that amendments could only occur on the 1st reading. After that,
21. they would be...you would be precluded from amending them.
22. For what purpose does Senator Maragos arise?

23. SENATOR MARAGOS:

24. I think Senator Rhoads is confusing my remarks because
25. they both happen to be the same number. The House Joint
26. Resolution is 29 and the Senate Joint Resolution is 29.
27. I'm now referring to the House Resolution 29 which is
28. on 2nd reading dealing with the veterans groups and that's why
29. I would like, at this time, to just have it read. There are no
30. amendments being offered and...move it to 3rd reading so we
31. make it final passage next week.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Your question is answered, Senator Rhoads? All right.

1. Is there leave to go to the Order of Constitutional
2. Amendments, 2nd reading? Leave is granted. HJR Constitutional
3. Amendment 29. Senator Maragos.

4. SECRETARY:

5. House...

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. The Secretary will now read the amendment a second
8. time.

9. SECRETARY:

10. House Joint Resolution Constitutional Amendment No. 29.

11. (Secretary reads HJR-CA 29)

12. 2nd reading of House Joint Resolution Constitutional Amendment
13. No. 29.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Amendments? 3rd reading. For what purpose does
16. Senator Netsch arise?

17. SENATOR NETSCH:

18. Thank you, Mr. President. Could I just ask the
19. Secretary whether one word was inadvertently omitted?
20. When you were reading the provision, in the last sentence
21. where I believe the change is not proposed, you did not
22. read the word "rent." Is it still in there, "rent credits?"

23. SECRETARY:

24. "Exemptions or rent credits."

25. SENATOR NETSCH:

26. Thank you.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. The Secretary will read the last sentence as...as proposed
29. in the Constitutional Amendment.

30. SECRETARY:

31. "The General Assembly, by law, may grant homestead
32. exemptions or rent credits."

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. 3rd reading. For what purpose does Senator Mitchler arise?

2. SENATOR MITCHLER:

3. Mr. President and members of the Senate, I'd like leave
4. of the Senate to be added as a cosponsor to Senate Bill
5. 1617. The chief sponsor is Senator Davidson. I've cleared
6. with him.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. You've heard...is there leave? Leave is granted.
9. Leave to go to the Order of Committee Reports? Leave is
10. granted. Committee Reports. Mr. Secretary.

11. SECRETARY:

12. Pursuant to amended Temporary Rule 5, the Rules
13. Committee met at 11:00 a.m., April the 20th, 1978
14. and makes the following report: By unanimous vote, the committee
15. ruled that the following bills can be considered during the
16. Spring Session of the Senate: Senate Bills 1419, 1536,
17. 1546, 1630, 1687, 1691, 1702, 1747, 1760, 1761, 1762,
18. 1798, 1811, 1847. The foregoing bills were ordered to be read
19. a first time, printed and referred to the Committee on Assignment
20. of Bills. Signed, Senator Thomas Hynes, Chairman.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senate Bills, 1st reading.

23. SECRETARY:

24. Senate Bill 1419.

25. (Secretary reads title of bill)

26. Senate Bill 1536.

27. (Secretary reads title of bill)

28. Senate Bill 1546.

29. (Secretary reads title of bill)

30. Senate Bill 1630.

31. (Secretary reads title of bill)

32. Senate Bill 1687.

33. (Secretary reads title of bill)

1. Senate Bill 1691.
2. (Secretary reads title of bill)
3. Senate Bill 1702.
4. (Secretary reads title of bill)
5. Senate Bill 1747.
6. (Secretary reads title of bill)
7. Senate Bill 1760.
8. (Secretary reads title of bill)
9. Senate Bill 1761.
10. (Secretary reads title of bill)
11. Senate Bill 1762.
12. (Secretary reads title of bill)
13. Senate Bill 1798.
14. (Secretary reads title of bill)
15. Senate Bill 1870.
16. (Secretary reads title of bill)
17. Senate Bill 1847.
18. (Secretary reads title of bill)
19. 1st reading of the foregoing...foregoing bills.
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. Is there leave to go to the Order of Resolutions?
22. Leave is granted. Resolutions.
23. SECRETARY:
24. Senate Resolution 329, offered by Senator Hynes and all
25. members, it's congratulatory.
26. Senate Resolution 330, offered by Senator Hynes and all
27. members, it's congratulatory.
28. PRESIDING OFFICER: (SENATOR BRUCE)
29. Consent Calendar. I would remind the membership that if you
30. have congratulatory resolutions that you wish to be...have
31. placed on the Consent Calendar for resolutions, now is the time.
32. The Secretary is going to prepare the list and later today we will
33. adopt that...the Resolutions Consent Calendar. So, I would remind

1. you that now is the time. For what purpose does Senator
2. Regner arise?

3. SENATOR REGNER:

4. Mr. President and members of the Senate. Senator Hall
5. isn't here today, but I would like to take the opportunity
6. to introduce a group of children from St. Mary's in
7. Bloomington for Senator Hall today. They're in the
8. President's gallery, if they would please rise.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Would they please stand and be recognized by the
11. Senate. For what purpose does Senator Graham arise?

12. SENATOR GRAHAM:

13. Just for the information of the youngsters from
14. Bloomington. Senator Hall is, in fact, in Springfield,
15. Senator Regner and he is in another meeting. Yes, he
16. was here. He's gone to another meeting.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. All right. Is there leave to go to the Order of
19. Message from the Governor? Leave is granted.

20. Message from the Governor.

21. SECRETARY:

22. A Message from the Governor by Zale Glauberman,
23. Director of Legislative Affairs.

24. Mr. President - The Governor directs me to lay
25. before the Senate the following message: To the Honorable
26. members of the Senate of the 80th General Assembly.
27. I have nominated and appointed the following named persons to
28. the offices enumerated below and respectfully ask
29. concurrence in and confirmation of these appointments by your
30. honorable Body.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Executive Appointments. For what purpose does Senator
33. Maragos arise?

4/20

1. SENATOR MARAGOS:

2. It has been brought to my attention that Senator Soper
3. and a few others will be here in about ten minutes so
4. like...like all members of the Senate to know that we will
5. be discussing...I'm putting back Senate Joint...Senate Joint
6. Resolution Constitutional Amendment 29 back to 2nd reading
7. so those of them that want to propose any amendments to it,
8. please do so and I'll do so as soon as he arrives on the
9. Floor.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. All right. The Senate will be at ease. ...Graham.
12. Is there leave to go to the Order of Constitutional
13. Amendments, 2nd reading? Leave is granted. House Joint
14. Resolution Constitutional Amendment 22, Senator
15. Graham. Can we have some order, Gentlemen? We have some
16. amendments to House Joint Resolution Constitutional
17. Amendment 22.

18. SECRETARY:

19. Amendment...

20. SENATOR GRAHAM:

21. Mr....Mr. President and members of the Senate. I have an
22. amendment on the Secretary's Desk.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. Senator Glass has also offered an amendment which
25. came in first. Which...which...

26. SENATOR GRAHAM:

27. I think Senator Glass would yield to my amendment 'cause
28. we've incorporated some of his language in mine.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Glass is recognized.

31. SENATOR GLASS:

32. Yes, Mr. President, that is correct. The amendment
33. that I had offered, Senator Graham has incorporated

1. most of the provisions. I have a couple of technical ones
2. I may wish to offer later, but I would yield to him.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Would you withdraw your amendment, Senator...

5. SENATOR GLASS:

6. I...I withdraw my amendment.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. All right.

9. SENATOR GRAHAM:

10. Mr. President and members of the Senate...

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Graham is recognized to explain his amendment.

13. SENATOR GRAHAM:

14. We're now dealing with House Joint Resolution CA
15. 22 commonly known as the Taxpayers' Rights Amendment, which
16. has caused a considerable amount of consternation
17. during this Session. We have had a complete distortion of the
18. facts by many people with regard to what this may or may not
19. do. We have had a continuation of people mixing apples and
20. oranges and talking about expenditures when they should
21. have been talking about limitation on taxes. The original
22. intent of this bill was to place upon the Legislature,
23. a mandate that we could not levy taxes above seven percent
24. of the average personal income in the State of Illinois.
25. There was a big hue and cry that we were depriving many people
26. of many things including local taxing bodies and school
27. districts and after much discussion and many meetings,
28. we have proposed the amendment that is lying on the desks today.
29. This amendment raises the seven percent figure previously
30. incorporated or that is now incorporated in the bill, to
31. 8.5 allowing a larger percent to be applied to the...to the
32. latest local...latest known fiscal year personal income without
33. the possibility of reducing...reducing the...the current budget

1. by the one billion dollars that is claimed it would do.
2. With the increased percentage rate, there is no basis in
3. claims that this amendment would force reduction in current
4. expenditures within the Governor's Fiscal 1979 budget
5. because assertion of that point is just...is not true,
6. Mr. President. There again, there's a continued attempt
7. to mix appropriations with tax limitations. The amendment
8. also makes technical changes by elimination of the specific
9. references to the five state retirement systems and
10. embodies them in more general language by saying various
11. state pension funds established by law. It also eliminates
12. the reference to the Illinois Bureau of the Budget
13. as an agency responsible for the distribution of the surplus
14. and inserts instead, thereof, the Governor and the State
15. Treasurer 'cause they are Constitutional Officers and
16. BOB might be eliminated by Governor's proclamation. The fiscal
17. year used in establishing a proportion of taxes expended for
18. local government and school districts, is changed from
19. Fiscal Year 1976 to Fiscal Year 1979, to bring that
20. provision to our now current level upon which we established
21. the figures that we have proposed the Governor's budget.
22. Also language is added to void any new State mandated program
23. or local government to school districts for which State
24. appropriations were not enacted. The new section is added
25. which provides that any replacement taxes enacted 'as a result of
26. the abolishment of the personal property taxes are excluded
27. from the tax limits imposed by this constitutional amendment.
28. Finally, the effective date of the State...this will be
29. moved to the next fiscal year after its adoption
30. by the electorate. We have dealt in good faith, Mr. President
31. and members of the Senate. We have listened to the objections,
32. we have met them in a manner that we thought was responsible,
33. we thought was not placing an imposition upon the people in the

1. State and we have attempted at all times...

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Graham, there seems to be some confusion.

4. Has this amendment been distributed? Senator Glass'
5. amendment has been distributed.

6. SENATOR GRAHAM:

7. This amendment was...I was told, was distributed as
8. well as the explanation...from which I am reading and the
9. Secretary of the Senate's Office told me early this morning.
10. there was fifty-nine copies on all the desks. So...

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. All right. I guess the explanation is there, Senator,
13. but the problem is it is Senator Glass' amendment and
14. there's...that has caused some confusion.

15. SENATOR GRAHAM:

16. Well, let's don't confuse apples with oranges.

17. Take Senator Glass' amendment off your desk and our
18. amendment will start out in the second paragraph by saying,
19. "there is hereby established limit on taxes" and I'm sure
20. that his amendment does not start with that same.

21. Well, Mr....I might ask the Secretary of the Senate, we talked
22. to Bobbie this morning and she said that...said that there was
23. fifty-nine copies that were distributed on the Floor of the
24. Senate when my secretary was attempting to have them printed,
25. so that's all I know. I doubt very much, if the membership
26. would read that amendment...there on their desk, but I think
27. this...this...

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Once you continue, Senator Graham...

30. SENATOR GRAHAM:

31. I think this explanation sheet might...might...

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Once you continue, Senator Graham, perhaps we can

1. resolve this.

2. SENATOR GRAHAM:

3. We have attempted at all times to try to differentiate
4. between a limitation on taxes and the appraisal that some
5. people have that we're trying to do something with
6. disbursements of tax monies. That is left to the prerogative
7. of the General Assembly no matter how you cut it. And if
8. and at such time that we should go over the limitation that
9. is imposed by some renegade General Assembly, which I hope
10. we never have, then the buck will stop in the same place
11. that it always stops with regard to stopping the spending
12. of monies that we don't have in the treasury. That is on the
13. second floor on the Governor's desk. Ladies and Gentlemen
14. of the Senate,...Ladies and Gentlemen of the Senate,
15. ...could I have some order, Mr. President?

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. I would try, Senator Graham. That's what I've been
18. trying...could we have some order, Ladies and Gentlemen.
19. Senator Graham.

20. SENATOR GRAHAM:

21. Ladies and Gentlemen of the Senate, Mr. President,
22. within...today and within the next few days, we're going to have
23. an opportunity to make a decision. We're going to have an
24. opportunity to make a decision whether we are going to be on the
25. side of the taxpayers or whether we're going to be on the
26. side of the taxeaters. Now, we think we have a reasonable
27. proposal. I'll tell you one thing, there are some...
28. there are some departments and there are some organizations
29. that have trouble living with this, but I'll tell you the people
30. that don't have trouble living with it...

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Joey Mack.

33. SENATOR GRAHAM:

1. ...is that poor old stiff on the street back home that
2. pays the taxes. He's not having trouble with this and the
3. scare tactics are used to tell him their local taxes are going
4. up because we won't have money for the schools is just
5. plain poppycock. The people putting out that propa^ganda
6. know that and we know it. Mr. President, I heard the echo
7. over there and I'll remember the place from whence it came
8. and I'll rise on the same point. I remember, Senator Chew.
9. I never get mad, but I get even. Mr. President and members
10. of the Senate, I submit to you Amendment No. 1 to House
11. Joint Resolution CA 22 for the consideration and approval of this
12. Senate, keeping in mind that those who appoint...impose a
13. seven percent level...we talked with them, we've now raised
14. it to 8.5. We're going to find out today or if someday soon,
15. whether we want a limitation placed upon the tax that we
16. compose on the people back home or whether we don't.
17. And this roll call and subsequent roll calls will be a clear
18. indication of that proposition. I submit it to you for your
19. consideration.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Graham, so we can clarify the situation as it
22. stands on your amendment, the Secretary's Office has, in
23. fact, printed fifty-nine copies of your amendment which have
24. been given to an individual to distribute. The problem
25. is there seems to be some break in the link.

26. SENATOR GRAHAM:

27. All right. ...we don't have a leak in the dike, that's
28. what bothers me.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Right. They have, in fact,...so the Secretary's Office is
31. cleared, they, in fact, did as you requested.

32. SENATOR GRAHAM:

33. Yeah, I thought...they're always accurate.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Is there discussion? Senator Rhoads.

3. SENATOR RHOADS:

4. All I wanted to ask is if the Secretary could read the
5. LRB number of the amendment now under discussion, it might clear
6. it up for me, at least.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. All right. Senator Graham...Mr. Secretary, the LRB
9. number.

10. SECRETARY:

11. 2287.

12. SENATOR RHOADS:

13. Well, I have one on my desk, a Xerox copy, LRB
14. 2287 HJR-CA AM23SMJDVH, is that it?

15. SECRETARY:

16. No, that is not it.

17. SENATOR RHOADS:

18. Okay, 'cause this one has nine percent and he's talking
19. about eight...

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Rhoads.

22. SENATOR RHOADS:

23. If the Secretary would read the entire LRB number, please.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Mr. Secretary.

26. SECRETARY:

27. 2287 AM6-SMJMF.

28. SENATOR RHOADS:

29. Thank you.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Senator Rhoads, do you have a copy of that amendment on
32. your desk? For what...is there discussion? Senator Rock.

33. SENATOR ROCK:

1. Thank you, Mr. President and Ladies and Gentlemen of the
2. Senate. I rise in opposition to Amendment No. 1 and I do,
3. in fact, have a copy and it seems to me it says that we are
4. deleting the entire text of HJR-CA 22 which was introduced in the
5. House March 17, 1977 and we are now in April of 1978 and we are
6. attempting to delete the entire text and in effect, start
7. over. I suggest to the members that it was a bad idea
8. when it started. It is a worse idea now and I would suggest
9. that Amendment No. 1 be defeated.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Is there further discussion? Senator Sangmeister.

12. SENATOR SANGMEISTER:

13. Thank you, Mr. President and members of the Senate.
14. I rise in support of this amendment. May be the only one on
15. this side of the aisle, I don't know, but I think it's a
16. ...it's an amendment that Senator Graham has indicated
17. that the people back in our district certainly want.
18. You could look at this amendment with a...whole constitutional
19. amendment as a whole and say it's a political gimmick
20. to get support back home. I, frankly, do not look at it that
21. way. I think we do have to put a limitation on ourselves
22. in the amount of spending that we do down here. I have
23. conscientiously tried to listen to all of the objections to
24. the constitutional amendment and in this amendment proposed
25. by Senator Graham, we have met, in my opinion, all of those
26. objections. Senator Rock's reference to the fact that the
27. amendment now says that the entire text is being revised is
28. not valid, of course, because all we are doing is rewriting
29. the amendment that's inserting those things such as the increase
30. from seven to 8.5 percent and the other matters that Senator
31. Graham referred to. This is not by any means, a rewriting
32. of the entire resolution. I think it's good. I suggest that
33. you give it very serious consideration. I really think that
34. you ought to allow those of us who are interested in this

1. proposition to put this thing in the final form that we want
2. it in. It's our resolution. Certainly you have a right
3. to have a shot at it and do what you want with it, but if
4. you're really philosophically against it, then all I
5. should say is why don't you wait till 3rd reading and vote
6. against it. Why don't you give us a chance to put this
7. thing in the form that we think is decent and reasonable.
8. This amendment will do it. If you don't like it, let the
9. amendment go on and vote it down on 3rd reading.

10. But I ask you sincerely to allow this amendment to go on.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Further discussion? Senator Carroll.

13. SENATOR CARROLL:

14. Question of the sponsor of the amendment to the
15. amendment. I noticed within the text of the amendment
16. presented by Senator Graham that we do not include within
17. the limitation on spending those funds that we receive from the
18. Federal Government. I was curious, Senator, how much now
19. we are receiving from the Federal Government and why we are
20. not counting that in as public revenue. It is my understanding
21. that a very substantial percentage of the funds spent by the
22. State of Illinois are Federal in source and to put an
23. eight and a half percent just on the State level would probably
24. about triple our budget.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Graham.

27. SENATOR GRAHAM:

28. First, Senator Carroll, you know that isn't true,
29. but I will listen to what you say. We based our opinions
30. and the figures we have from the budget book which is supposed
31. to be the Bible in the original concept that we had
32. and the original figures that we've proposed for seven
33. percent. You know that and I know it. We're not touching the
governmental grant money in this or any other amendment and you

1. that and I know it. So, there's been enough people confusing
2. the facts and I'd ask you please not to...join the...
3. confusing action. You know we're not doing that.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Carroll.

6. SENATOR CARROLL:

7. I am not sure what you are doing or not doing. I don't
8. know which text of the Bible you're reading, the New or the
9. Old Testament but there is about some five billion
10. dollars this year that is not State generated revenues.
11. As I read this, you are only limiting the eight and a half
12. percent to that which income derives from State sources
13. which would be, as I suggest, a substantial increase
14. in the taxes on the people back home compared to the
15. 11.3 billion we are now spending. If we count...if we don't
16. count five of it and allow the rest to go up to this
17. percentage, which is substantially higher than now,
18. I would suggest that that is a substantial increase in
19. taxes. My only question now, however, to you, Senator
20. Graham, is does the administration on the second floor
21. support your amendment?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Graham.

24. SENATOR GRAHAM:

25. The answer is no.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Further discussion? Motion is to adopt Amendment No. 1
28. to HJR-CA 22. Senator Graham has requested a roll call.
29. He is joined by others. Question is on the motion to adopt.
30. Those in favor will vote Aye. Those opposed will vote Nay.
31. The voting is open. Have all voted who wish? Have all voted
32. who wish? Take the record. On that question the Ayes are
33. 25, the Nays are 29. The motion to adopt is lost. Senator

1. Graham, for what purpose do you arise?
2. SENATOR GRAHAM:
3. Then, I presume after this, this amendment will be moved
4. to 3rd reading?
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. There are other amendments, Senator.
7. SENATOR GRAHAM:
8. There are other amendments?
9. PRESIDING OFFICER: (SENATOR BRUCE)
10. Yes.
11. SENATOR GRAHAM:
12. I was going to say perhaps some of us would rather
13. have an opportunity to vote at the seven percent level
14. than we would at 8.5. We'll see what the other amendments
15. do.
16. PRESIDING OFFICER: (SENATOR BRUCE)
17. Further amendments, Mr. Secretary.
18. SECRETARY:
19. Amendment No. 2 offered by Senator D'Arco.
20. PRESIDING OFFICER: (SENATOR BRUCE)
21. Senator...Senator D'Arco.
22. SECRETARY:
23. I'm sorry, Senator D'Arco. That's not for that
24. one. Amendment No. 2...Amendment No. 2 offered by Senator
25. Carroll.
26. PRESIDING OFFICER: (SENATOR BRUCE)
27. Senator Carroll is recognized on Amendment No. 2.
28. SENATOR CARROLL:
29. Thank you, Mr. President and Ladies and Gentlemen of the
30. Senate. This amendment is a clean up amendment that we had...
31. that we had suggested and had asked copies to be made and
32. distributed based on the original draft of the proposal as it
33. came over from the House, some of which would have been covered

1. by the last amendment. This is a clean up amendment. It takes
2. out the reference to the reference...to the Bureau of the Budget.
3. It takes out the reference to the State Pension funds
4. by specific name and leaves it more generic. It cleans up
5. the pour over language from emergency to pensions to bonds,
6. et cetera and it clarifies that Federal funds are, in fact,
7. public funds under our provision. The prior language
8. could have construed public funds except Federal funds.
9. That was our problem on the last one. I would, therefore,
10. suggest this rather than being substantive, is clean
11. up and would move the adoption of Amendment No. 2.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Gentlemen, on discussion of this issue, I have Glass,
14. Grotberg, Rhoads and Graham. For what...

15. SENATOR CARROLL:

16. It would be LRB 80-2287AM-SMJ/DVH.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. For what purpose does Senator Graham arise?

19. SENATOR GRAHAM:

20. For the same purpose the Gentleman from the other side of
21. the aisle rose a while ago. I don't have a copy of the amendment.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Well, Senator Graham, we discussed your amendment
24. without it being distributed, but if you wish to make that
25. objection...

26. SENATOR GRAHAM:

27. Mine was on the desk and I had made a...

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. No, Senator Graham, yours had...

30. SENATOR GRAHAM:

31. ...an agreement with the Secretary of the Senate...

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. ...not been distributed when we discussed your amendment.

1. We are still trying to find the page...who has...

2. SENATOR GRAHAM:

3. I...I can't...does he have...I had an analyzation
4. sheet. Does Senator Carroll have that? I don't know if I
5. can understand Yiddish today. I'd like to have something
6. more than just a conversation. If he has a poop sheet.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator...

9. SENATOR GRAHAM:

10. I think...but would you want to go by it again real
11. slow and maybe I could rule my objection, okay?
12. Try it again real slow.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Carroll, has the amendment been distributed? Senator...

15. SENATOR CARROLL:

16. We have given them to the pages to be distributed.
17. I don't know whether, in fact, they are on the desks or not.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Grotberg.

20. SENATOR CARROLL:

21. Senator Graham, we will send over another...

22. SENATOR GROTBERG:

23. Mr. President, last week when we started dealing upon
24. these matters, I suggested and the Chair agreed that we're
25. fiddling around with the destiny of Illinois with these
26. amendments and the least we can do for each other is to have
27. something on the desks that tells us what it is and...so
28. that we can follow the conversation and I suggest that we
29. recess until the proper time that we have such documents
30. on our desks.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. For what purpose does Senator Graham arise?

33. SENATOR GRAHAM:

1. Have about five minutes...couple minutes?
2. PRESIDING OFFICER: (SENATOR BRUCE)
3. The Senate will stand at ease for five minutes till
4. we get the amendment to be distributed. For what purpose
5. does Senator Philip arise?
6. SENATOR PHILIP:
7. Point of personal privilege, Mr. President, as long
8. as we're at ease. In the President's gallery is the distinguished
9. Treasurer from DuPage County and his lovely wife, Marcy.
10. I wish they would rise and be recognized by the Senate.
11. PRESIDING OFFICER: (SENATOR BRUCE)
12. Would they please stand and be recognized by the Senate.
13. SENATOR PHILIP:
14. John Novak, excuse me.
15. PRESIDING OFFICER: (SENATOR BRUCE)
16. We now have copies of the amendment for those of
17. ...Senators. If Senator Graham would get one. A couple
18. of pages are over here to help the young lady distribute
19. on this side of the aisle, please. Senator Carroll.
20. Senator Carroll. For what purpose does Senator Demuzio arise?
21. SENATOR DEMUZIO:
22. Thank you, Mr. President. While we're at ease here and
23. being out of order, I'd like to introduce Becky Thatcher,
24. who is portrayed by Susan Thompson and Tom Sawyer, portrayed
25. by Tom Schwartz that are in the gallery today that are visiting
26. the Illinois General Assembly and I'd like for them to
27. rise and be recognized by the Illinois Senate if they may.
28. PRESIDING OFFICER: (SENATOR BRUCE)
29. Senator Carroll, I'm informed that the amendment
30. which is under discussion, which...of which you are the
31. sponsor, has now been distributed. Would you care to
32. explain it briefly one more time? Senator Carroll.
33. SENATOR CARROLL:

1. Once more.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. May we have some order, Gentlemen and Ladies?

4. SENATOR CARROLL:

5. Why, thank you, Mr. President. Ladies and Gentlemen
6. of the Senate, this particular amendment is a clean up
7. amendment and does basically four things. One, it takes out
8. the reference to the Bureau of the Budget by name
9. so as not to create that as a constitutional agency.
10. Two, it takes out reference to the State Pension funds by
11. name so as not to give them by name, constitutional dignity
12. and to allow any future flexibility in the name of a
13. pension fund without changing the Constitution of the State
14. of Illinois. Three, it cleans up the language on the pour
15. over provisions as it goes from emergency to pension to bonds,
16. et cetera. And fourth, and let me make this clear, this is
17. what Senator Graham and I and other people have been
18. talking about, it...in the definitional section, says all
19. public and does not make the reference to the Federal aid.
20. The purpose of that is not in any way...the purpose of that
21. is not in any way to affect the percentage but it is to make
22. sure that we do not, by mistake, take Federal funds outside the
23. jurisdiction of the General Assembly by having excluded through
24. inadvertence, the concept of Federal funds in our revenue
25. article as being public funds. We still want to have a
26. general handle and control unrelated to this issue on
27. Federal funds that come into Illinois and are spent through the
28. appropriation process. It was the feeling of many, both
29. members and staff who deal with Federal funds, that by
30. inadvertence, the original language of HJR 22 would have,
31. by excluding them as public funds, taken them outside
32. of our appropriations process or oversight process. The purpose,
33. therefore, of this language is to not exclude them in that

1. way and not make that reference. We still refer to State
2. source funds and not to the Federal in that section and it
3. is my opinion, therefore, that the seven percent limit
4. of this amendment and of the original version of the amendment,
5. would still apply only to the State generated funds.
6. And I think that should be clear enough for the record. Should
7. there be any problem with that later, I have suggested that
8. we could possibly use other language to clarify that purpose.
9. But again, my concern in the prior version was that by
10. the direction in which the language was, we were excluding
11. something that has no part in this process.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Is there discussion? Senator Glass.

14. SENATOR GLASS:

15. Thank you, Mr. President. I do have several questions
16. of the sponsor, if he will yield.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. He will yield. Indicates he will yield. Senator Glass.

19. SENATOR GLASS:

20. Senator Carroll, I take it by your explanation, that you
21. intend no substantive change in this amendment with reference
22. to Federal funds. That is in Senator Graham's original
23. draft as well as in this draft, Federal funds are not to be
24. included in computing the seven percent limitation. Is that
25. correct?

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Carroll.

28. SENATOR CARROLL:

29. Again, I repeat, that that...you are right in that
30. I intend no substantive change.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Glass.

33. SENATOR GLASS:

1. All right. Thank you. Senator Carroll, under your
2. present...under your definition, tax revenues of the State
3. mean all public funds received by the State pursuant to
4. State imposed taxes and earnings thereon. I take it that you
5. would, therefore, exclude bond proceeds...bond funds,
6. is that right?

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Carroll.

9. SENATOR CARROLL:

10. I believe so. Again, I am not dealing with that area,
11. Senator Glass. In...in our amendment, that is the same as it
12. had been in the other. This is strictly a clean up. I am
13. not touching the substance other than the mistake in that
14. part in my opinion, where we seem to exclude Federal.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Glass.

17. SENATOR GLASS:

18. Well, I...I would like to point out, Senator, that
19. I think you have made a substantive change because I think
20. in the original draft, bond funds were included because
21. the definition of revenues of the State means all public
22. funds received by the State but does not include Federal
23. aid and I...and I think that would include the proceeds
24. of bond funds. And...and I'd also ask whether you intend
25. to include license fees. I mean, are they taxes...I think that's
26. another problem because the...the definition in the original
27. amendment, I repeat, included revenues of the State and
28. defined them as including all public funds received by the
29. State with the specific exception of Federal aid in contributions
30. to and earnings of trust funds. So, I submit that this is
31. a substantive change.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Glass.

1. SENATOR GLASS;

2. Well, I...I mean, that...that was a part...in a question
3. and part a statement. I think certainly for that reason
4. the amendment should be defeated.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Graham.

7. SENATOR GRAHAM:

8. Mr. President, there is another reason, if we're not
9. willing to change, this should be defeated because
10. Senator Carroll incorporates in his amendment a figure
11. that they were using on us tinkering around with the
12. percentages and it says that the proportion paid
13. in the Fiscal Year 1976, that was one of the big objections
14. to this originally and we amended it to 1979. So,
15. I submit to you, Senator, that you are still tinkering
16. around with the year that has some effect on the
17. percentages. So if we're going to screw up this amendment,
18. let's do it real good so we can understand it.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Carroll.

21. SENATOR CARROLL:

22. That was not, again, the purpose, Senator Graham. That
23. was not changed from the way Representative Totten had sent it
24. over from the House, although I understand that your
25. amendment had changed that and I personally would tend to agree
26. with you that it should be seventy-nine. We had not wanted to
27. change it. As to Senator Glass' point, I think it's an
28. arguable one. It was not the intent so to do, but the
29. intent was merely to take out the Federal sources as a
30. part that we can't look at. It was not to change
31. that which you are trying to impose the limit on. And again,
32. if that is not crystal clear, that can be dealt with 'cause
33. that is not the stated purpose.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Graham.

3. SENATOR GRAHAM:

4. Mr. President, after the defeat of Amendment No. 1
5. in which we incorporated the year 1979 instead of 1976,
6. I think if we're going to be consistently inconsistent, which
7. I think we're trying to do right now, that any amendment
8. proposed with...with regard to the fiscal year upon which
9. we make a determination be 1979. We try to deal in good
10. faith there by putting that in our amendment. I think it should
11. be in others, too.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. For what purpose does Senator Berning arise? Senator Berning.

14. SENATOR BERNING:

15. I have a question for the sponsor, please.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Indicates that he will yield. Senator Berning.

18. SENATOR BERNING:

19. Senator, on page 1, line 19, would you be good enough
20. to explain what is meant by the sentence which starts in
21. quotes "tax revenues of the State," pursuant to State
22. means all public funds received by the State pursuant to
23. State imposed taxes. What does that pursuant to State
24. on line 19 really mean?

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Carroll.

27. SENATOR CARROLL:

28. Thank you, Mr. President. It appears, Senator Berning,
29. that you are correct and that is a typographical error that
30. came up from the Reference Bureau that way. I would suggest
31. that we may strike that on its face and make Senator Graham's
32. correction by way of amendment to the...to the amendment
33. and do the same on its face. So, I have no objection to that.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator...Senator Berning.

3. SENATOR BERNING:

4. Thank you, Mr. President. Then, another question of the
5. sponsor. And I must confess, Senator Carroll, I don't have
6. the original before me so I am not positive that what I am
7. reading in your amendment is different from the original,
8. but the bottom of page 2, section C and continuing onto the
9. next page appears to me to make provision for the distribution
10. of revenues of the State in excess of the established
11. limits to be then distributed into the various pension
12. systems. Now, that's an admirable objective, I agree.
13. However, what is the justification for singling out
14. the pension systems? How can we, in all good conscience,
15. justify that when there are so many other worthwhile
16. departments of the State Government which will be in need of
17. additional revenues perhaps? That's part one of the question.
18. Part two is, how do we generate additional revenues over and
19. above our taxing authority and if so, assuming that it is
20. true, why not have it rebated by means of a tax reduction,
21. rebated to the taxpayers?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Berning, your time has expired. Senator Carroll
24. to answer.

25. SENATOR CARROLL:

26. Why, thank you, Mr. President. Senator Berning, it sounds
27. to me as if you are opposed to the amendment in any form.
28. That's your prerogative. I think those questions are appropriate
29. but they are appropriate to the sponsor of the legislation,
30. the proposed constitutional amendment. If you are against the
31. monies going to the Pension Fund, sobeit. That's your right.
32. You've been elected to make that decision and maybe, therefore,
33. if your opinion stays that way, you should, in fact, vote

1. against it, but I'm not explaining to you how you should
2. vote. Same thing with giving the money back to the people.
3. You know, you have been elected to serve your people.
4. If you feel that's the way it goes, that's the way the
5. amendment now deals with it. I haven't dealt with any
6. of those issues. This was merely an attempt to clean up the
7. reference in the Constitution to the named pension funds.
8. They were named in the amendment the way it came over from
9. the House. They were named in that version. All we did
10. was take out the specific reference to those names so that
11. we have not, by indirection, created by Constitution,
12. certain pension funds. So, I am not talking about the
13. substantive issue of where the money should go or how it
14. should be refunded. All we're trying to do is clean up the
15. language so that we don't by mistake give constitutional
16. status to certain things like governors, agencies, like
17. pension funds by name. So I assume from your comments,
18. you're voting against the whole thing.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Rhoads.

21. SENATOR RHOADS:

22. Senator Carroll, I...Senator Carroll, I do...do support your
23. amendment and would support it in some form, could support it,
24. if one change could be made and that change is on page
25. 3, line 8 by changing Fiscal Year 1976 to Fiscal Year
26. 1979. Now, I'm...I...I am, however, concerned, even though
27. you expressed a willingness to do this, I'm concerned about
28. amending on the face and I will now direct my question to the
29. Chair. The Chair just told me to shut up, so I'll...
30. My question...I'll ask Senator Carroll and ask the Chair to
31. answer it as to what posture we would be in. We
32. have not amended this now. If this amendment goes on, the
33. ruling of the Chair has been that it may be amended once.

1. If we were to do nothing right at the moment with...if Amendment
2. No. 2 were withdrawn, would there be a way to keep this
3. resolution on day number two so that it could be cleaned
4. up in proper form because I would support it under those
5. circumstances.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Well, the ruling has been that we will read...however
8. this amendment is finally drawn, it will be read three times
9. in full to meet the constitutional requirement and
10. if it were amended today, it will be, in fact, read a first,
11. second and third time in full beginning today. If it were
12. not amended, it would, in fact, be read...if still on
13. 2nd reading, would be, in fact, read a second time today.
14. Senator Rhoads.

15. SENATOR RHOADS:

16. Well then, Senator Carroll, are you willing to amend on
17. the face page 3, line 8 to change that year to 1979?

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Carroll.

20. SENATOR CARROLL:

21. For the third time, yes.

22.

23.

24. End of reel.

25.

26.

27.

28.

29.

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32.

33.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Graham.

3. SENATOR GRAHAM:

4. Mr. President, it appears to me, Senator Carroll, it
5. appears to me that you might be doing something here that
6. you really do not intend to do. I think on Page 293 of
7. your budget book we are...we were attempting to deal with
8. State taxes, 5.891. I'm afraid your amendment is dealing
9. with all sources of revenue...no...you're dealing with
10. 5.891, we were dealing with 9.761. Which one are you
11. dealing with? All sources of revenue?

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Carroll.

14. SENATOR GRAHAM:

15. I...I can't hear.

16. SENATOR CARROLL:

17. You're dealing with the first two columns and this, by
18. mistake may have...may appear as if it's only dealing with
19. the first. I think Senator Rhoads' question, as long as
20. you and I are having this colloquy, Senator Graham, I think
21. Senator Rhoads' question was more directed at you if you
22. wanted to hold it in this posture, we could clean this up
23. if you would prefer than amending it on its face. I have
24. no problem with that, but that's Senator Graham's decision.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Graham.

27. SENATOR GRAHAM:

28. Senator Carroll, I'd like to ask you a question if
29. I might, please. What do...what percentage will we be
30. dealing with under your proposed amendments and what will
31. be the limitation or the amount of taxes that could be
32. raised under it? At this point, five million dollars, is
33. that right? Are you asking to raise the taxes above what

1. percentage? If you are?
2. PRESIDING OFFICER: (SENATOR BRUCE)
3. Senator Carroll.
4. SENATOR CARROLL:
5. Again I repeat the intent of this was not to raise
6. anything, but to merely clean up. If there has been a
7. drafting error, in your opinion, in the attempt to clean
8. up, then we should deal with that. I am not seeking to
9. change the substance.
10. PRESIDING OFFICER: (SENATOR BRUCE)
11. And for what purpose does Senator D'Arco arise?
12. SENATOR D'ARCO:
13. Mr. President, I don't mean to interrupt, but point
14. of personal privilege I...
15. PRESIDING OFFICER: (SENATOR BRUCE)
16. State your point.
17. SENATOR D'ARCO:
18. ...we do have in the gallery the Cooper School from
19. 18th and Ashland, which is in my district in Chicago and
20. I would ask that they stand and be recognized by the Senate.
21. PRESIDING OFFICER: (SENATOR BRUCE)
22. Would our guests please stand and be recognized.
23. Further discussion on Amendment No. 2? Senator Rhoads...can
24. we have some order, please.
25. SENATOR RHOADS:
26. All right. Mr. President, I understand the Rules
27. Committee is...still has not come out with a rule on this
28. business of amendments to...to constitutional amendment
29. resolutions. Would it be the opinion of the Chair that
30. if this were..if this amendment went on, were advanced to
31. 3rd and technical flaws were found on it, could it be
32. brought back to 2nd for the purpose of...of further amend-
33. ment? Or would we have to start back at day 1 again?

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Well, that's two questions Senator Rhoads. The first
3. question is if...

4. SENATOR RHOADS:

5. Answer both of them.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Right. If Senator Graham...if the sponsor wished and
8. the amendment were on the Order of 3rd reading, he could
9. recall it to the Order of 2nd reading for the purpose of
10. an amendment. Once amended the resolution would have to
11. be read three times in full as amended and that would occur
12. at any point in the process in which this...this constitu-
13. tional amendment is in fact, amended by the Senate. At
14. that point it will...it will have to be then read three
15. times in full. For what purpose does Senator Graham arise?

16. SENATOR GRAHAM:

17. I'll tell you the position of the sponsor in this
18. regard very loud and clear. We think and I think Senator
19. Carroll thinks that there are substantial errors in his
20. proposed amendment. I will certainly consider bringing
21. it back from 3rd reading for the consideration of Senator
22. Carroll's proposed corrections of his amendment. I don't
23. feel that we should keep jockeying this thing around bringing
24. it back and forth for just any sort of an amendment. Now
25. this amendment being proposed, Senator Carroll, I think,
26. has a feeling that there are errors in it and with that
27. thought in mind be it the will of the Senate and the Chair,
28. certainly. We move it up to 3rd reading and bring it back.
29. I will bring it back, Senator Carroll, for the specific
30. reasons that you've stated or specific apprehension we
31. have with regard to the contents of your amendment. So
32. make or get it corrected and put it in the shape that you
33. and I think it should be, certainly I'll agree to that.

HJR 22
SJR 29
4/20/78

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. All right. Senator Graham, the only suggestion the
3. Chair would make is that why don't we...it might be appropriate
4. to leave it here rather than having the Secretary...read it
5. all the way through a second time. We'd neither gain nor lose
6. a day, if, in fact, the resolution is amended. You have not
7. gained or lost anything by having it read a second time today.
8. We'll have to start over anyway and so...the Chair suggestion
9. would be to...

10. SENATOR GRAHAM:

11. You...you want...you want to save the Secretary's...
12. tonsils, huh, so he doesn't have to go to be operated on.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. That's correct, and save some time in the Senate. It
15. won't affect the...the progress of this amendment whatsoever.

16. SENATOR GRAHAM:

17. You know despite what some people think about me,
18. I'm a very compassionate man. Leave it on 2nd.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. All right. The...

21. SENATOR GRAHAM:

22. I know the name...I know the name, the numbers.

23. PRESIDING OFFICER: (SENATOR BRUCE)

24. HJR 22 will remain on the Order of 2nd reading.

25. SJR 29. On the Order of 3rd readings. Senator Maragos,
26. do you wish to return that to 2nd? Senator Maragos.

27. SENATOR MARAGOS:

28. Yes, Mr. President and my promise last week that
29. to Senator Soper and others that I would bring Senate
30. Joint Resolution Constitutional Amendment 29 back to
31. 3rd...to 2nd reading from 3rd reading for them to attempt
32. to put any amendments on it. And at this time I so would like it
33. to be read...pushed back to 2nd reading.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Is there leave to return SJR Constitutional Amendment 29
3. to the Order of 2nd reading? Leave is granted.

4. SENATOR MARAGOS:

5. For the record...

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Maragos.

8. SENATOR MARAGOS:

9. ...for the record, I'd like to state that I like...I
10. would like to have this amendment, the constitutional
11. resolution amendment as is so I'm not proposing any amend-
12. ments to this myself.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Mr. Secretary, do you have amendments on the Desk?

15. SECRETARY:

16. Amendment No. 2 offered by Senator Nimrod.

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Senator Nimrod is recognized on Amendment No. 2.

19. SENATOR NIMROD:

20. Thank you, Mr. President and Ladies and Gentlemen of
21. the Senate. This amendment deletes the...Subsection C.
22. That means that this amendment then would be back in its
23. original posture as it was presented. Now the reason that
24. I'm proposing this amendment is that what we are doing,
25. in fact, is handcuffing the Legislature and when we try
26. to amend this particular date by eliminating the date. I
27. would suggest to you that the best way to handle this
28. entire provision, which would not eliminate the tax, the
29. tax would remain, but it certainly would remove the provisions
30. within the Constitution. Those taxes would remain and the
31. responsibilities of any replacement or any other taxes that
32. would have to be done, could be done within the total framework
33. of the tax structure and done within...by the Legislature and

1. the Governor. Now, in addition to that being the proper and
2. normal process that we ought to be achieving since there has
3. been the inability over these past eight years for various
4. commissions and the Legislature to agree, or not only that
5. groups, but also the private sector groups in the Chamber of
6. Commerce and The Illinois Manufacturer Association and the
7. unions. All have found that they are unable to come up with
8. any formula that would replace this tax. So the best thing is to
9. then remove that entire subsection and at the same time allow
10. us an opportunity to say that the Legislature and the
11. Governor where this responsibility rests will have that
12. responsibility if they chose to remove that tax. We have
13. everything to gain by following this procedure and we certainly
14. will lose nothing in this area. In the event the first step
15. is taken as...as this amendment is...in its present position,
16. what we would do is at a future date we would have to again
17. come and have another referendum offered to the people which
18. would be only but a waste of a million dollars. I think that
19. it's our responsibility to prevent these resolutions in their
20. proper posture and the second thing we should be doing and
21. should be concerned about is the fact that if it remains in
22. this position we will have still existing the antibusiness
23. climate that presently exists in Illinois which is driving
24. both jobs and businesses out of the State of Illinois. I
25. think what we have to do is acknowledge and give confidence
26. to those business who are looking to Illinois and considering
27. coming here, that they don't have this particular issue
28. hanging over their head and acting as a curtailment and a
29. deterrent for them to be able to consider the state, this
30. State, as their place of doing business. I think this...this
31. would be certainly in our best interests and I know of no
32. reason why this...this particular amendment should not be
33. amended in its form and I think it would resolve all the

1. problems and certainly all three of us who have originally
2. put in these resolutions could all join hands on both sides
3. of the aisle to do that which is in the best interest of the
4. State of Illinois and also the taxpayers.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Nimrod moves the adoption of Amendment No. 2.
7. Is there discussion? I would just for the purpose of the
8. alerting the membership that Senator Graham's proposed...
9. amendment has now been distributed. Those of you who wish
10. to see that and may want to answer questions about it,
11. it is being distributed and has written in the upper right
12. hand corner Senator Graham's name. Well, there may be some
13. discussion about it, Senator Graham. Discussion on amend-
14. ment No. 2. Senator Rock.

15. SENATOR ROCK:

16. Thank you, Mr President and Ladies and Gentlemen of
17. the Senate. I rise in opposition to Amendment No. 2 and
18. will reiterate, I suppose, as we did last week when Amend-
19. ment No. 1 was adopted. Senator Nimrod indicated there
20. was no reason. There is a very good reason. The very good
21. reason are all the local units of government including
22. the school districts. If we do not mandate a replacement
23. for personal property taxes that may in the future be
24. abolished the local units of government will, in fact, be
25. bereft of some four hundred and fifty million dollars
26. that they now receive. Amendment No. 2 deserves defeat
27. and I would urge opposition.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Further discussion? Senator Netsch.

30. SENATOR NETSCH:

31. Thank you, Mr. President. I rise in support of the
32. amendment. It is an amendment which I had planned to offer
33. myself although, Senator Nimrod, you should be advised that

1. the reason why I'm not offering it is that I found very
2. little support over on this side and I figured it was not
3. going to go very far. It is the way that the constitutional
4. provision dealing with personal property ought to be. That
5. is, it simply gives to the Legislature the power, authority
6. and responsibility to do what it deems is proper and
7. necessary at any given point in time to classify personal
8. property, to abolish the tax on any or all parts thereof
9. and to impose in lieu taxes if necessary. That is the
10. way a constitution ought to be written and I wish we'd
11. done it that way in the first place in the Constitutional
12. Convention. We did not, as everyone knows because of a
13. ...a serious political dispute between, at that time,
14. downstate and Chicago over replacement of the personal
15. property tax and the desire to abolish it entirely. I
16. really believe that the concern for replacement that I...
17. there was a very genuine concern at that time and is
18. still a genuine concern, is not a serious problem though
19. for two reasons. One, if the Legislature were, if it
20. had the authority to do so, to abolish the personal
21. property tax in toto at some point, there is no question
22. in my mind that the pressures on this Legislature would
23. be so great to provide replacement revenue that we would,
24. indeed, do so. There are units of government throughout
25. the State, in fact every local unit of government, would
26. be hurt by a total abolishment of the personal property
27. tax and no replacement because almost all of them have
28. some personal property in their tax base. Therefore, all
29. of those local units of government would make sure that
30. we, as elected representatives, did not take that step.
31. Secondly, if we were to abolish the personal property
32. tax on corporations over a period of time, which I
33. suspect is what we really ought to do, I think one of

1. two things would result. Either we could do it gradually
2. enough that we could absorb the...the added cost in effect
3. in the State budget and make sure that it is redistributed
4. to the local level to the extent that they would be deprived
5. or, if it were a fairly sizable bite from local government
6. revenues, I think we would have the same pressures to
7. provide replacement revenues concurrently therewith.
8. Admittedly there is an element of risk in this. There
9. always is unless a constitution spells out in great detail
10. every step that the Legislature should take. But a consti-
11. tution should not do that and if there is one thing we
12. learned, over a period of time, it is that when we try to
13. read today's problems and headlines and write them into
14. a constitution we end up regretting it because we cannot
15. predict the future with that much accuracy. I genuinely
16. believe that the provision that is now here is going to
17. cause us some difficulty in terms of abolishing the
18. personal property tax and providing that replacement
19. revenue. I think we are going to find it very troublesome
20. and...and years in the future I think we're going to
21. wish that we had not given ourselves more flexibility.
22. For that reason it seems to me that this amendment which
23. simply opens it up and allows, we the elected representatives,
24. to do what we think is right, is the proper approach.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Further discussion? Senator Soper.

27. SENATOR SOPER:

28. Thank you, Mr. President. Now, Ladies and Gentlemen
29. of the Senate, I know there's a lot of conversation going
30. on here and I think that you should be listening to this.
31. If you'll read and with due respect to the presiding
32. officer and the President at this time. When this amendment
33. was placed in committee and offered, I think, by Senator

1. Rock, it says the General Assembly by law shall abolish.
2. Then Senator Knuppel says well that...that's bad, we'll take
3. out the shall, we'll make it may. When you made it may,
4. you made it nothing because the Legislature, the General
5. Assembly can do anything they want and when you say, may,
6. you're not imposing any restriction or any admonition on
7. ...on the...on the Legislature to do something. So all
8. it was, was just to make three bills that were, or three
9. resolutions, that were presented to make one different and
10. then pass it on. I understand that kind of ball game and
11. I think some of us all understand it. But if you do
12. what C says, especially retaining or maintaining a
13. discrepancy in the eight to five...as far as corporations
14. and individuals are concerned on income tax and you allow
15. it to be raised against corporations, the first thing
16. you're going to do, the corporations that look at this
17. thing know that they can live with the personal property
18. tax, and they really, after they thought this thing over
19. after the last seven or eight years, and I had a
20. commission with...with Gerald Shea from the House, Represen-
21. tative Gerald Shea and we agonized with this thing for
22. ...for three...for three years. There's no way that you
23. can create anything but an imbalance by taking what the
24. Constitution says and placing the same amount of tax money
25. on the same people that you take it off of and by saying,
26. now we're going to take off the personal property tax, but
27. now you're saying people have to pay the same amount of
28. money, and be able to distribute that to the municipalities
29. and the school districts equally. It would be an impossibility
30. because if you have new factories coming into...into a district,
31. those factories need more attention as far as...as far as fire
32. protection is concerned, police protection is concerned and
33. various other protections. And if you take a per capita and

1. you...and you have a tax, an income tax, in addition...in addition
2. to the tax to make up this, well there's a...oh,they say that's
3. between four hundred and sixty to eight hundred million dollars
4. that...that this brings to the municipalities. And the municipi-
5. palities, this is a tax the same as a real estate tax on the
6. corporations, it's on the personal property tax and when they
7. filed this, they filed their income tax returns and on their
8. income tax return they...they show what personal property
9. they have in their organization and on that they pay. Well,
10. their arguments about...that they don't all pay and all that
11. sort of stuff, but it does generate a lot of money. Now, when
12. you put on an income tax the...the State collects it. Then...
13. then you have to take and reimburse the communities that have
14. lost this, the school boards, the...the water...water commissions
15. and every other municipality that you have in the State of
16. Illinois. And if you look at it and you sit down with it, it's
17. a near impossibility. So I say just by putting C in and say
18. the General Assembly by law may abolish when they do that now
19. without...when we abolish...when we take and amend the Consti-
20. tution. Once we...once we amend the Constitution and take out
21. that responsibility to replace the personal property tax on
22. corporations. So I say we should support this and put this in
23. a position where...where it should be and give the General
24. Assembly the right and with their wisdom and the...and the
25. Governor to be able to set up a tax if we so desire without
26. making it impossible for corporations to come in to this
27. State. They would look at that and say here, when...when
28. we come into that state they're going to wallop us with
29. an income tax. We'll some corporations say well we don't
30. pay any income tax, that's fine. Other corporations, that
31. are small corporations and don't have the flexibility of
32. the large corporations, they would be penalized and you
33. would close your small corporations and which mean a lot of jobs.

1. I know it's a dirty word to talk about corporations. They
2. always say, oh, the utilities will do this. Utilities don't
3. pay taxes. What the utilities do is put the tax on the...on
4. the gas bill, the electric bill or anything else and give
5. it to the people. So, you know, you kid yourself. And even
6. with this...with this...you...you got problems on this
7. side, somebody wants to go someplace.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Further discussion.

10. SENATOR SOPER:

11. Thank you. I say that we should...we should go along
12. with this amendment and I agree with Senator Netsch and
13. I think Senator Knuppel has a few things to say there. Thank
14. you very much.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Knuppel.

17. SENATOR KNUPPTEL:

18. Well, Mr. Chairman despite what Senator Netsch says,
19. what this will do is forever lock into the taxing authority
20. of the State of Illinois the personal property tax on
21. corporations under Section A. All this amendment really
22. does is say that if, in fact, it ever is abolished as she
23. believes it will be and which I believe it will not be,
24. that if it is abolished that we have to stay, if we use
25. an income tax, we'll have to stay on the eight to five
26. ratio because that's a part of Section C. Now, Senator
27. Soper cites utilities and that's right. Any tax that
28. goes on a utilities pass through to patrons. This is
29. not necessarily true of other types of corporations.
30. And to take Section C out is to give corporations who
31. are owned largely from nonresident stockholders a break
32. that was never intended when the Constitution was
33. adopted. There is no free lunch. If you do away with

1. four hundred and fifty million dollars worth of tax and
2. you take out Section C, you have locked in personal
3. property tax in my opinion, forever, even though there
4. may be a better method by which to raise taxes. And by
5. doing so you've locked in any tax you have will have
6. to fall an eight to five ratio so any replacement that
7. you have will start coming out of the taxpayer's pocket.
8. And it will place on the residents of the State of
9. Illinois in all instances other than utilities a greater
10. tax on the individual. Now, with the other types of
11. corporations this is not true, many of which are owned
12. by nonresident people. I believe that Senator Maragos'
13. bill leaves the thing in the status quo. That's not
14. the best that we can do, but it's the best that we
15. can do now because any replacement provision could
16. not get the bugs worked out by the time we have to
17. go to bat next year. And I, therefore, too, despite
18. what Senator Netsch says, a lot of it's dreaming, it's
19. fantasy, that the...that the personal property tax on
20. corporations will be abolished if we just abolish
21. Section C, not true. What we will be doing is locking
22. it in and we will not provide any other way to raise
23. the taxes which may make it, except on an eight to five
24. ratio, which may make it a very unappetizing situation.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Further discussion? Senator Maragos.

27. SENATOR MARAGOS:

28. Mr. President, as a sponsor of this constitutional
29. amendment as revised, I object to placing this amendment
30. on it at the present time. It's been thoroughly discussed
31. by the proponents of the amendment and the opponents to the
32. amendment. I would like to state that even Senator Netsch's
33. remarks, she says there's an element of risk if we adopt

1. this amendment proposed by Senator Nimrod. And even Senator
2. Soper says there will be an imbalance. Well the present
3. imbalance stays in effect because on November 1970 the
4. people of Illinois spoke and said by constitutional amend-
5. ment prior to the adoption of this present constitution.
6. They spoke and said, we do not want any personal property
7. tax on individuals. And if we take this approach by
8. adopting this amendment then we will be putting without
9. regard to those constitutional mandates and previous
10. expressions by our people of Illinois, we will be putting
11. a tax on individuals if we take out the exception from
12. the eight to five ratio. So I ask you not to support
13. this amendment to my constitutional resolution.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Any further discussion? Senator Nimrod, you wish to
16. close the debate.

17. SENATOR NIMROD:

18. Thank you, Mr. President. Ladies and Gentlemen of
19. the Senate, I would like to bring to your attention just
20. a couple of points here in closing. One is that the
21. Legislature must possess the flexibility to make adjustments
22. in the tax structure that best fits this State, that's our
23. responsibility. What we're saying here, in fact, if you
24. want to face the real issue, we are not doing away with
25. any tax, we are not...going to lose any money from local
26. governments by adopting this amendment. What we will, in
27. fact, be doing is limiting the Legislature and we're
28. going to say that we are incapable by constitutional
29. provision be incapable of administering a tax on this
30. State. There's no money lost. There is no tax that is
31. going to be created. It...all it says is that we're
32. giving the authority to the Legislature to create, eliminate
33. and increase or decrease taxes and that should solely rest

1. with the General Assembly. I think what we're doing is
2. abdicating our responsibility. Local governments will
3. lose nothing. Local governments, in fact if we had that
4. responsibility, will gain. We presently have the authority
5. and what we would...would do to tax, except for this
6. one area and all we're saying is that we should make this
7. the same as the others. I see no reason why...and still
8. see no reason why we should not accept this practical and
9. certainly simple method of addressing ourselves to our
10. own responsibilities. I think we're capable. I think that
11. as elected officials that's what they want us to do. If
12. we vote against this amendment we are saying that we're
13. incapable of making those decisions.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Nimrod has moved the adoption of Amendment
16. No. 2 to Senate Joint Resolution 29. Roll call has been
17. requested. Those in favor of the adoption of the amend-
18. ment will vote Aye. Those opposed will vote Nay. The
19. voting is open. Have all voted who wish? Have all voted
20. who wish? Take the record. On that question the Ayes
21. are 24, the Nays are 29, 1 Voting Present. The amendment
22. fails. Any further amendments?

23. SECRETARY:

24. Amendment No. 3 offered by Senator Soper.

25. SENATOR SOPER:

26. Thank you, Mr. President...

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senator Soper.

29. SENATOR SOPER:

30. ...members of the Senate. I'm not on the...I'm on the
31. tube now, okay. All number 3 does, takes the last sentence
32. out of Section C. That sentence provides that if a tax is
33. put on corporations, if the personal property tax is taken
34. off corporations, then they could use an additional amount

1. instead of the eight to five ratio. And I said before that
2. I think that if you do this, corporations look at that and
3. I don't think you're going to have corporations coming into
4. this State. We go around the State and we ask..we ask that
5. we have new business in the State and we know what it takes
6. to get new business in the State. They've got to know
7. that they won't be imposed upon after they build a factory
8. and they get themself in gear and they can't compete
9. with the same kind of business that comes from another
10. State and they can't sell their goods. Nobody's going
11. to come to this State if they can't make a profit. It's
12. that short and that simple.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Netsch.

15. SENATOR NETSCH:

16. Thank you, Mr. President. It is short and simple and
17. simply awful. It is the worst of all possible worlds with
18. respect to this amendment. Business is now reasonably
19. knowledgeable and understanding if not deliriously happy
20. about the provision as it exists right now on the personal
21. property tax. If the eight to five exclusion were removed,
22. as Senator Soper's amendment proposes to do, it is just as
23. if we were directly imposing an increase in the personal
24. individual income tax in this State. That is awful.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Further discussion? Senator Maragos.

27. SENATOR MARAGOS:

28. Mr. President and members of the Senate. I too arise
29. in opposition to this amendment and state further that we
30. are supporting, and especially members on this side of
31. the aisle, are supporting various bills to give relief
32. to the manufacturers and industry people in the State of
33. Illinois in trying to give them relief from the sales

1. tax obligation for new equipment and in other areas. But I
2. feel this is an area that we should leave alone and they
3. should, since they are paying the personal property tax, they
4. are the same source and since the Constitution and the people
5. of the State of Illinois again have, as I said before, stated
6. that there should not be a tax on individuals, we should not
7. place this burden on the individuals in this form and there-
8. fore I ask that you do not adopt this amendment.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Knuppel.

11. SENATOR KNUPPEL:

12. I'm pleased that Senator Netsch now realizes what taking
13. the last sentence in all the rest of Section C out would do.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Graham.

16. SENATOR GRAHAM:

17. I'm happy to hear that Senator Maragos et al are ready
18. to start helping business. I was trying to tell them we
19. should do that in 1975. Welcome aboard, I'm glad you finally
20. got on the team.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Further discussion? Senator Soper may close the debate.

23. SENATOR SOPER:

24. Well, thank you Mr. President. What surprised me that
25. Senator Netsch got up and spoke for elimination of Section C
26. and this is just one sentence in Section C. So, I don't know,
27. maybe I didn't use the right shaving lotion this morning, but
28. she certainly jumped from one side to the other on the same
29. issue. Notwithstanding what's been said. I still think that
30. what our purpose is to maintain the tax on personal property
31. as far as corporations are concerned and the bill in its
32. original form would do that. And I still say that the
33. president knows that, I know that, and some of the other

1. Senators in here know that and this amendment was just pish-posh.
2. And I'd like to have you vote on this amendment 'cause I
3. think if we don't put it on we're going to have a little
4. trouble.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Soper has moved the adoption of Amendment
7. No. 3 to Senate Joint Resolution 29. All those in favor
8. signify by saying Aye. All those opposed. The Noes
9. have it, the amendment fails. Further amendments?

10. SECRETARY:

11. Amendment No. 4 offered by Senator D'Arco.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator D'Arco.

14. SENATOR D'ARCO:

15. Thank you, Mr. President. This may require a little
16. history. In 1970 we...deliberated on a constitutional resolution
17. to abolish the personal property tax. That proposition was
18. submitted to the people in the November 3rd election in that
19. year. At the same time the Con Con delegates were meeting
20. to finalize the final version of the new 1970 Constitution.
21. They had no idea at that time what the people would do
22. regarding the proposition as to the abolition of the personal
23. property tax. So they put a safeguard provision in Section 5B
24. of Article IX of the new Constitution which provision provided
25. that any ad valorem...personal property tax abolished on or
26. before the effective date of this Constitution shall...shall not
27. be reinstated. The intent of my amendment, and it reads as
28. follows, is that all personal property owned by a natural
29. person or held in a fiduciary capacity for the benefit of a
30. natural person except personal property held in trust whose
31. primary purpose is the operation of a business for profit
32. is exempt from ad valorem personal property taxes. What this
33. is to say is that all personal property held in trust by

1. individuals shall be exempt for purposes of taxation as well
2. as all personal property, which is now exempt, which is held
3. by individuals not held in trust. That is the intent of the
4. amendment and all we're trying to do is reaffirm what the
5. proposition said and the voters acted upon in the 1970
6. November 3rd election.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Grotberg, for what purpose do you arise?

9. SENATOR GROTBORG:

10. On my continued point of order regarding the lack
11. of information of myself and I presume fifty-eight other
12. Senators. What amendment are we talking about? Where is
13. it? How do I identify it? What does it do? And then...
14. we can listen to his narration.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. I...the Secretary informs the Chair that Amendment
17. No. 4 offered by Senator D'Arco has, in fact, been
18. distributed.

19. SENATOR GROTBORG:

20. Is it numbered and is it identifiable? We have so
21. much paper now we can't tell.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Well, Mr. Secretary, will you read the LRB number.

24. SECRETARY:

25. 5181AM4-KLSTC.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Any discussion? Senator Soper.

28. SENATOR SOPER:

29. Thank you, Mr. President. Senator D'Arco, would you
30. answer a few questions?

31. PRESIDING OFFICER: (SENATOR ROCK)

32. He indicates he will yield. Senator Soper.

33. SENATOR SOPER:

1. How much money are we talking about?

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator D'Arco.

4. SENATOR D'ARCO:

5. The...what did you say? We're talking about for '75,

6. 1975, we're talking about approximately three million dollars.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Soper.

9. SENATOR SOPER:

10. Now, what does that mean, three million dollars now?

11. It means three million dollars to the City of Chicago, Peoria

12. or St. Louis or what...what municipalities would be affected

13. by this?

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator D'Arco.

16. SENATOR D'ARCO:

17. Cook County is the only taxing body presently that

18. is...has this tax in effect now, so it really would only

19. affect Cook County and the collections for '76 and '77, I

20. am told, although there aren't any figures, are about

21. half of the three million for '75. So about 1.5 million.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator Soper.

24. SENATOR SOPER:

25. In other words you tell me that although the Constitution

26. doesn't exempt trusts in any other place...in...it doesn't

27. exempt trusts in Chicago, it does exempt trusts in every

28. other part of the State. Is that what you are telling me?

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator D'Arco.

31. SENATOR D'ARCO:

32. No, they don't...they don't collect it in any other

33. part of the State. What is even more interesting though,

34. there is an exemption in the revenue article for pension

35. funds, pension monies that are held in trust. They don't

1. have to pay taxes. And why are you penalizing natural
2. persons from paying taxes when if the property were not
3. held in trust, they wouldn't have to pay taxes.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Soper.

6. SENATOR SOPER:

7. How are you going to replace this three million dollars
8. from...you say the county, you mean that the county board
9. collects this money or do you say the municipalities within
10. the county?

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator D'Arco.

13. SENATOR D'ARCO:

14. The, I believe, the county board collects it. I'm not
15. sure, I'm really not.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Soper.

18. SENATOR SOPER:

19. Thank you, Mr. President. But we're...we're going to
20. vote on something that somebody believes they don't know and
21. that's not collected that way, that's...that's collected
22. the same way any other personal property is collected and
23. it's distributed to the municipalities on an equal basis.
24. If the trust is held in the municipality, that's the way
25. the money is collected. Now if want to...if you want to
26. foreclose the City of Chicago from collecting...you're talking
27. about the poor individual. These are trusts that are set up
28. by...by big entities and they have them in the City of Chicago
29. and if the City of Chicago gets the money, if you want to give
30. up three million dollars. And you say that nobody else taxed
31. in the State, I think you're wrong. I think every...every trust
32. that's set up of this type is taxed either in Peoria or where-
33. ever it's held, your municipalities. I don't think you have

1. your figures, Senator.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Any further discussion? Senator Nimrod.

4. SENATOR NIMROD:

5. Yes, Mr. President, I have a question of the sponsor.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. He indicates he will yield. Senator Nimrod.

8. SENATOR NIMROD:

9. What...as I understand it, this eliminates the trusts.

10. But tell me this, Senator D'Arco, does this eliminate the

11. tax by passing this amendment?

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator D'Arco.

14. SENATOR D'ARCO:

15. It...it would exempt the trusts from taxation.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Nimrod.

18. SENATOR NIMROD:

19. Senator D'Arco, I...I do not believe so. What we're

20. doing is, we're eliminating from that part of the provisions

21. of the Constitution. But the only way you can change a

22. tax is having the Legislature act and change that tax. The Legis-

23. lature has the power and has to go through the whole process

24. and we'd have to have a bill to remove that. And that was

25. just my point in the original presentation. We're not removing

26. any tax by removing this provision at all. That tax would

27. still remain and I think what we're doing is kidding ourselves.

28. The...that tax would still be there and all we're doing is

29. removing it from the provisions. And I say to you that what

30. we should do is remove the entire personal property tax under

31. the provision of the Constitution, but the tax would stay

32. there and it wouldn't change a thing. But your provision

33. does not remove the tax at all. The tax would still be

1. collected and it would take us...take a chance...we'd have
2. to do it legislatively. So what I think that we ought to
3. do is this entire thing rather than just one part of it. And
4. I think if it's okay for the three million to go then it's
5. okay for all of that provision to become out from under
6. the reigns of the Constitution. So I think you're just
7. kidding us.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Further discussion. Senator Maragos.

10. SENATOR MARAGOS:

11. First of all, Mr. President, I would like to ask about
12. the germaneness of this amendment. Would it takes another
13. area which includes Section B of the article as compared
14. when the amendment that I am proposing only deals with
15. Section C. Is there any question of germaneness here that
16. might be brought up at this time?

17. PRESIDING OFFICER: (SENATOR ROCK)

18. The question of...germaneness is always relevant.
19. The Chair will rule that the amendment is germane.

20. SENATOR MARAGOS:

21. The only other question of concern I have if this
22. is adopted and put on...this amendment is put on, as much
23. as I have a high regard for the sponsor of this amendment,
24. I feel that it might cloud the issue when it is brought
25. before the voters if this amendment does pass the General
26. Assembly and given for next November's referendum. I
27. have a concern because we are dealing with some area here
28. which will not only take the revenue from the municipalities
29. and some of the school districts in the Cook County area, but more
30. importantly it may becloud the issue and not become as a
31. clear cut issue before the voters come November because they
32. may feel that we're trying to help the trusts and the trust
33. companies and not help the individual, and therefore I have

1. some reservations about this amendment.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Further discussion? Senator Berning.

4. SENATOR BERNING:

5. A question, Mr. President, clarification. We have
6. before us a Section B which ostensibly replaces...or Paragraph
7. B as it now exists. What becomes of the current B? Is it
8. not necessary to provide for the removal thereof?

9. PRESIDING OFFICER: (SENATOR ROCK)

10. Senator Netsch says it's quite all right. I...the
11. Chair will rule that Section B would be replaced by this
12. proposed Section B. Further discussion? Senator D'Arco, you
13. wish to close the debate?

14. SENATOR D'ARCO:

15. The...I...I found out the answer to Senator Soper's
16. question. The county treasurer does, in fact, collect the
17. taxes and they are distributed to the local municipalities.
18. But the amount of money involved is miniscule as compared
19. to the amount of real and personal property that is assessed
20. throughout the entire county plus the fact that only Cook
21. County bothers to assess personal property that is held
22. in trust by individuals. All other counties in the State
23. of Illinois do not assess such properties. The fact of the
24. matter is that Senator Nimrod is addressing a much larger
25. issue as to whether or not we can by law abolish the entire
26. personal property tax. I am not addressing that issue, I
27. am, in fact, addressing the issue of personal property held
28. in trust by individuals which is a part of Section 5B of
29. Article IX of the 1970 Constitution which did provide that
30. all personal properties shall not be reinstated. This
31. affects property held by widows and children of people
32. who put that property in trust for their benefit. And why
33. they should have to pay a tax and those who do not have

1. the property in trust should not pay a tax is an undue
2. discrimination. For those reasons I would ask an affirmative
3. vote on this amendment.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. For what purpose does Senator Soper arise?

6. SENATOR SOPER:

7. Well, I'd like to have a roll call on this and I think
8. I got about nineteen on this side. I'd like to have a roll
9. call.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Well, Senator, if you request...

12. SENATOR SOPER:

13. I'd like to see the green, yellows and the pinks.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. ...it will be granted to you. The question is on
16. the adoption of Amendment No. 4 to Senate Joint Resolution
17. 29. Those in favor vote Aye. Those opposed vote Nay. The
18. voting is open. Have all voted who wish? Have all voted
19. who wish? Take the record. On that question, the Ayes are
20. 36, the Nays are 15, 2 Voting Present. Amendment No. 4 is
21. adopted. Further amendments, Mr. Secretary?

22. SECRETARY:

23. No further amendments.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. ...please. For what purpose does Senator Soper arise?

26. SENATOR SOPER:

27. Point of parliamentary inquiry, Mr. President.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Yes...yes, Senator.

30. SENATOR SOPER:

31. Now that we've amended this gem...what do we start all
32. over again, just go back to 1st reading and start all over
33. or...or what do you do?

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. If you'll wait just a moment, Senator, I will clarify
3. that for you. Senator Maragos.
4. SENATOR MARAGOS:
5. I just respectfully ask that this be read as amended
6. at this time in full.
7. PRESIDING OFFICER: (SENATOR BRUCE)
8. Well...we will...if you two...if you will wait just
9. a moment. The Secretary is prepared to read this amendment,
10. this proposed constitutional amendment, the first time
11. at this point. It's now been amended, it will have to be
12. read three times in full. This would be the 3rd...the 1st
13. reading as amended.
14. SECRETARY:
15. Senate Joint Resolution No. 29 Constitutional Amendment.
16. (Secretary reads SJR 29 CA)
17. 1st reading of Senate Joint Resolution No. 29 as amended.
18. PRESIDING OFFICER: (SENATOR BRUCE)
19. Senator Soper.
20. SENATOR SOPER:
21. Mr. President, I think our rules are such maybe
22. parliamentary inquiry that when a constitutional amendment
23. is...is proposed that before it's read a 1st time it goes
24. to the Committee on Executive. Am I right?
25. PRESIDING OFFICER: (SENATOR BRUCE)
26. That is correct, Senator.
27. SENATOR SOPER:
28. Well, should this go to Executive for and then we acted
29. upon then send it back here and be read a 1st time?
30. PRESIDING OFFICER: (SENATOR BRUCE)
31. It...it has been to Executive and has then been amended
32. on the Floor.
33. SENATOR SOPER:

1. Yeah, but it's not on the same constitutional amendment,
2. this is different.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator, it has already been before the Executive
5. Committee.

6. SENATOR SOPER:

7. No, not this one hasn't been.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Well...

10. SENATOR SOPER:

11. This is...this...this hasn't been before the Executive
12. Committee.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator, we amend bills here on the Floor which are
15. substantially different from how they appeared in that
16. committee and we have never followed the procedure that
17. a bill amended has to go back to committee. I have
18. proposed that in the past and would support it again that
19. there are a lot of legislative bodies that don't even
20. allow amendments on the Floor. But under our rules it
21. is appropriate that it be amended and it not be referred
22. back to committee. Senator Soper.

23. SENATOR SOPER:

24. Well I'd like to have you read that rule to me.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. On introduction of bills?

27. SENATOR SOPER:

28. On constitutional amendments, yeah. Because if we...we
29. have a bill and you propose a bill, it's numbered, sent to...
30. it's read a first time or sent to...sent to the...sent to the
31. Committee on...on Bills and then it's sent to...sent to the
32. proper committee and then when it comes back here it's read
33. a 2nd time. These bills go out of Executive and they're read

1. a first time. Now you read this on the Floor the 1st time and
2. I don't think you're right. I think it should go back to
3. Executive and you should...you should hear this thing in full
4. with the amendment and have a discussion on it and then bring
5. it back here and read a 1st time.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Is that your motion, Senator? There...there is a motion
8. allowed under our rules that this bill be and this constitu-
9. tional amendment be recommitted to committee. Is that your
10. motion?

11. SENATOR SOPER:

12. Well, I...I'd like to have it done properly because I...

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. The...the motion would...

15. SENATOR SOPER:

16. ...I'd...I'd hate to have this thing be objected to.
17. I'd like to see it pass, but if we're going to do it, let's
18. do it right.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Well there is...there's a procedure allowing a Motion
21. to Recommit. It would be inappropriate for the Chair to
22. make that motion if...it would be in order however if you
23. wish to make the Motion to Recommit at this time.

24. SENATOR SOPER:

25. Well, if it'll cure the situation I'll make the Motion
26. to Recommit.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. The motion is...the Motion is to Recommit Senate Joint
29. Resolution 29 to the Senate Committee on Executive. Is
30. there discussion? Senator Rock.

31. SENATOR ROCK:

32. Question of the moveant. Will the same motion be in
33. order with respect to HJRCA 22? Should we not make a joint

1. motion?

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Soper, I think that question is directed to you.

4. SENATOR SOPER:

5. Thank you, Mr. President. If you so desire you may make

6. the motion, Senator Rock. It's your prerogative.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Is there further discussion on the Motion to Recommit?

9. Senator Rock.

10. SENATOR ROCK:

11. No, my...my question I don't think as usual, was

12. answered. Will...will you, in fact, make a joint motion?

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Soper.

15. SENATOR SOPER:

16. Senator Rock, I made a motion on...on 29. If you want

17. to include in that motion 22, be my guest. I'll support you

18. or you support me. Or I'll support myself whether you support

19. me or not.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator...Senator Rock.

22. SENATOR ROCK:

23. All right. Well if the motion is in order then let's

24. have a joint motion by Senators Rock and Soper or Soper and

25. Rock that Senate Joint Resolution 29 and House Joint Resolution

26. CA 22 be recommitted.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Well, gentlemen, the...the Chair would rule that we are

29. presently considering a motion on Senate Joint Resolution

30. 29 and the Motion is to Recommit and that motion is before

31. the Body and a motion other than to adjourn might be an out

32. of order. So, if...since House Joint Resolution Constitutional

33. Amendment 22 is not before the Body at this time, I would rule

1. that Senator Rock's motion is out of order.

2. SENATOR ROCK:

3. How about Senator Soper?

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Soper.

6. SENATOR SOPER:

7. Just to clarify the air. The reason I made this motion
8. is because I think that the answer I got from the...from the
9. President at this time wasn't satisfactory in that, if there
10. would be some questions as to this Senate Joint Resolution
11. that...and we take tapes on this...I wouldn't want this
12. to fail because of the fact that we didn't use the proper
13. procedures. Now, if that's the...if that's the desire of
14. the Senate that it remain here, fine, I made the motion
15. just to clarify the air. It's just a parliamentary inquiry
16. that I didn't think was answered properly or incorrectly
17. not through...but I...but I don't think our rules permit
18. a resolution of this type to be...to be amended. Now if
19. you took this...if you took this resolution and you change
20. that whole smear in it from one end to the another, you
21. took out everything but the enacting clause, then you tell
22. me that you could put it before this Body without taking
23. it before Executive and read it three times and pass
24. it, I don't think you're right. If you change one word,
25. I think you got to send it down there.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. The point would be made Senator, that under Rule 6,
28. it says all resolutions introduced in the Senate shall be
29. referred to the Executive Committee except Adjournment
30. Resolutions. This resolution was, in fact, introduced and
31. sent to the Executive Committee and we have complied with
32. that rule. We have never had a rule which says that any
33. bill or resolution amendment...amended must automatically

1. go back to the Executive Committee. We have met the mandate
2. of our rules and in fact, it was introduced and referred to
3. the Executive Committee and they have...held a hearing on it.
4. The Motion is to Recommit. All in favor...Senator Soper...

5. SENATOR SOPER:

6. Well...

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. ...for what purpose do you arise?

9. SENATOR SOPER:

10. ...if you...if you had that ruling that's fine, but I
11. still think you're wrong. I not going to...I'm not going
12. to appeal from your ruling because I know I can't get thirty-
13. six votes here if I stand on my head.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. No, Senator I'm not trying to make you...

16. SENATOR SOPER:

17. ...I can only count twenty-five.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator, all I'm saying is under Rule 42 there are motions
20. set forward for members to...to accomplish the things they wish
21. to accomplish. If you wish it to be in Executive, the Chair
22. cannot put it there. You've made the appropriate motion and
23. now is the time to vote on that motion. If the will of the Body
24. is to recommit it, the Chair is not going to try to make a
25. ruling to prohibit that. The Motion is to Recommit Senate
26. Joint Resolution 29. Further discussion? All in favor say
27. Aye. Senator Rock, for what purpose do you arise?

28. SENATOR ROCK:

29. Well, just a point of order. If Senator Soper, in fact,
30. will stand on his head he may well get the requisite number
31. of votes.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. No, Senator Soper. Senator Soper.

1. SENATOR SOPER:

2. Well, I...I left my kilts at home so it wouldn't do you
3. a bit of good. Anyway, let's have a vote on it.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. All in...the Motion is to Recommit. All in favor say Aye.
6. Opposed Nay. The Nays have it. The Motion to Recommit is lost.

7. 2nd reading. Goes to the Order of 2nd reading automatically,

8. Senator Soper. Senator Nimrod.

9. SENATOR NIMROD:

10. Yeah, a parliamentary inquiry. While this is in it's
11. posture of being the 1st reading then am I to assume that
12. on either 1st or 2nd reading you may amend this amendment?

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator, under a rule that came out of the Rules Committee,
15. which has not been adopted, it would state, every such amended
16. resolution shall be read in full in its amended form on three
17. different days. No resolution once amended on either or
18. both a 1st or 2nd initial readings shall be allowed to be
19. amended thereafter. Senator Nimrod.

20. SENATOR NIMROD:

21. Then I...I ask you the question. What is the purpose
22. of an amendment...and a bill or anything remaining being
23. read three times?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Well, because it is required in our Constitution which
26. precludes all statutes in our rules that they be read in full...
27. in full, that is the statutory language and that is...that's
28. the Constitutional language rather and that is the requirement
29. that we are now meeting. Senator Nimrod.

30. SENATOR NIMROD:

31. Does it not come about then in our whole practice of
32. the three readings that you can, in fact, on 2nd reading,
33. regardless what the situation is, that that is the amendment

1. stage and that everyone is entitled to amend any bill that
2. actually on 2nd reading or a resolution. I think our
3. rules say that, that we can amend any rule or resolution
4. on 2nd reading. That...even the rule you read has not
5. been adopted, but the rules we have adopted do, in fact,
6. provide for amendments in 2nd reading.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Until this rule is adopted I think that you could,
9. Senator, amend this particular resolution on...on 2nd
10. reading and then it would require again three readings.

11. SENATOR NIMROD:

12. So that would be, 2nd reading would be then when?
13. The next day that we're back?

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Whenever the sponsor would call it for 2nd reading.

16. SENATOR NIMROD:

17. Right...fine. Thank you.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Resolutions.

20. SECRETARY:

21. Senate Resolution 331 offered by Senator Rock, Hynes and
22. all Senators and it's...it is congratulatory. And Senate...Senate
23. Joint Resolution No. 77 offered by Senator Buzbee, Donnewald,
24. Demuzio and all Senators and it's congratulatory and it's
25. congratulating the Nashville High School for winning the
26. Class A Basketball Tournament.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. May we place that on next week's Consent Calendar,
29. it's too late for this week. Consent Calendar.

30.

31.

32.

33.

End of Reel #2

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. The Resolutions Consent Calendar has been distributed.
3. The Secretary has not received any objections in writing. Is
4. there leave to take that matter at this time? Leave is granted.
5. On a motion to adopt the Resolutions Consent Calendar. All in
6. favor say Aye. Opposed Nay. The Ayes have it. The resolution
7. is so denominated or declared adopted. For what purpose does
8. Senator Mitchler arise?

9. SENATOR MITCHLER:

10. Mr. President and members of the Senate. On a point of
11. personal privilege.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. State your point.

14. SENATOR MITCHLER:

15. In the south gallery is the second group of the Yorkville
16. fifth graders from Parkview Grade School in Yorkville, Illinois
17. that are visiting the State Capitol today and I would ask that
18. they rise and be recognized by the Senate.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Would our guests please stand and be recognized.
21. Senator Hynes, we have two matters...one member has sought
22. recognition for the purpose of making a point of personal
23. privilege and we also have a Death Resolution that...Do
24. you have any announcements prior going to those...those
25. business...that business? Senator Hynes.

26. SENATOR HYNES:

27. Two announcements, Mr. President. First, there will
28. be a meeting of the Rules Committee immediately upon the
29. recess of the Senate in the President's Office. The...our
30. intention is to recess the Session in just a few minutes and
31. keep it open subject to the call of the Chair to receive the
32. report of the Rules Committee and the Committee on the
33. Assignment of Bills so that these bills can be ready for

1. committee action next week. Secondly, when we do finally
2. adjourn today we will adjourn until next Tuesday at noon.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. Senator Graham, for what purpose do you arise?

5. SENATOR GRAHAM:

6. I would rise to make an announcement too, if I might.
7. I'd like to have the Journal reflect the fact that Senator
8. Weaver is not here today due to the death of a very, very
9. close personal friend who has befriended him many times and
10. Senator Weaver with much sadness left the Senate to go to a
11. place more sad for him. I'd like for the Journal to reflect
12. that.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. The Journal will so reflect. Senator Buzbee.

15. SENATOR BUZBEE:

16. Thank you, Mr. President. An announcement Appropriations
17. Committee No. II will meet exactly fifteen minutes after
18. adjournment of the Body today in Room 212.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further announcements? For what purpose does Senator
21. Harber Hall arise?

22. SENATOR HARBER HALL:

23. Mr. President, on a point of personal leave of the Body.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. State your point, Senator.

26. SENATOR HARBER HALL:

27. Mr. President and fellow Senators. I have been in public
28. life for a number of years. I have served the citizenry of
29. Illinois and the nation for well over thirty years in various
30. capacities. I have been in Springfield for twelve years and
31. never in that time have I thought of my service as a service
32. for myself but of my constituents. One week ago in a head to
33. head interview with a newspaper reporter, a man who I am told

1. is a full time paid lobbyist for an organization in Illinois
2. referred to me in very vulgar terms and the newspaper person,
3. as he should, quoted and it was printed in the newspapers.
4. It is true that I probably do not agree with many of the...
5. the advocates of this...who this gentleman represents. It
6. is true that I vote often times contrary to their wishes.
7. It is also true that I vote as I think my constituents would
8. have me. If it were in my power to forgive this gentleman for
9. his reference to me I would do so. I like to think that I'm
10. a gentle man. But his forgiveness will have to come from the
11. people of Illinois and especially the people of this assembly.
12. I have too much respect for my service here being appointed
13. and elected by the people to let this go unnoticed and let
14. this Body show how difficult it can be to try and express one's
15. views as he sees them through his electorate. If it is permitted
16. in the halls of this great edifice, the State Capitol, that
17. people refer to the peoples representatives, this is a
18. representative democracy. We are not individuals. We are the
19. people's representatives and if we permit the tearing down of
20. the esteem of the office that we hold we lose our service to
21. our people and our constituents. I wanted to bring this to
22. your attention so that you will understand how better we can
23. function as the lawmaking Body in Springfield. I thank you.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Resolutions. Is there further business to come before
26. the Senate? Will all members be in their seats for the
27. consideration of a Death Resolution? This is a Death
28. Resolution for a former Senate colleague. The Secretary will
29. read the resolution. Will the members...

30. SECRETARY:

31. Senate...

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. ...please be in their seats?

1. SECRETARY:

2. Senate Resolution 332 offered by Senators Harber Hall,
3. Graham, Ozinga and all members. It is Senate Resolution 333.

4. (Secretary reads Senate Resolution 333)

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Harber Hall.

7. SENATOR HARBER HALL:

8. Ladies and Gentlemen of this Senate. I would be
9. surprised if there were many on this Floor who did not
10. know personally Dave Davis. He was truly a statesman. You
11. know in any case his background, his long family background
12. in government and statesmanship. What impressed me most
13. about Dave Davis is that through his work he had a rapport
14. with his constituency that I, as a political person, admired
15. a great deal because he was not the kind of person who would
16. go out and smile and shake hands just so the people would
17. get to know him and like his affable personality. He worked
18. hard in his office. He worked hard in Springfield. He worked
19. very well and effectively, but he was not in the true sense,
20. a typical politician, and yet his constituency always recognized
21. that he had the abilities that he didn't really and truly possess
22. and they did elect him without any losses in elections and would
23. have continued to do so had he been permitted to serve longer.
24. David Davis passed this earth at too young a age. He had many
25. good years, we had hoped. But he has gone to his final resting
26. place with a deep honor that I think we all would admire.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Harber Hall moves the suspension of the rules
29. for the immediate consideration and adoption of this resolution.
30. All in favor say Aye. Opposed Nay. The Ayes have it. The
31. rules are suspended. On the adoption...on the adoption of
32. Senate Resolution 332 those in favor please rise. The resolution
33. is adopted. (Machine cutoff) Senator Hynes would ask that the

1. members stand at ease for a moment. He will return to the
2. Floor momentarily, I think, for an announcement. If you'd
3. please stand at ease. The Senate will stand in recess subject
4. to the call of the Chair.

5. (RECESS)

6. (AFTER RECESS)

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. The Senate will come to order. Committee Reports.

9. SECRETARY:

10. Senator Buzbee, Chairman of the Appropriations II reports
11. out Senate Bill 1511 with the recommendation Do Pass.

12. Pursuant to...amended Temporary Rule No. 5, the Senate
13. Rules Committee met at 2:00 and at 4:00 p.m. on April the 20th,
14. 1978 and makes the following report:

15. By unanimous vote the committee ruled that the following
16. bills can be considered during the Spring Session of the Senate.

17. Senate Bills 1392, 1393, 1415, 1429, 1446, 1458, 1429...
18. 1558, 1529, 1553, 1555, 1567, 1603, 1606, 1616, 1617, 1624, 1628,
19. 1644, 1645, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661,
20. 1662, 1663, 1664, 1667, 1672, 1673, 1675, 1676, 1677, 1678, 1681,
21. 1688, 1689, 1692, 1693, 1694, 1695, 1696, 1697, 1708, 1709, 1710,
22. 1720, 1725, 1742, 1744, 1746, 1749...1751, 1752, 1753, 1768, 1769,
23. 1770, 1771, 1772, 1773, 1775, 1778, 1779, 1780, 1783, 1784, 1785,
24. 1786, 1790, 1792, 1793, 1794, 1795, 1796, 1800, 1801, 1803, 1804,
25. 1805, 1806, 1807, 1808, 1809, 1815, 1816, 1817, 1819, 1820, 1821,
26. 1822, 1823, 1824, 1831, 1833, 1840, 1841, 1842, 1845, 1848, 1855,
27. 1856, 1859, 1861, 1862, 1863, 1864 and 1866.

28. The foregoing bills were ordered to be read a first time
29. printed and referred to the Committee on Assignment of Bills.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senate bills, 1st reading.

32. ACTING SECRETARY: (MR. FERNANDES)

33. Senate Bill 1392.

1. (Acting Secretary reads title of bill)
2. Senate Bill 1393.
3. (Acting Secretary reads title of bill)
4. Senate Bill 1415.
5. (Acting Secretary reads title of bill)
6. Senate Bill 1429.
7. (Acting Secretary reads title of bill)
8. Senate Bill 1446.
9. (Acting Secretary reads title of bill)
10. Senate Bill 1528.
11. (Acting Secretary reads title of bill)
12. Senate Bill 1529.
13. (Acting Secretary reads title of bill)
14. Senate Bill 1553.
15. (Acting Secretary reads title of bill)
16. Senate Bill 1555.
17. (Acting Secretary reads title of bill)
18. Senate Bill 1567.
19. (Acting Secretary reads title of bill)
20. Senate Bill 1603.
21. (Acting Secretary reads title of bill)
22. Senate Bill 1606.
23. (Acting Secretary reads title of bill)
24. Senate Bill 1616.
25. (Acting Secretary reads title of bill)
26. Senate Bill 1617.
27. (Acting Secretary reads title of bill)
28. Senate Bill 1624.
29. (Acting Secretary reads title of bill)
30. Senate Bill 1628.
31. (Acting Secretary reads title of bill)
32. Senate Bill 1644.
33. (Acting Secretary reads title of bill)

1. Senate Bill 1645.
2. (Acting Secretary reads title of bill)
3. Senate Bill 1653.
4. (Acting Secretary reads title of bill)
5. Senate Bill 1654.
6. (Acting Secretary reads title of bill)
7. Senate Bill 1655.
8. (Acting Secretary reads title of bill)
9. Senate Bill 1656.
10. (Acting Secretary reads title of bill)
11. Senate Bill 1657.
12. (Acting Secretary reads title of bill)
13. Senate Bill 1658.
14. (Acting Secretary reads title of bill)
15. Senate Bill 1659.
16. (Acting Secretary reads title of bill)
17. Senate Bill 1660.
18. (Acting Secretary reads title of bill)
19. Senate Bill 1661.
20. (Acting Secretary reads title of bill)
21. Senate Bill 1662.
22. (Acting Secretary reads title of bill)
23. Senate Bill 1663.
24. (Acting Secretary reads title of bill)
25. Senate Bill 1664.
26. (Acting Secretary reads title of bill)
27. Senate Bill 1667.
28. (Acting Secretary reads title of bill)
29. Senate Bill 1672.
30. (Acting Secretary reads title of bill)
31. Senate Bill 1673.
32. (Acting Secretary reads title of bill)
33. Senate Bill 1675.

1. (Acting Secretary reads title of bill)
2. Senate Bill 1676.
3. (Acting Secretary reads title of bill)
4. Senate Bill 1677.
5. (Acting Secretary reads title of bill)
6. Senate Bill 1678.
7. (Acting Secretary reads title of bill)
8. Senate Bill 1681.
9. (Acting Secretary reads title of bill)
10. Senate Bill 167...1688.
11. (Acting Secretary reads title of bill)
12. Senate Bill 1699...Senate Bill 1689.
13. (Acting Secretary reads title of bill)
14. Senate Bill 1692.
15. (Acting Secretary reads title of bill)
16. Senate Bill 1693.
17. (Secretary reads title of bill)
18. Senate Bill 1694.
19. (Secretary reads title of bill)
20. Senate Bill 1695.
21. (Secretary reads title of bill)
22. Senate Bill 1696.
23. (Secretary reads title of bill)
24. Senate Bill 1697.
25. (Secretary reads title of bill)
26. Senate Bill 1708.
27. (Secretary reads title of bill)
28. Senate Bill 1708...Senate Bill 1709.
29. (Secretary reads title of bill)
30. Senate Bill 1710.
31. (Secretary reads title of bill)
32. Senate Bill 1720.
33. (Secretary reads title of bill)

1. Senate Bill 1725.
2. (Secretary reads title of bill)
3. Senate Bill 1742.
4. (Secretary reads title of bill)
5. Senate Bill 1744.
6. (Secretary reads title of bill)
7. Senate Bill 1746.
8. (Secretary reads title of bill)
9. Senate Bill 1749.
10. (Secretary reads title of bill)
11. Senate Bill 1751.
12. (Secretary reads title of bill)
13. Senate Bill 1752.
14. (Secretary reads title of bill)
15. Senate Bill 1753.
16. (Secretary reads title of bill)
17. Senate Bill 1768.
18. (Secretary reads title of bill)
19. Senate Bill 1769.
20. (Secretary reads title of bill)
21. Senate Bill 1770.
22. (Secretary reads title of bill)
23. Senate Bill 1771.
24. (Secretary reads title of bill)
25. Senate Bill 1772.
26. (Secretary reads title of bill)
27. Senate Bill 1773.
28. (Secretary reads title of bill)
29. Senate Bill 1775.
30. (Secretary reads title of bill)
31. Senate Bill 1778.
32. (Secretary reads title of bill)
33. Senate Bill 1779.

1. (Secretary reads title of bill)
2. Senate Bill 1780.
3. (Secretary reads title of bill)
4. Senate Bill 1783.
5. (Secretary reads title of bill)
6. Senate Bill 1784.
7. (Secretary reads title of bill)
8. Senate Bill 1785.
9. (Secretary reads title of bill)
10. Senate Bill 1786.
11. (Secretary reads title of bill)
12. Senate Bill 1790.
13. (Secretary reads title of bill)
14. Senate Bill 1792.
15. (Secretary reads title of bill)
16. Senate Bill 1793.
17. (Secretary reads title of bill)
18. Senate Bill 1794.
19. (Acting Secretary reads title of bill)
20. Senate Bill 1795.
21. (Acting Secretary reads title of bill)
22. Senate Bill 1796.
23. (Acting Secretary reads title of bill)
24. Senate Bill 1800.
25. (Acting Secretary reads title of bill)
26. Senate Bill 1801.
27. (Acting Secretary reads title of bill)
28. Senate Bill 1803.
29. (Acting Secretary reads title of bill)
30. Senate Bill 1804.
31. (Acting Secretary reads title of bill)
32. Senate Bill 1805.
33. (Acting Secretary reads title of bill)

1. Senate Bill 1806.
2. (Acting Secretary reads title of bill)
3. Senate Bill 1807.
4. (Acting Secretary reads title of bill)
5. Senate Bill 1808.
6. (Acting Secretary reads title of bill)
7. Senate Bill 1809.
8. (Acting Secretary reads title of bill)
9. Senate Bill 1815.
10. (Acting Secretary reads title of bill)
11. Senate Bill 1816.
12. (Acting Secretary reads title of bill)
13. Senate Bill 1817.
14. (Acting Secretary reads title of bill)
15. Senate Bill 1819.
16. (Acting Secretary reads title of bill)
17. Senate Bill 1820.
18. (Acting Secretary reads title of bill)
19. Senate Bill 1821.
20. (Acting Secretary reads title of bill)
21. Senate Bill 1822.
22. (Acting Secretary reads title of bill)
23. Senate Bill 1823.
24. (Acting Secretary reads title of bill)
25. Senate Bill 1824.
26. (Acting Secretary reads title of bill)
27. Senate Bill 1831.
28. (Acting Secretary reads title of bill)
29. Senate Bill 1833.
30. (Acting Secretary reads title of bill)
31. Senate Bill 1840.
32. (Acting Secretary reads title of bill)
33. Senate Bill 1841.

1. (Acting Secretary reads title of bill)
2. Senate Bill 1842.
3. (Acting Secretary reads title of bill)
4. Senate Bill 1845.
5. (Acting Secretary reads title of bill)
6. Senate Bill 1848.
7. (Acting Secretary reads title of bill)
8. Senate Bill 1855.
9. (Acting Secretary reads title of bill)
10. Senate Bill 1856.
11. (Acting Secretary reads title of bill)
12. Senate Bill 1859.
13. (Acting Secretary reads title of bill)
14. Senate Bill 1861.
15. (Acting Secretary reads title of bill)
16. Senate Bill 1862.
17. (Acting Secretary reads title of bill)
18. Senate Bill 1863.
19. (Acting Secretary reads title of bill)
20. Senate Bill 1864.
21. (Acting Secretary reads title of bill)
22. Senate Bill 1866.
23. (Acting Secretary reads title of bill)
24. 1st reading of the bills.
25. PRESIDING OFFICER: (SENATOR DONNEWALD)
26. Committee Reports.
27. SECRETARY:
28. Senator Donnewald, Chairman of the Assignment of Bills
29. Committee assigns the following bills to committee: Agriculture,
30. Conservation and Energy. Senate Bills 1546, 1771, 1772,
31. and 1862.
32. Appropriations I: Senate Bills 1415, 1429, 1606, 1624,
33. 1645, 1672, 1673, 1677, 1681, 1687, 1708, 1709, 1710, 1720, 1803,
34. 1833, 1840, 1841, 1842, 1845, 1856, 1863, 1864.

1. Appropriations II: Senate Bills 1644, 1688, 1770, 1778,
2. 1779, 1866.
3. ...Elementary and Secondary Education: Senate Bills 1775
4. and 1780.
5. Higher Education: Senate Bills...1529, 1555, 1769, 1794,
6. 1831.
7. Executive: Senate Bills 1536, 1603, 1804, 1805, 1806,
8. 1861.
9. Executive Appointments and Administration: Senate Bills
10. 1628, 1653 through 1664, 1692 through 1697, 1749, 1848, 1869...59.
11. Finance and Credit Regulations: Senate Bill 1786.
12. Insurance and Licensed Activities: Senate Bills 1725,
13. 1747, 1792.
14. Judiciary I: Senate Bills 1616, 1630, 1702, 1751, 1752,
15. 1753, 1808.
16. Judiciary II: Senate Bills 1675, 1676, 1689, 1811.
17. Labor and Commerce: Senate Bills 1742, 1744, 1773.
18. Local Government: Senate Bills 1419, 1528, 1667.
19. Pensions, Personnel and Veterans Affairs: Senate Bills
20. 1691, 1796.
21. Public...Health, Welfare and Corrections: Senate Bills
22. 1795, 1801, 1808, 1809, 1815, 1821, 1822, 1823 and 1824.
23. Revenue: Senate Bills 1392, 1393, 1446, 1553, 1617,
24. 1678, 1746, 1760, 1761, 1762, 1768, 1783, 1784, 1785, 1790,
25. 1793, 1798, 1807, 1816, 1817, 1819, 1820 and 1855.
26. PRESIDING OFFICER: (SENATOR DONNEWALD)
27. Is there further business to come before the Senate?
28. Senator Rock moves that the Senate stand adjourned until April 25th,
29. 12:00 noon. Those in favor indicate by saying Aye. Those opposed.
30. The Ayes have it. The Senate stands adjourned.
- 31.
- 32.
- 33.