

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

JANUARY 1972 SESSION

JANUARY 12, 1972

PRESIDENT:

Senate will come to order. Prayer by the Chaplain Reverend Walter D. Krech, Pastor of the United Methodist Church of Rochester. Pastor Krech.

PRESIDENT:

We will suspend ... We will suspend all other business until after the joint Session except for a message from the House. Secretary will read the message.

SECRETARY:

Message from the House by Mr. Selcke, Clerk. Mr. President, I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask concurrence in the Senate to wit: House Joint Resolution 111. Resolved by the House of Representatives, the Senate concurring herein, that the two Houses meet in joint Session in the Hall of the House of Representatives on Wednesday, January 12, 1972, at the hour of 12:05 o'clock p.m. for the purpose of hearing a message from his Excellency, Governor Richard B. Ogilvie, on the State of the State.

PRESIDENT:

Motion by Senator Partee to suspend the rules for the immediate adoption of the resolution. All in favor signify by saying aye. Contrary minded. The resolution is adopted. The Senate will meet immediately right here for proceeding to the House. Senator Partee.

SENATOR PARTEE:

That's correct. We can go in about 2 minutes, I would think. If there is anything else we can handle ... or we'll just wait until we get back for the rest of the things. I think we can go right now.

PRESIDENT:

Okay. Senator Partee.

SENATOR PARTEE:

Does the Secretary have on his desk the honor guard of persons who are to accompany? Would you please make that announcement.

PRESIDENT:

We have ... We have the Democratic members, not the Republican members, here. Senator Clarke do you want to ... or Coulson either one designate ... We need three, I believe. Senator Clarke.

SENATOR CLARKE:

I thought we gave them to you, but it is Senator Collins, Graham and Rosander.

PRESIDENT:

Collins, Graham, Rosander, McCarthy, Hynes and Egan.

Senator Partee.

SENATOR PARTEE:

I have been informed that the Governor will meet those who are escorting him at the door at the House. So we will meet him there and immediately after the Governor's message, we will resume this Session here.

PRESIDENT:

Excuse me. Senator Clarke.

SENATOR CLARKE:

Ah ... Mr. President and President Pro Tem, in light of our conversation this morning, we had agreed we didn't have time to have a caucus this morning, we were going to go back into caucus at 1:30. We informed our members. So I presume, even though we come back, we are not going to really do any substantive business until later.

PRESIDENT:

... Senator Partee.

SENATOR PARTEE:

We will have, when we return, I think just a couple of motions that are fairly routine. Thereafter, we will go into our respective caucuses and at 4 o'clock this afternoon there will be a meeting of the Conference Committee on the subject of ethics.

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President, just by means of clarification, after those motions that President Pro Tem referred to, we go into our respective caucus, then I assume we will be adjourned as a Body until tomorrow.

PRESIDENT:

The ... Senator Partee.

SENATOR PARTEE:

That is correct. We won't come back here until 10 o'clock tomorrow morning.

PRESIDENT:

We will meet immediately in the rear of the Chamber here.

R E C E S S

PRESIDENT:

The Senate will come to order. The Chair, if I may have the attention of Senators Clarke, Coulson, and Partee or Donnewald. Rather than go through the formality of approving a Journal, I think this is the case where it ought to be referred to a committee, I think, by tradition. If the leadership decides otherwise on both sides, but in the meantime I will refrain from any action along that line. Ah ... Senator Lyons. Is there ...

I was handed a note that Senator Lyons, Senator Cherry and Senator Partee wanted the floor. Are there others? Is there business to come before the Body at this time? Senator Cherry.

SENATOR CHERRY:

We have an Executive meeting scheduled for tomorrow, either at 2 o'clock or immediately after the Session, whichever comes first. The purpose of the Executive Committee meeting is to ah ... adopt the recommendations ... consider the adoption of the recommendations of the Governor contained in two messages. The last one was filed, I think, perhaps a week or so ago. I don't have the date at the moment. And then I understand that the Governor's assistant, Ron Swanson, delivered a message this morning. I would now move to waive the 6 day rule so we can consider in the Executive Committee the advice and consent of the Governor's recommendations.

PRESIDENT:

Is there objection? There is none. Leave is granted. Is there further business to be brought ... Senator Knuppel.

SENATOR KNUPPEL:

Mr. President and members of this Body. Shortly before we adjourned here we were considering one of the most important matters confronting the people of the State of Illinois in the light of the recent court decision which overrode the legislation abolishing personal property tax. You were ... will recall at that time that I spoke very passionately about our leaving this business unattended and leaving this Body at that time without attending to the business of the people of the State of Illinois. I at this time, therefore, having voted in the negative on the vote for final passage of Senate Bill 1292, hereby move that the vote by which said bill failed to receive a constitutional majority be reconsidered. This motion has been filed.

PRESIDENT:

What is that number again?

SENATOR KNUPPPEL:

This is the first legislative day following that and I believe the motion is in order.

PRESIDENT:

What is the number?

SENATOR KNUPPPEL:

1292.

PRESIDENT:

1292. The motion is to reconsider the vote by which Senate Bill 1292 was defeated. Is there any discussion? Senator Coulson.

SENATOR COULSON:

Mr. President, I would, I would like to inform the members and call their attention to the fact this is a Senate Bill; and if any action should be taken, it would require full treatment in the House and we'd be back here for two more weeks. We have pending on third reading a House Bill in the Senate which, if we could agree upon a solution, could be adopted today or tomorrow and get us out of here this week. I, therefore, believe that it's unnecessary to have two parallel approaches to the same problem, one of which involves five days more of, of time and the other of which could be adopted tomorrow, and would urge opposition to the motion.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Well, I, Mr. President and members, rise in support of the motion of Senator Knuppel. I know that this is a Senate Bill and I also know that if we take action on it today and get it

over to the House this bill can be passed this week. I, in my travelings about the State in the last few weeks, have come to the realization that there is probably no issue that has more fired the wrath of the voters of this State than the ... ah, political manhandling of the personal property tax issue. Therefore, I think that this bill should be brought back now for discussion, amendment and passage. And if this bill is brought back, I propose to offer an amendment which will have the effect of taking the personal property tax off individuals, and will have the further effect of taking the personal property tax off all agricultural property at least for the first \$10,000. Now that is what everybody walks all over this State prating that they want to do. Here is the chance to do it. Here is a chance to offer real relief to the taxpayers of this State. I commend Senator Knuppel for this motion and I urge the favorable action of the membership on it.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Well, I've, I think I've already expressed myself. I grew up on a farm in a rural area, and I can tell you that there is no issue more overriding with the people today. There's no more ... there's no group of people more overtaxed for the support of our schools. Since we left here, there has been an additional decision in the State of Texas, which I have a copy of, which reaffirms in the federal court what the California case had already decided; and that is that we cannot raise our taxes for schools much longer on a local basis, that we have to address ourselves to this, the most important of all political issues facing this Body, or we will have a political and an economic shambles in our schools which will irretrievably damage

the futures and educations of our children. I don't care if it takes two weeks, I don't care if it takes two months, I don't care if it takes the rest of this Session. I condemn those people who stand in this Body and who are chintzy or niggardly with the time they are willing to devote to the duties of the office they ran for. I don't think it makes a bit of difference. I think we're negligent if we don't address ourselves to it and I think the people are becoming more and more and more disgusted with those of us who want to come here, draw our mileage and run for home. Now I think it's time we addressed ourselves to the personal property tax question, that we realized what the Constitution of 1970 says in the State of Illinois and what the court decisions in California and Texas pretend for the financing of schools in the State of Illinois and about the educational welfare of our children. Now I just don't think it makes a bit of difference whether we're out of here in five days or five months. Let's get to work. I move the question.

PRESIDENT:

Is ... is that a motion for the previous question?

SENATOR KNUPPEL:

No. I just ... I just ...

PRESIDENT:

Alright. Alright. Senator Sours.

SENATOR SOURS:

Coming from a quasi-rural area of Illinois, it's heartening to see some of the statewide candidates alerting themselves to the situation which has been in existence for a quite awhile. It shows what lapse of time will do. We were here not too long ago and, in spite of any press announcements, Senate Bill 1292 was moribund, has been moribund and is moribund, having died November 13, 1971 in abject defeat. Now, let's just assume what

the learned gentlemen says might possibly come to pass. The effective date is far too late, January 1, 1973. However, that is after November so we'll ..., which has a significant ... a ... roll in the election this coming year this year. This means the farmers will not get any tax relief until the tax year 1974. So what are we talking about? We're talking about another pie in the sky. Ah. So far as I am concerned personally, there isn't anything that can be done to this bill to help it. It's dead. There is another bill, however, if, ah, the downstate Senators are alert to the problem, that does have some virtue. There's been an amendment locked on to that, however, that'll have to be stripped off. Now so far as I'm concerned the vote on this side ought to be no.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Well, Mr. President and members, just so that there will be no confusion as to where the pie is, either in the sky or elsewhere, and when it will be sliced up; this amendment also provides that this act shall take effect immediately upon the signature by the Governor. The purport of this amendment is exactly this: To give to the property taxpayers of the State of Illinois the relief they thought they were getting when they voted 7 to 1 to approve a constitutional amendment to take the personal property tax off individuals. That's what the people thought they were getting in that amendment ... in that constitutional amendment. This bill puts them in that position. Now if you want to oppose it over there, that's your business; but I have heard many members of the Republican Party state that the number one project for this year should be property tax relief. This is the time to do something or stop talking about it. And I agree with Senator Knuppel I think the time has come to

vote on the issue.

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

Yes, Mr. President and members of the Senate. Let us consider what this motion is. This is a motion to reconsider the vote by which Senate Bill 1292 was defeated, and what the mover or the offeror of the motion wishes to accomplish is to have that vote reconsidered so that, Mr. President, there would be an alternative vehicle, an alternative bill under the sponsorship of Democrats in this Body to deal with the problem of personal property tax relief. That type of proposition, Mr. President and members, seems most attractive to me, for if we fail to reconsider the way by which this bill was defeated then we are left with one bill, under the chief sponsorship of Senator Sours, and we would have no participation in effectively having this bill ever called. Senator Sours may correct me if I am wrong, but I recall when the amendment of \$1500 was put on to his House Bill that he said to the Chamber that he would not call the bill for final passage. So as things stood on the last day that we met in this Body, Senate Bill 1292 had been defeated and Senator Sours said he wouldn't call the bill that he was handling as amended. Now if that situation were just to remain the same, there is no prospect for relief on personal property tax. And Mr. President, I'm not saying that Senator Lyons' bill has any magic. I'm not saying that Senator Sours' bill is without merit. I am suggesting to you, Sir, that the only way that there can be a legislative determination of this matter is to have two vehicles alive so that ultimatums serviced on one bill, the House Bill that Senator Sours controls, if ultimatums were to be serviced on that bill that were unacceptable to the full legislature there would be no relief. With

the presence, with the vitality of two pieces of legislation, it strikes me that we can move just as quickly and more effectively in reaching a meaningful compromise. Therefore, Mr. President, without going into the merit as to which bill is the best, as a technique of resolving the situation, this motion to reconsider should carry.

PRESIDENT:

Is ... Senator Walker.

SENATOR WALKER:

Thank you, Mr. President. It seems a little unusual to me, fellow members, lady member of the Senate that we are back to where we were last Fall. I've heard of water being carried on both shoulders on many occasions in the House. In fact we had a member over there that was a kind of an unofficial member of the minority leadership, somewhat of a minister without portfolio, who I see is carrying on in the same vein in the courts in Chicago now, having recently made a rather auspicious ruling within the past week or ten days. But I feel the other side of the aisle, quite frankly, are doing a better job of carrying water on both shoulders, or attempting to do, than I ever have heard of or seen in the House. It was the other side of the aisle, if you'll recall, that insisted this exemption be \$1500 when we originally had 20 and 10. And now, as the good Senator from Peoria has said, one of the candidates has been downstate. He didn't have to go down there. Senator Knuppel, Sours, Davidson or Walker could have told him what he'd have run into down there. Now he makes the statement that he wants to make an exemption insofar as the personal property tax is concerned. You're endeavoring to bring this bill back. I am not at all convinced you're going to do what you had the opportunity to do and didn't do last Fall. My only suggestion would be, Mr. President and members of the

Senate, that if any of these candidates from Cook are running downstate that they get downstate and talk to some of the boys, some of the Senators down there, their constituents, get the feeling in November or October instead of in January. Thank you very much.

PRESIDENT:

Is there further discussion? The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning ...

PRESIDENT:

Senator Berning.

SENATOR BERNING:

I just want to explain my vote briefly, and emphasize that no one, and I repeat, no one in this Body is more concerned about an equitable solution to the personal property tax. But I'd like to call the attention of the membership to the effect ... to the fact that we do have a vehicle and if there is good will on the part of those who now seek to revive a dead issue, a dead bill, if there is good will on your part and a willingness to resolve the issue, we have the vehicle. This type of a parliamentary maneuver and attempted effort at political advantage to me is unacceptable and I vote no.

SECRETARY:

... Bidwill, Bruce, Carpentier ...

PRESIDENT:

Senator Carpentier.

SENATOR CARPENTIER:

In explaining my vote, in listening to the cries on the other side of the aisle now that they have gone downstate, I'd like to point out that we adjourned last June and the decision was handed down by the Supreme Court. The opinion was written

by Justice Schafer from Chicago, and threw our personal property tax law as unconstitutional. And now we have a bill on third reading, a bill that we stood here and argued over and argued over, filibustered and filibustered; and finally on the next to the last day of the Fall Session, I believe it was, we turned around and put the exemption all the way down to \$1500. Then a few months go by and different things happen and now come back and try to revise a Senate Bill, when we already have a House Bill and all it takes is a simple 30 votes to pass, take the amendment back off first, and then 30 votes to pass the bill and it can be on its way back over to the House for concurrence and we would have the personal property tax off the books. This, to me, is just a lot of nonsense and the idea of wasting time after day, after day because of a bill that was defeated here once before. But now as they travel around they find that the people were right when they defeated this and asked that it be taken off at the convention when we voted on that on the new Constitution, and now all of a sudden they camouflage the idea when it was their justice that wrote the opinion on reversing what the Legislature did. I vote no.

SECRETARY:

... Carroll, Cherry ...

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

If we're truly and honestly sincere about giving the taxpayers of Illinois some relief on personal property taxes, it matters not how many vehicles you use for that purpose. We are either going to do it, or we're not going to do it. And I think that as long as we have this vehicle we should use it. And we should do what we say we want to do. Because to do otherwise is difficult to reconcile with an honest purpose

and intent to assist the taxpayers of our State. I vote aye.

SECRETARY:

... Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell ...

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

I simply want to say that I have heard no one say anything about how much money in taxes are going to be lost insofar as our schools and our villages and our cities throughout the State of Illinois who have some tremendous obligations cast upon them. I understand that both parties are going to be caucusing this afternoon to try to arrive at some type of a solution and compromise so that there can be some type of reduction in the personal property tax. But I do find it hard to believe that the request here is anything more than just politics. And when one presents what has been presented here; that we suddenly go from what he talked about before a \$1500 exemption, to completely doing away with the personal property tax on individuals and recognize, as I suppose, that it won't affect this assessment year so it won't affect the taxes this year and the people won't, possibly I suppose, feel it until the assessment year '73 which won't be reflected in the taxes until '74; but does not say anything about how you're going to replace these lost assessments which mean vitally needed lost taxes to our schools. I just can't believe that it is anything more than just plain politics. I think we ought to sincerely sit down in caucus and find, if there is a compromise measure, it is going to be tough enough if we agree on something there, to try to find out how we can replace the sorely needed tax funds that will be lost there. And ah, to spend a great deal of time on these political maneuvers and hope that the press will report favorably or unfavorably for one or the other of the

political parties, I find is not very pleasing to the people.

I vote no.

SECRETARY:

... Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes,
Johns, Knuepfer, Knuppel ...

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I take extreme exception to the charge that this is political. If anyone will look at this, they will see that I voted no. That I voted no before, and if they will recall, and it is transcribed, I made a speech here on the last day of the Fall Session that we should not go home and leave this matter unattended. Anybody, either on this side of the aisle or on that side of the aisle, that says I am playing politics is a liar and they can spell it any damn way they want to. Now, I am concerned because I am a farmer and I have farm property; and I will tell the Senators on that side if they don't know what they are talking about that I battled all the way through the Constitutional Convention with reference to taxes on real estate and how farm real estate and personal property were taxed. I insisted that if personal property tax went off that it should not go on real estate, and if you read that constitution you will find it says in there that all personal property taxes will be removed by January 1, 1979, but that it shall not be replaced by placing an ad valorem tax on real estate. I think there is a lot of members in this Body who are here, as I said before, in a hurry to get their checks and go home, who haven't read the new constitutional article with respect to revenue, who want to get some votes, who want to accuse somebody else of politics. That doesn't apply to me because I voted no. I am not playing games. Mr. Sours, or Senator Sours never came to

me with any kind of an offer that would say that he could reach some kind of accommodation for those people who have to pay this tax. His last words on the Body of this Floor was that he would never call his bill. He said this in anger and sat down. It so happens that another man was gentleman enough to me and to say, "John, what can we do to solve a problem here? I am now familiar with some of what your problem is and will you help me?" I said, "Certainly I will help." Only one man had the courage and the guts. I don't know ... I have no way of knowing that Senator Sours will ever call his bill. This may be the only opportunity, this may be the only chance; and if Senator Fawell means what he says, he will change his vote. He will get up and say alright, there are some people who are honest, who want to reach an accord on this matter, who want to reach a caucus and reach an agreement which, in a nonpartisan way, solves these problems for everybody; because my record shows I have not voted partisanly on this issue, that I voted for the benefit of the taxpayer, for the farmer, for the man who owns livestock and machinery and I submit and I challenge those people who sound those words in their mouths to join me. To join me in this challenge to remove personal property tax as a burden on the people and to more fairly redistribute this burden. I vote aye.

SECRETARY:

... Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy ...

PRESIDENT:

Senator McCarthy.

SENATOR MCCARTHY:

Mr. President, members of the Body. If you recall, the constitutional amendment passed by the people in 1970 at the general election provided that the personal property tax on

individuals would be abolished. And that is the one that the people voted overwhelmingly 7 to 1. They didn't vote overwhelmingly 7 to 1 to abolish the personal property tax on corporations. The reason, Mr. President, that I mention that to you is because the other bill, the House Bill, provides for an exemption for corporations as well as individuals. And I haven't had any crying need or hue and cry from corporations who claim that the courts have interpreted the Constitution adversely to them. I have had complaints from individuals who said, "We voted 7 to 1 to remove the personal property tax as to individuals;" and this is the thrust of Senator Lyons' bill, is that it will take the personal property tax off of individuals within certain constitutional guidelines. Now it strikes me, if we're responsive to constitutional mandates, we should follow the one that 7 to 1 that removes personal property tax as to individuals and recreate this vehicle that goes in accordance most closely with that constitutional provision. The other section of the new Constitution of 1970 that was voted in December, passed by a rather slim margin, provided for the gradual elimination of all personal property as to corporations and persons alike with a replacement, does not have immediacy as does the individual amendment to which I refer. Mr. President, I feel, as one member, that we should address ourselves to personal property tax relief as to individuals first, immediately, to follow that which the people voted by the constitutional mandate; and Senator Sours' bill applies to corporations as well as to individuals. To have that as a sole vehicle just strikes me as not being fair. So I urge an aye vote and I want to be recorded aye.

SECRETARY:

... Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein,

Savickas, Smith, Soper, Sours ...

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Inas ... Mr. President and Senators, inasmuch as I have been mentioned, I probably should say something. There still is on the Calendar House Bill A-3734, which indeed is a splendid vehicle to achieve the goals and the ends discussed today here in the Chamber. I'll be happy to call it. Any of you who put that amendment on and who locked it in like Ozippio grinding salt in Carthage. Any of you worthies want to take that off, we will call it. I couldn't call it last time we were here because it took 35 votes. We had a couple on the way to the hospital, we could never have achieved 35 votes. That bill is there available for you. Now as for Senator Lyons' bill. Lawyers are probably the only persons in whom ignorance of the law is not punished. I do feel, and I say this candidly and sincerely, that his bill has all the frailties that one could hope if he wanted to have the courts knock it out. That is the reason I am opposed to his bill. I don't think it would stand the test of a good lawsuit on the constitutionality. Now he may differ. That is his privilege. I may differ. That is my privilege; but at least that's my reason. It has no political implications whatsoever. I can say this, however, that the farmers are aware of what is going on down here and they are really redheaded. It will be revealing to them, as well as it has to us today, ah ... to see the finest example of St. Paul on the way to Damascus. These men have seen the light. Now this bill that I am talking about is available, Gentlemen, I pass it on to you as your move because we cannot restore it. We were not on the prevailing side: It is available, I'll do all I can to pass it; but there isn't anybody on this side who

can revive it, anyone on your side, and I say that especially to those Democrat Senators representing areas south of Springfield because I feel they are in the same boat that I am in. The farmers want some kind of relief and believe me they are going to get it with vindictiveness someday or other. I vote no.

SECRETARY:

... Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Ah ... How am I recorded, Mr. President? I don't think I am.

PRESIDENT:

How is Senator Lyons recorded? You are recorded as voting aye according to the Secretary.

SENATOR LYONS:

Well, I would like to explain my vote, which is aye.

PRESIDENT:

The Senator may proceed.

SENATOR LYONS:

I am heartened to hear that Senator Sours thinks that his bill is a good vehicle. I herewith serve notice upon the Gentleman from Peoria that if he calls this bill, I will vote aye on it. I told him that the last day of the Session and I will do it again. Now that is in its present form that I am talking about. This is the second roll call now upon which the members on the other side of the aisle are unanimously recorded as being against relief ... personal property tax relief for the taxpayers of the State of Illinois. There is nothing new about this bill and nothing much happened on the road to Damascus or even the road to Springfield or anywhere else in the State. This bill was offered in the Fall Session

as a response to the decision of the Supreme Court of the State of Illinois in the lakeshore auto case. This bill is designed as a vehicle to put the property taxpayers of this State where they thought they were when they approved the constitutional amendment that was struck down in the lakeshore case. Now you can say it is political, you can say anything you like. The ultimate fact is this bill is constitutional because it was drawn right around the language of the Supreme Court in the lakeshore case. When this bill passes ...; and something like it will pass if anybody is interested in giving relief to the taxpayers of this State. When this bill passes, I am sure there will be a test and I am sure that it will be upheld. Now, we are not trying any surprises and we are not trying anything new. This bill was fully discussed once before, all the members on the other side voted aye, they had all ... they said they had all kinds of reasons for doing it. They are voting no ... But they voted aye ... no, I should say. They are voting no again today. I am hoping that the farmers of this State, as Senator Sours says, will take note of the action being taken here today by the members on the other side. I am also hopeful that the wage earning taxpayers of the State will take notice, because they too would benefit from the provisions of this bill. We have no control, of course, over what the members on the other side do. If they choose to march in lockstep into oblivion, that is their problem and that is their decision. All I can tell you is that the taxpayers of this State want relief from the personal property tax and they expressed their will to that effect. This is a vehicle that will give them that relief. And if the gentlemen on the other side wish to vote no and deny them that relief, that is their business. I vote aye on this motion.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Mr. President and members of the Senate. It is quite refreshing to me as a downstate legislator, especially after I read press releases in downstate news media that said we on this side of the aisle are more or less degenerate when it comes to looking after the little man or the small individual and to say that we are incorrect when we wish to give a reduction of \$10,000 or \$20,000 in personal property tax; and then to find out that once those people happen to make that initial trip into our country they find out what the people are thinking. They begin believing what we have been trying to tell them. And it is quite refreshing to me today to hear this and I wonder what the next press release I read in some of the downstate papers, that I have an exact clipping of from just a couple or three weeks ago, is going to say about this personal property tax and the indigent Republicans on this side do not know the desires of downstate people. It is going to be quite refreshing to me to compare those two press releases. And, Mr. President, I vote no.

PRESIDENT:

On that question ... Senator ... Senator Donnewald. For what purpose does Senator Merritt arise?

SENATOR MERRITT:

Mr. President, I don't believe I am recorded on the roll call. Is that right? I would like to explain my vote, Mr. President.

PRESIDENT:

Senator Merritt is recognized.

SENATOR MERRITT:

Mr. President, as far as I am concerned, coming from a

downstate in a rural area, knowing full well the tremendous financial burdens that our farmers have had to carry in last few years in a tight profit squeeze, Senate Bill 1292 merely throws a ... and what I mean merely, a crumb their way. I think that Senator Sours ... In addition, this Senate Bill, even if passed, would hardly, in this abbreviated Session, indicate to the people our real desires in trying to assist them. The bill ... the House Bill 3734, I believe, of Senator Sours has already passed the House, is currently in position where we can really say to the farmers of Illinois we really do care. On this basis I vote no.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Mr. President and members. How am I recorded?

PRESIDENT:

You are not.

SENATOR DONNEWALD:

Well, may I address the Chair and ask for a ruling. How many votes does it require, Mr. President, to revive this bill?

PRESIDENT:

It requires 30 votes.

SENATOR DONNEWALD:

And ah ... I am very well aware, Mr. President and members of the Senate, that we are not near that number. So Mr. President, I have heard the debate on the other side of the aisle concerning the legislation that my good friend Senator Sours handled over there, the House Bill that presently is on third reading; and, Mr. President, I wonder if Senator Sours, if he would give his attention a moment, would be willing to accept some amendments to his bill which in effect would exempt income tax ... income producing ... non-income producing personal

property and also all, not the ah ... \$10,000, but all of the chattel property of the farmer. If he would accept that amendment on his bill?

PRESIDENT:

Senator Sours do you care to yield?

SENATOR SOURS:

I ah ...

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I would like to reply to that. No, Senator, I don't say this in the nature of an ultimatum either. Let me say to you. I do considerable tax work as a private practicing lawyer and I can tell you that almost without exception, and there ought to be some, the personal property tax by its very nature cannot be enforced fairly, equitably in any and every event. Now the people don't want it. I think we're going to have to ultimately get rid of it. As long as the 14th amendment is still the law of this land, we're going to have to get rid of it. In the meantime, I think we could have deductions as in the bill that is on third reading. Now to give a taxpayer a \$1500 equalized assessed valuation deduction is giving him nothing, and for that reason, unless we can have it up to some respectable figure where the taxpayer will get some relief, I am not interested.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

I don't believe that Senator Sours understood my proposal. Ah ... Senator, I ah ...

PRESIDENT:

Just a moment. For what purpose does Senator Clarke arise?

SENATOR CLARKE:

Mr. President, I would like to make the point that before we went to the joint session, it was proposed that we would have a few minor resolutions and we have a full blown debate, but I think that the present interrogation is off the subject. We are on a roll call and we ought to finish the roll call.

PRESIDENT:

The ... Senator Donnewald has approximately one minute left.

SENATOR DONNEWALD:

Well ... I wanted to make it very clear to Senator Sours that the 15 hundred dollar across the board exemption would be out and it would give the ... in the ... a class exemption, as I understand Senator Lyons' proposal, to exempt all chattel property of the farmer plus all non-income producing property of everyone in Illinois; but that is my explanation, that is the proposition that we submit. And I know that I haven't voted and I would vote aye on the question of reviving the 12th ...

PRESIDENT:

Senator Donnewald votes aye. On that question ... For what purpose does Senator Groen arise?

SENATOR GROEN:

Well, Mr. President, I know that I am recorded. The courtesy was extended to Senator Lyons to explain his vote after he had been recorded and I ask for that same courtesy.

PRESIDENT:

You have the floor, Senator.

SENATOR GROEN:

Mr. President and members of the Senate. I don't know how productive this abbreviated Session may be, but it would certainly appear that the first effort is one to take the prostitute out of the bawdy house and make her Queen of the May.

I recall so well just a few short months ago when House Bill 3734 was being considered, those who now propose to do something for the farmer were the very people who reduced the benefit for the farmer to a paltry, measly \$1500. I don't know what's happened, but we might do well to consider any form of an ethics bill that prohibit State candidates from using either of the two legislative bodies to promote their candidacies. Don't forget, the man who proposes this is the man whose amendment it was that literally took 3734 and reduced it to nothing, nothing for the farmer. And now he wants to come before you with lily white, clean hands, come into this court of equity, if you please, and say, "I'm convinced." Well then let him do the honorable thing. Let him say that I was wrong when I amended House Bill 3734, when I forced it down the farmer's throats and I refused to give them the benefit to which they were entitled instead of now coming before this Body and before the electorate of this State and trying to pose as their champion. I vote another no.

PRESIDENT:

On that question the yeas are 20 ... Senator Horsley. Senator Horsley is not recorded. Senator Partee.

SENATOR PARTEE:

I've been talking to someone here at my desk and I missed part of it, but I don't know if we got an answer, perhaps I missed it, from Senator Sours as to whether or not he would accept the amendment which Jim ... Senator Donnewald had proposed to take off all personal property tax off of agricultural tangible property. Would he accept that amendment on his bill? I just don't know ...

PRESIDENT:

By tradition in the Senate, you can use part of your time in explaining votes by asking another member of the Senate a

question. If Senator Sours wishes to yield he may. If he does not wish to, he does not have to. Senator Sours.

SENATOR SOURS:

I'll always yield to Senator Partee. May I say to the Senator, though, that personal property, as Gertrude Stein would say, is personal property is personal property is personal property. Now I do not think you can distinguish as a constitutional matter, because ... that which produces income and that which does not produce income. I think it's like the old ... like the story of the taxpayer who wanted to defraud the government when he took off cigars and cigarettes on his form on his income tax as fire and smoke loss. I don't think you can do it.

PRESIDENT:

On that question the yeas are 26, the nays are 25. The motion having failed to receive the necessary 30 votes is declared defeated. Is there further business to come before the Senate at this time? Senator Clarke.

SENATOR CLARKE:

The Republicans will have a caucus in 419 immediately upon adjournment.

PRESIDENT:

Senator Donnewald. Senator Partee.

SENATOR PARTEE:

I understand that Senator Cherry made a motion to skip the 6 day period.

PRESIDENT:

That is correct. The ... Senator Groen.

SENATOR GROEN:

What was this motion?

PRESIDENT:

Senator Cherry, earlier today, requested leave for waiving of the 6 day rule on committees for the Executive Committee for

consideration of the Governor's appointments.

SENATOR GROEN:

Is it limited to that?

PRESIDENT:

That was the request, as I understand it, of Senator Cherry.

SENATOR GROEN:

Well, with that understanding, I have no objection.

PRESIDENT:

Well, the leave was granted earlier by the Body. Is there further business to come before the Body? Senator Lyons.

SENATOR LYONS:

I'd like, Mr. President, to waive the 6 day notice rule and have a meeting of the Committee on Appropriations on the floor at 3 and a meeting of the Committee on Constitutional Implementation on the floor immediately after the adjournment of meeting of the Committee on Appropriations. Today.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, a point of inquiry on this proposal. What are the bills to be considered?

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

In Appropriations, House Bills 3030 and in Constitutional Implementation, House Bill 3047. 3047.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Would the Senator explain what is proposed to be done. What do these bills do? What is their content and what is the

action which you propose?

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

They are the Judicial Inquiry Board bills and I want to have a meeting of the committee and discuss the bills.

PRESIDENT:

Senator Groen. There is no objection. Is there further business to come before the Body? Motion by Senator Palmer that the Senate ... We do have a death resolution here. Judge Major. Senator Donnewald and all members of the Senate are shown as co-sponsors of the resolution. Senator Donnewald.

SENATOR DONNEWALD:

I would ask that all ... that the rules be suspended for its immediate consideration.

PRESIDENT:

Is there objection? All in favor signify by saying aye. Contrary minded. The resolution is adopted. Senator Palmer moves that the Senate stands adjourned until 10 o'clock tomorrow morning. Is this correct, Senator Partee? 10 o'clock in the morning?

SENATOR PARTEE:

That is correct and there'll be a Democratic caucus immediately in the 6th ... on the 6th floor.

PRESIDENT:

All in favor of adjourning signify by saying aye. Contrary minded. The Senate stands adjourned.