

TRANSCRIPT — 77TH GENERAL ASSEMBLY

JANUARY 13, 1972

PRAYER BY: REVEREND WALTER D. KRECH, PASTOR OF THE UNITED METHODIST
CHURCH OF ROCHESTER.

PRESIDENT:

The motion by Senator Coulson that the Senate stand in recess until
1:30. Senator Partee.

SENATOR PARTEE:

Senator Coulson, I didn't have a chance to talk with you, nor you
with me. A couple of things I think we could accommodate if we came back
at a time other than 3:00, and this is my suggestion. I spoke to the
speaker this morning and he wants to have another conference committee
on Ethics, so the conference committee on ethics at noon. In the inter-
vening period, the Executive Committee has to meet this afternoon to take
up some confirmations on a letter from the Governor. I would hope that
we could have the conference committee at noon, could have the Executive
Committee at 1:30, and then come back to the floor at 3:00.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Yes, Senator Partee. Are you, by this timetable, suggesting it
might or might not be possible that we would leave this city today?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I guess I am suggesting that it might or might not be possible.

SENATOR LAUGHLIN:

Aw, come on...

PRESIDENT:

As I understand then, Senator Coulson, your motion is to recess
until 3:00, is that correct? Senator Coulson?

SENATOR COULSON:

Yes Sir, and would...May I announce that the Republicans are back
in caucus as of right now in Room 419.

PRESIDENT:

Motion that the Senate recess until 3:00. All in favor signify by saying aye. Contrary minded. Senate is in recess.

R E C E S S

PRESIDENT:

The conference committee report, I understand, will not be printed for another 40 minutes or so, so that if we can just informally recess for another 40 minutes and be back here at 4:00. You can spread the word to the other members also.

R E C E S S

PRESIDENT:

The Senate will come to order. Reading of the journal. Moved by Senator Egan that the reading of the journal be dispensed with. All in favor signify by saying aye. Contrary minded. Motion prevails. Committee reports.

SECRETARY:

Senator Cherry, chairman of Executive Committee, reports the Governor's message of October 19th, 1971, recommend confirmation of Alexander White, Industrial Commission. Governor's message of January 7, 1972, recommend confirmation. Governor's message of January 12th 1972, recommend confirmation in part.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

President, I now move that we resolve ourselves into executive sessions...into an executive session for the purpose of considering the action of the Executive Committee.

PRESIDENT:

Motion that the Senate resolve itself into Executive session. All in favor signify by saying aye. Contrary minded. Motion prevails.
Senator Cherry.

SENATOR CHERRY:

I do now move that the recommendations of the Governor that this body advise and consent to the employment of the Governor's recommendations.

PRESIDENT:

Motion that the Senate advise and consent to the names listed by... on the Executive Committee report. On that question the Secretary will call the roll.

SECRETARY:

Arring...

RESIDENT:

Just, just a moment. For what purpose does Senator Cherry arise?

SENATOR CHERRY:

In one of the previous meetings of our Executive Committee we advised and consent to the appointment of a Miss Washington, which has never been acted upon, and I would supplement my motion to include her.

PRESIDENT:

The motion is...

SENATOR CHERRY:

Member of the Parole Board.

PRESIDENT:

Alright. Is there objection to the leave to add that? Is there objection? Senator Berning.

SENATOR BERNING:

I really have no objection except that this name did not become before the Executive committee to my recollection.

PRESIDENT:

Senator Cherry:

SENATOR CHERRY:

Yes, it did, at a previous meeting, and we've never taken any action on this appointment, Senator Berning.

PRESIDENT:

Is there objection? Leave is granted. Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Davidson aye. Nihill aye. On that question the yeas are 51, the nays are none. The Senate does advise and consent. Saperstein aye. Senator Cherry.

SENATOR CHERRY:

I now move that the executive session do now arise.

PRESIDENT:

All in favor signify by saying aye. - Contrary minded. Executive session does arise. Are there...? Resolutions.

SECRETARY:

Senate Resolution 285, introduced by Senator Lyons...er Senator Hynes, consent calendar.

PRESIDENT:

Senator Hynes is that...? This is a death resolution. Senator Hynes asks for immediate consideration of the death resolution. All in favor signify by saying aye. Contrary minded. Resolution is adopted.

SECRETARY:

Senate Resolution 286. Introduced by Senator Horsley. A death resolution.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Mr. President. At three o'clock this morning my telephone rang.

PRESIDENT:

Just, just a moment. Please.

SENATOR HORSLEY:

At three o'clock this morning my telephone rang to tell me of the death of one of my dearest friends, Commissioner John Hunter. John went into the hospital just two or three days ago with an aneurism in the aorta muscle to the stomach. Emergency three hour operation with plastic graft, another operation that afternoon and apparently we thought he was getting along alright. However kidney trouble developed and he was transferred to the kidney machine at Memorial and this morning early he died. Comparatively young man. I'd like to think he's young, he's only one year older than I and that's 62. A man who has served this City of Springfield for 24 years and built up our public utilities as one of the finest in the nation. Where we have the lowest utility rates, and it's still building. And only yesterday, or day before, an ordinance was passed increasing our utility rate slightly in order to have a \$53,000,000 expansion program for this great system that we have which is a tribute to the wonderful work that this man has done over the years. He's not only a wonderful man but he also is a great family man. He's a loyal man to his friends, sometimes to a fault. And I would be remiss in my duty if I did not ask for suspension of the rules and immediate consideration of this resolution, because I know many of you Senators on this floor know John Hunter and I know that you admire him, and anyone who would like to have your name put on this resolution, I wish you would do so before it is printed and sent to the family.

PRESIDENT:

I think all Senators will want to join.

SENATOR HORSLEY:

Thanks. We have lost a great man for the cause of municipal utilities in the State of Illinois. And I pause to pay tribute to this great man and to move the adoption of the resolution.

PRESIDENT:

All in favor of the resolution.

SENATOR HORSLEY:

One of my dearest friends.

PRESIDENT:

All in favor of the adoption of the resolution indicate by saying aye. Contrary minded. The Resolution is adopted.

SECRETARY:

Senate Resolution number 287, introduced by Senator Horsley. It's congratulatory.

PRESIDENT:

Consent calendar.

SECRETARY:

Senate Joint Resolution number 60 introduced by Senator Knuppel. Ah, Constitutional change. Executive. Senate Resolution number 61 introduced by Senator Berning. Constitutional amendment. Executive.

PRESIDENT:

Conference committee report. Senator Coulson.

SENATOR COULSON:

Mr. President. House bill 3700, the income disclosure bill, the Ethics bill. The conference committee has unanimously agreed upon a report. It's that pink document upon all of your desks. Ah, as the Senate sponsor I would move for the adoption of the conference committee report. I am partly prepared to answer whatever questions you may have, but I hope to have some assistance in the matter of answering questions if you have any questions. Otherwise I would just simply ask for approval of the conference committee report. This is of course final action on the bill.

PRESIDENT:

Motion is for the approval of the conference committee report. Is there any discussion? Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Couslon, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski...

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President, ladies and gentlemen of the Senate. Having consistently voted against ethics legislation in the past, I'm not going to be inconsistent on this occasion either. I vote no. I'm not going to take the chamber's time today, it's late, to explain my reasons. For sometime I've thought I'd been on solid ground, I haven't changed my position at all. I vote no.

SECRETARY:

...Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

How am I recorded?

PRESIDENT:

You are not.

SENATOR PARTEE:

Just briefly let me say that...I think something should be said on behalf of the committee, the conference committee that worked long and laborious hours even when we were out of session on this final work product. It perhaps does not represent everything that everybody wants. There are some areas of government which are not in this bill, but I am convinced, as were the other nine members of that committee, that this

is a good, strong, workable and enforceable piece of legislation. There are those who desired to address themselves to campaign spending and contributions and I can assure you that there will be bills forthcoming on that subject. There were those that wanted to address themselves to the general subject of media responsibility as represented by one bill which was introduced in the House, and I can assure you that there will be bills forthcoming on that subject and all other elements and aspects of this question will be thoroughly and fully developed as time goes on. It is a strong bill, it is embracive of all persons who are in government from the local level through the executive level, through the judiciary and through the legislative halls and the requirements as set forth for disclosure are excellent and were hammered out after many hours of real hard in-depth work. I am proud of the conference committee. I am proud of the Legislature which accepts this product. I would hope that nothing would intervene to prevent this rather excellent piece of legislation becoming law. It would be a tremendous mistake for any factor to intervene in this becoming the law of the State of Illinois. I vote aye.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

In casting my vote, this is a bill that is 18 pages long...19 pages long...18. It was put on the desk two minutes ago. I'm voting aye, but I wonder if the press is going to report that this bill sneaked through without discussion. I remember last...a few months ago we debated a bill for three days on judicial appointments, filling vacancies; and then I read all the editorials about a bill that sneaked through and was put through in a nefarious way in the Senate and in these chambers, and I remember debating it three days. I wonder if the editorial is going to read that this bill sneaked through, that there wasn't discussion, that it's 18 pages long, put on the desk at 4:32 and passed at 4:35. I vote aye.

PRESIDENT:

Senator...Lyons aye. Palmer aye. Newhouse aye. Senator Walker.

SENATOR WALKER:

How am I recorded.

PRESIDENT:

How is Senator Walker recorded? You are not.

SENATOR WALKER:

Well I...Mr. President, thank you, and members of the Senate, I rather agree with Senator Neistein. I haven't had too much of a chance to digest this but I think from a previous copy said a violation of this section is punishable by a fine not exceeding \$1000 nor a year...or both. We've had it presented to us rather rapidly and I only wish that I had the intestinal fortitude that my friend from Peoria, Senator Sours, has and I wish that he would have gone a little further because I was one of the few that voted against this legislation. I'm still inclined to, but this morning, in talking to my friend Senator Soper, and Jim if I've taken your name in vain please pardon me. The name of the media here has been brought in to play and I along with my friend in the front seat down there are going to bow to the media. I was criticized in my district when I voted against this bill the last time. I don't think it's the greatest bill in the world, I don't think we'll ever have a great bill in here. I see nothing in this bill against the so called double dipping. As I told the press in my district, I have no, no compunctions at all about revealing the source of my income. I think perhaps I am one of the few that was ever in the leadership across the rotunda and a member of the Budgetary Committee that wound up short on some stock that's been mentioned around here recently. I must have been outside looking in. But the one statement that I would like to address myself to is this, that of the news media. It was said on the other side of the aisle that the responsibility of the news media would be treated at a future date. Well, Mr. President Pro Tem, I don't know who you're trying to kid but you aren't going to sell me that idea. As a former member of the fourth estate, I don't think they

should be touched. That was a brainstorm, as you know, of a former friend of mine, a former...still a member of the House. That was one of the numerous amendments placed on this bill the last time it was introduced in an attempt to kill it, so whatever you've said I'll agree with, with that exception. You aren't going to tie into the media and you know your aren't going to tie into the media. As far as I'm concerned....

PRESIDENT:

Senator will conclude his remarks.

SENATOR WALKER:

...they've done nothing wrong. So let's pass the bill. I'm going to vote aye and I'm going to bow to the Chicago Heights Star in my area, although...Bill Williams, you're right, although I've been elected 6, 7 times without his support, but like Jimmy Soper I'm getting old and I'm getting tired of fighting, Jim; so I'm going to vote aye for this bill and I'm not real sure that I'm doing the right thing. Charlie Chew seems to think so. So Charlie I'll go with you.

PRESIDENT:

On that question the yeas are 55, the nays are 1. The conference committee report is accepted. Messages....messages from the House.

PRESIDENT:

We have a message from the Governor and a...regarding an amendatory veto and a motion by a Senator on that.

SECRETARY:

That is Senate bill 589. Senator Bruce.

SENATOR BRUCE:

Mr. President and members of the Body. Senate bill 589 has twice passed the State Senate, it has twice, been...and this is the second time we've had an amendatory veto. In the minutes of the last session, we added an amendment which unfortunately struck a reciprocity clause so that social workers in other states who meet identical requirements to the State of Illinois can be licensed as social workers, also Canadian social

workers, or any other territory of the United States. The Governor's amendatory veto merely says that that reciprocity clause should be in the bill. I agree with him, therefore I move that we accept the specific recommendation of the Governor as it relates to Senate bill 589.

PRESIDENT:

Motion is to accept the...Motion is to accept the amendatory language of the Governor's partical veto and on that question the secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen...

PRESIDENT:

Senator Groen.

SENATOR GROEN:

One question of the good Senator if I might. Would these people have to meet the same qualifications as domestics or nationals of this Country?

PRESIDENT:

Senator Bruce:

SENATOR BRUCE:

Yes, it just says substantially identical to the requirements of this Act. And we have agreements...What the department of Registration and Education does is write an agreement with another state. We have six pending reciprocity agreements which if we don't put this back in, we will do away with. They are identical to the Illinois examination.

SECRETARY:

...Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Knuepfer aye. Savickas aye. Baltz aye. On that question the yeas are 53, the nays are none. The Senate concurs in the amendatory veto.

For what purpose does Senator Hynes arise?

SENATOR HYNES:

Mr. President, I would ask that the Journal reflect the fact that Senator Knuppel is absent today, that he is in the hospital.

PRESIDENT:

Journal will so show. For what purpose does Senator Sours arise?

SENATOR SOURS:

Mr. President, ladies and gentlemen of the Senate. I should like to refer to House Bill 3734 which is on third reading on the Calendar. Before it could be heard...

PRESIDENT:

Just, Just a moment, please.

SENATOR SOURS:

Before it might be heard I should like to make the proper motion for unanimous consent that it be heard; and before that action is taken or any action on that motion, I'd like to simply state that I have an amendment here that would provide for a deduction of \$7,500 from the equalized assessed valuation of personal property over and above and in addition to the automobile...the family automobile and the family furniture. This is an across the board deduction. It does not have any of the possible constitutional infirmities of preferring farmers over bricklayers or blue eyed individuals over brown eyed individuals. I think it is the first step in unwinding the horrendous personal property tax. Now I know we're going to have to find means of, in some way, providing for the loss that the participating governmental agencies will suffer when there is such a deduction. Now I'm prepared to go on at length in this, if the chamber so desires. If they will have none of it, then there's no need to waste any time. I think the people want this. It is not a political issue so far as I'm concerned. I wish Senator Knuppel was here today...were here

today; because he had a bill he submitted to me yesterday with which I couldn't agree, but this is probably Custer's last chance. We're talking about the tax year 1972 on which taxes will be paid in the calendar year 1973, and if we defer any action on this after April 1st, may I say to you, dinner is over.

PRESIDENT:

Senator Sours has asked that we proceed out of order on the Calendar to House Bill 3734. Is there objection? Senator Rock.

SENATOR ROCK:

Mr. President, I'm going to have to rise in objection to that motion. It seems to me, at the eleventh hour of the fall session, there were two amendments to House Bill 3734 and there was long and divergent discussion concerning whether or not this bill would accomplish its purport. I have looked over the amendment which Senator Sours has...would like to discuss. In my judgement it does not fulfill that purport and we will be back and involved in the same kind of discussion. I don't see any logical reason, and I don't see why people should be fooled. If we are going to try and give individuals relief from personal property taxation, that is one thing; but if we're talking about an across the board deduction, we are in effect giving a windfall to the corporate taxpayer and I don't think that's why we're here. For that reason, Mr. President, I will object to this motion.

PRESIDENT:

Senator Horsley:

SENATOR HORSLEY:

Mr. President, I would like to make just a few remarks in line with what Senator Rock said. The Senator knows what the Supreme court held in this matter, and when you talk about corporations and individuals let's don't kid the public. Let's lay it on the line. Let's tell them the truth. The court said you cannot say one will pay and one will not pay. We're now down to the point where we are going to give relief or we're not going to give it, and who's going to take the blame for it for the

people who will not vote today to give this relief. Now let's quit kidding the public and saying, "Well, we don't think a corporation ought to pay or not pay." The court has held otherwise and our hands are tied. The court has said you make it uniform or else. Now the only way that we can be frank and honest with the public is to stand up and say, "If we give you an exemption, we also have to give the corporation next door that same exemption." But my friends, let me tell you, right here in my county, if it were not for the personal property taxes that are paid by Sangamo Electric, by Allis Chalmers, by the railroads, the other big manufacturing plants, our real estate taxes would soar into eternity and a little \$7,500 exemption for everybody including Allis Chalmers, including Sangamo Electric is not going to hurt anybody, but it's going to give relief to the little taxpayer. Now I've also been in this thing alot up to the fact that you want to give relief to the farmer only. Well let me tell you something, for every farmer that you want to give relief to, you also have a filling station, a drug store, a doctor, a lawyer, other people in these small towns who need this same relief; and if you vote against this today I want these little grocery people, the filling station people in the neighborhoods to know how you voted. I want this roll call carried down throughout this state so people in the primary and between now and November will know who's trying to help the little people of this State take off this tax burden and who is not. Now as far as replacing this, how can you replace it in Chicago? Well you don't have a personal property tax. We're not going to replace something you don't have. And let's get that straight so the public knows now. That we're not going to take the tax dollars downstate and move them up to Mayor Daley's bailiwick and hand it to him on a platter and say, "Here you are brother. We give you a gift of something you've never collected." But downstate, where we've been nicking the farmer, the barber, the baker, the lawyer, the doctor, we're going to replace that out of sales tax or some other tax, to that local school district. But the time has come when the little people need tax relief. So let's stand up today and be counted, and let's separate the

men from the boys on a roll call as to whether you're for the little people or you're not. The time is now, Ladies and Gentlemen, to stand up and be counted. And I ask for a roll call in support of Senator Sour's motion.

PRESIDENT:

We, as of right now, do not have a motion, unless I'm incorrect, Senator Sours. He asked for unanimous consent and there was objection. Do you make...Do you move to suspend...There is a motion to suspend the rules before the Body. Senator Hynes. Senator Hynes.

SENATOR HYNES:

Mr. President and members of the Senate. Before we can discuss this, I would like to have the answers to at least two questions that I can think of immediately from either the Senator from Peoria or the Senator from Springfield. First, what is the total revenue loss that will come about because of this bill? Secondly, how much of that had previously had been...will have previously been paid by corporations?

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I'll quote some figures by your Mr. George Dunn. Will that be sufficiently authoritative? Just yes or no.

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

I would like to hear the figures.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Alright. In Cook County there will be estimated a possible \$2,000,000 in loss of personal property taxes paid by two legged human beings. That's you and I. If all the extended personal property taxes in Cook County were paid, there would be \$42,000,000. Now that would include every

single taxpayer would pay that which was extended. 26,000,000 of that would be the city of Chicago, if all paid; 16,000,000 for the remaining portions of Cook County. Now factually, according to Mr. Dunn, they collect 14% on the individual extensions. They collect 65 to 70% on the corporate extension, but not 100% of the extensions. They are all negotiable. This bill, Senator Hynes, also provides for reimbursement, if you've had the occasion to read it. Now your next question, I anticipate, will be where you going to get that money. The state will have to reimburse to the penny the loss. That's what this bill provides.

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

I still haven't heard an answer to my question, Senator. What part of that is attributable to corporate taxpayers?

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Well I think we could probably multiply 26,000,000...No the corporate taxpayers I do not have; except, I know this, that the corporations pay between 65 and 70% of the extensions. Now I yield to Senator Horsley for further answer.

PRESIDENT:

Senator Horsley. Just, just a moment. I didn't mean to cut off Senator Hynes.

SENATOR HORSLEY:

In futher answer to your question, which has not been completely answered yet and I appreciate your yeilding, the estimated figures are a total of 300,000,000. The estimated effect of this amendment might be a total of 30,000,000, of which only 28,000,000 would be downstate and only 2,000,000 in Cook County, and that is an estimated maximum. And that maximum will be further diminished because corporations do not have a personal automobile nor personal furniture, and therefore it will be less

than 28,000,000 involved for the downstate people to make up somehow and a little less than 2,000,000 in Cook County. These are the figures that we have had authenticated by staff people who have worked diligently on this problem.

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

Well, Mr. President, members of the Senate. I would suggest that before we bring this matter to a vote, that the two Senators get together have a conference and agree on their figures. Senator Sours has indicated \$26,000,000 in Cook county, Senator Horsley indicates 30,000,000 statewide. I still have not gotten an answer as to what part of this loss is going to be attributable to corporations and apparently that's an unimportant distinction as far as the proponents of this motion are concerned and I think it justifies completely the position that's been taken. We are not prepared to vote on this unless we know precisely the loss that is involved and how it is going to be shared.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I can only say this. That this bill, so far as my motives are concerned, has no political implications whatsoever. The fact that we are now in the hunting session is strictly immaterial. If we are ever going to unburden ourselves of this miserable, inequitable, unenforceable, unfair, ununiform personal property tax, now's the time, Gentlemen. Wait until we come back in April, '72 is then over. We've got an opportunity now. It has to be the first step...the first step in this is the abolition or, if we cannot do that, the deduction road. I would like to see this session pass this bill and we come back 2 years from now and increase the deduction and finally phase out, as is the mandate, I'm told, the entire personal property tax. I think it would be a trauma if we were, for example, to put it on the ballot and have it completely repealed. Every

school district in the state would have a justifiable gripe and complaint, and we'd have to listen to that situation. Here is a chance to phase this out gently, but affirmatively. We've got six years to do it. This is a good start. Now you cannot tie in the matter of where are we going to get the money with this bill. We'll have to get it, because once it becomes a law, if it does, then we're right up to snorting post where we'll have to find the funds to reimburse those entities which will otherwise suffer. And I would like a roll call.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Prior to casting my vote I would just like to ask one, possibly two, questions. I heard it stated that the monies which were lost as a result of the abolition would be reimbursed to a penny by the state. Is that correct? I take it, then, that you are prepared to tell us the source which the state will employ to reimburse this money to the penny.

PRESIDENT:

Senator Sours. Senator Sours.

SENATOR SOURS:

Senator Partee, I am not, and I'll tell you why. Because I don't know just that tax on which we could get 30 votes. I know what the sources are. Now Senator Knuppel yesterday, and I say this kindly, sent to me a bill to increase the state income tax protanto of the amounts that would be lost to the entities using it. I marked on the bill sponsored by K-a-r-l M-a-r-x, and I have it in my portmanteau to take home. In otherwords I'm not going to support that. We have the sales tax, we have the income tax, we have locally, for example, municipalities could have a utility tax. There are sources, but I couldn't possibly find your side what we'd do, you couldn't bind my side and you know that.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Would it be fair to capsulize your rather lengthy answer to a very short question, to say that you don't know where the money is coming from?

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I'll tell you where I think it's coming from. And this is suppose to be out of the horses mouth, parenthetically. Wilbur Mills has a plan whereby there will be remitted to this state \$115,000,000, there will be remitted to the municipalities in this state 240,000,000. Apparently he and the President have gotten together on this and so far as I'm advised, but I'll give you no insurance policy to that effect, that's one of the sources.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

And Wilbur Mills, I take it, is connected with the same Federal Government that we glowing heard was going to give us \$85,000,000 to take care of our welfare situation, which \$85,000,000 did not eventuate. I would suggest to you that the one source that you have not mentioned, that you have carefully skirted, as being a source for this money is an additional income tax; and knowing how much income tax is an anathema to you and knowing that it would never have your vote, I wonder why you would do this to everybody when you are not prepared to support the only logical source for raising that extra money.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Mr. President, in further replying to Senator Partee. Under our new Constitution, and you're an astute lawyer, you know this, I don't have to remind you; we don't have to replace this money in the year 1972. That

can come next year in '73 to replace it and that's under the new Constitution. And I'm going to suggest one source that I think it will come from. We have earmarked all this money for parochial aid and only yesterday the New York statute was held unconstitutional. By the time we get back here in '73 it will be held unconstitutional in Illinois and the money we'll have earmarked for that will be available to take care of these poor taxpayers. Now, there's no question in my mind but what it will be held unconstitutional. We have the money earmarked. There's no question at all, and you can't even argue this point, that under the Constitution we do not have to replace the money in '72. We can replace it in '73 and it will be in the budget at that time. You're going to have to cut down somewhere and I think now is the time to give the relief to these people and find the money later on.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

To use an old and tried expression, Mr. President and members of the Senate, this bill simply puts the cart before the horse. I think everyone is opposed to personal property taxes. I don't know what kind of taxes people are not opposed to. They're opposed to all of them. But if we pass this bill without replacing the revenue, which I think is the most important thing to do, we will bring destruction, bankruptcy and chaos into our public school system. Now we can't afford that. The Governor said yesterday he would have no new taxes. How can you remove something that presently is a revenue that takes care of the school children of our state and don't do anything about it, as Senator Horsley suggests until 1973? And whatever monies might come in then, if we follow his advise, we would probably wait until 1974 before any school money would be available. I don't understand that kind of logic and I think that we have to protect the school systems of our state right now, because they don't have sufficient monies right now. We're facing a strike in the city of Chicago by the school teachers because there is inadequate money to provide for

them. I think that every school district in this state is under the same and similar circumstances. So I would say that we have to oppose this concept, and I failed to see any Republicans supporting it yesterday when Senator Lyon's bill was being considered. I think we ought to withhold any action on this bill until we provide ample funds to take care of our school system which most of it is used by our county taxes which we're considering now.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President, I'd like to address a question to Senator Sours. On the bottom of page 2 of your amendment you say that on or before October 1st, '73, January 1, April 1, you will call upon the Department from the local distributive fund to return to these legislative districts or these units of government the amount of monies that would be due them due to the passage of this bill. Is that right? Now that would be in addition to the 1/12th of the income tax that goes to the same units of government to one degree, that is the cities and the counties. Would it not?

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I don't know.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Under the law right now, 1/12th of the income tax goes to the cities and counties. Am I right? Then what you contemplate would be an addition to that 1/12th of the income tax.

SENATOR SOURS:

I would answer that by saying this bill provides that there shall be complete reimbursement. Now when you ask me that mechanics or the source or how and when and why, I cannot tell you, except this does

mandate complete reimbursement.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

That would have required appropriation, through the appropriation process, of the amount of monies involved. Is that right?

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I'm sorry. I didn't get all of that.

PRESIDENT:

Can you repeat the question, Senator Dougherty?

SENATOR DOUGHERTY:

In order to find these monies to be returned to these units of government, we would then have to have an appropriation. Is that right?

PRESIDENT:

Senator Sours.

SENATOR SOURS:

There would have to be an appropriation and may I say this by way of answering you as directly as I know how, Senator Dougherty, because you and I have been friends for years. You deserve that and I want to give it to you. Everybody knows that in the air is reimbursement from the central government in Washington to the states because of the terrible burden of welfare. We're...the State of Illinois, I feel certain and yet I won't give you an insurance policy, is going to have money sent into this state from the central government in Washington and then we will have to decide where that money is going. This bill says some of it, if and when it does come, goes to reimburse what we're talking about would be the losses.

PRESIDENT:

Senator Dougherty;

SENATOR DOUGHERTY:

We are not sure that we are going to get these monies. As a matter of fact we were to get an additional \$65,000,000 from the federal government to supplement the appropriations we made for welfare; but on the other hand, just a few hours ago, about 3 o'clock this afternoon, I was in a meeting of the Budgetary Committee...Commission and Mr. McCarter, the Director of the Budget, informed us that there was still a very definite possibility of a \$40,000,000 deficit. Now how are we going to get around that \$40,000,000 deficit? We're going to...If we get these federal funds we're going to have to use some of it to get around that. No matter what manner of bookkeeping you're gonna use, \$40,000,000 is a awful lot of money, and with the downward trend in the economy or even if we are at a plateau, we still have no assurance.

PRESIDENT:

Is there further discussion? Senator Groen.

SENATOR GROEN:

Well Mr. President, I'm a bit confused at this point and it seems almost impossible that a two day session could result in this kind of an inconsistency in position. I might say to the other side, to refresh you recollection just a little bit, it just could be that we have seen the wisdom of the policy of the mayor of Chicago. Your school board is perhaps at this very moment, at this very hour and second, sitting in consultation with the Chicago Teacher's Union representatives trying to resolve the terms of a commitment. A commitment which was made at the suggestion of the Chief Executive of the City of Chicago. As an arbitrator it was his solution to the demands of the teacher's union and the teachers against the school board to provide salary increases. Now I don't recall any precise provision in that agreement as to the source of income to provide the means. All I know is that it was made with hope. It was made, shall we say, in gutter parlance on the come, that the General Assembly would someplace, somewhere, somehow be Santa Clause again and find the means from some source to pay the bill. Let's be realistic

about this. It doesn't make any difference, gentlemen, whether it comes from Washington, whether it comes from the State treasury, or whether it comes from the local level. The local level is now paying it, so you might well argue that there would be nothing inequitable about the local level supplying the deficiencies that might result if this bill becomes law. The one thing we are sure of is that it is coming from one source, and that's the pockets of the taxpayers. Now we have a mandate in that Constitution to do something about personal property tax and that mandate does not say remove it as to one person, to remove it as to one class of citizens, to remove it as to the farmer but don't remove it against the dry good store salesman down the street. It says that we remove it, and that means everyone. Every citizen taxpayer of this state. This is a start in that direction. I would again point out that this is a bill that is constitutional, and I think each of us, in all honesty and fairness, have grave misgivings about the previous approaches that have been taken where we were selecting one group, one class of citizen, and giving him a tax benefit and denying it to others. And I don't think there's any question that, whether you're talking about the State of Illinois Constitution or whether you're talking about the federal Constitution, we can't do that. I think each of us who are lawyers would at least be uniform and agree on that concept. Now, as Senator Sours has pointed out, this is our last chance to do something about personal property taxes. We have an overwhelming mandate from the people to do it; we tried it; the court said that was unconstitutional and it seems utterly ridiculous and useless to try to impose the same kind of an approach as we used at that time and again have it declared unconstitutional. Let's not... let's not put the hopes in the hearts and minds of the taxpayers of personal property that he's going to get some relief when we know in our own hearts that he isn't going to get it. Now in response to Senator Hynes, I'd just like to close by saying this. Senator, the beneficiaries of this are going to be those who pay the tax. Now it does no good to any taxing body to extend a tax and then not collect it. Now we had the

figure on the tax that personal...the personal property tax that people pay. Not what is extended, but what is paid in the city of Chicago. And you have your corporate figures. Now I think it only fair and equitable that we return the tax in direct proportion to that which has been paid, not that which has been extended because if it was extended and not paid, there has been no loss. They never had that money before because it was never collected, so they have suffered no monetary loss of taxes. But when you apply it to those who pay, and my county collects 98% of the personal property taxes that are extended, so that there would be a substantial loss in my community. But as to the corporate figures, I know of only one man...and I know this not of my own personal knowledge, I know it by what I read in the press; and believe me I admit that I don't believe too much that I read in the press from time to time. But nevertheless, I think there's only one living man who can probably answer your question because he's the man that juggles those figures. He's the man that negotiates those figures and he's the man who actually determines what's going to be collected as well as that which is going to be extended, and that's Mr. Cullerton. I think you directed your question to the wrong man. It shouldn't have been directed to Senator Sours, it should have been directed to Mr. Cullerton.

PRESIDING OFFICER:(Johns)

Senator,...Senator Hynes.

SENATOR HYNES:

Very briefly, Mr. President and members of the Senate. Notwithstanding Senator Groen's eloquence, I still have not had an answer to my question. I have more than a suspicion that an overwhelmingly significant amount of the tax saving here is going to be to corporate bodies.

PRESIDING OFFICER: (Johns)

Senator Lyons.

SENATOR LYONS:

Mr. President and members, our staff has done some figuring on this matter. As you may know, we sent a letter to the County Clerks of the various counties asking them what the revenue loss would be if this bill were to be passed at various levels. I'll read you very briefly what our staff came up with. At the \$5,000 exemption level, the predicted loss based on 1970 assessments and rates for Cook County only would be some \$27,500,000 or practically 16% of the personal property tax roll in the State. If the Cook County figures apply to the entire \$300,000,000 of personal property collected in the State, the total loss would be nearly \$50,000,000 at the \$5,000 exemption level; and we're talking in this bill about \$7,500 or half again as much. Of 35 counties which have responded to our questionnaire, only 8 have reported a loss of revenue on assessed valuation of less of 40% of the whole roll at the \$10,000 level. This would translate into an approximate \$75,000,000 loss to units of local government across the State. At \$10,000, counties have reported projected tax roll losses of as high as 82% of the total tax roll. Now, how are you going to keep your schools open if you take 82% of your roll out. 20 of the 35 reporting counties would lose more than 50% of their tax roll at the \$10,000 exemption level and we're talking here about \$7,500. Now, let's quit kidding.

PRESIDING OFFICER: (Senator Johns)

Senator Berning.

SENATOR BERNING:

Mr. President and members of the Body. It seems appropriate to call attention of each one of us to the referendum that prevailed some time back when the citizens in this State voted in good conscience to eliminate the personal property tax. Gentlemen and lady, I remind you that there was no reservation on their part. They didn't ask how am I going to pay more taxes in order to offset what I am voting to save myself. It seems to me we ought to abide by the determination of the electorate which was to eliminate the personal property tax. We have

to start someplace. This bill, as now presented, would be a logical, defensible yes, and even financially practical first step. I urge... for the good of our citizens, for a vindication of their confidence in us, I urge an aye vote.

PRESIDING OFFICER: (Senator Johns)

Senator Gilbert. Is he on the floor? He mentioned he wanted to speak here awhile ago. No. Senator Weaver.

SENATOR WEAVER:

Mr. President, a lot has been said about what savings the bid corporations are going to have. Actually, this deduction of \$7,500 is a total deduction for the corporation for their entire holdings throughout the State of Illinois, proportioned throughout the county. We did a little figuring in Champaign County with Illinois Bell Telephone, and their actual savings would amount to 30 cents per township in Champaign County. They wouldn't even take the trouble to change the books. I think that we've got to make an attempt at this point because the assessors are going to be out over the State in April, and, if we're going to effectuate any savings to the small taxpayers in the assessable year '72, payable in '73, we've got to do this at this session today, and I would certainly urge support of this amendment to House Bill 3734.

PRESIDING OFFICER: (Senator Johns)

Senator Sours, do you wish to close the debate? Call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris Horsley...

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I can't help but comment upon the absence of votes on the other side of the aisle. At a time like this, when we're trying to help the taxpayers of the State of Illinois, when the shots are being called by

Mayor Daley out of Chicago. Now, let's be frank about this. Some of you gentlemen downstate are going to sit here and watch this vote or listen or do something, I don't know what you're going to do, but I sincerely hope that you'll vote your conviction because I'm more interested in the people of this great State of Illinois than I am in political partisan politics. And I think the time has come when we ought to have a vote here that represents the people and not party politics. I vote aye.

SECRETARY:

...Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt...

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President and members of the Senate, briefly in explaining my vote, coming from the rural area I do downstate the people are... waited, waited far too long for some relief. I do not believe that this bill is the entire answer to the problem. I'd like to see it go further and really carry out the mandate of the people that spoke so overwhelmingly by 8 to 1 at least in the referendum on this subject, but, as has been said here today, a step must be taken. Now, let's talk something about some of the financing involved here. Those who are student of the appropriations know full well that there was a provision made to take care of these lost revenues in the event that the Supreme Court had not held that former bill unconstitutional. I'm informed, and I believe the appropriation documents will so indicate, that at fiscal '71 there was appropriated \$21,000,000; \$8,000,000 for townships and special districts, \$13,000,000 for loss under the school formula. It was again, in 1971, reappropriated for fiscal 1972. I'm informed that that \$21,000,000 currently lies there. As I said, I don't believe this bill goes as far as I'd like for it to go, but the people deserve better treatment than they've had thus far. At

least down in my rural area and I'm most happy to vote aye.

SECRETARY:

...Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker...

PRESIDENT:

Senator Walker.

SENATOR WALKER:

Thank you, Mr. President and fellow Seantors. There seems to be some question on the other side of the aisle as to the source of revenue. Like I've said before, I got slapped on the hindend with a Tribune when I was about 5 years old. If you'd like a source of revenue, why don't you go to the last few issues of the Chicago Tribune and they'll tell you where to pick up some of this dough. Their task force will tell you if you haven't been reading it. You might start with the Rabies Control Unit there in Cook County and see how much dough they're sluffing off, and then keep on going right down through the recommendations of the task force. They give you a few other suggestions. A statement was made by one of the good Senators on the other side of the aisle that Chicago, with 1/2 of the population of the State of Illinois, comes up with 35% and I'd hate like hell to ask for a show of hands on the other side of the aisle, especially from you attorneys over there, as to how many of you pay the personal property tax on your homes and your offices. I have one taker. If they would assess that levy and assess it equitably in Chicago as they do in the suburban area...Senator Cherry, I could assess both spots or rest assured I wouldn't have mentioned it. If they would assess it equitably in the City as they do in the suburban area, you wouldn't be worried about a source of revenue. When the statement is made that this is a break to the corporate entities rather than the individuals we all know how wrong we are on that. I feel like Senator Horsley does. In spite of what I might have said here in the past, I admire and respect every one of you Senators on the other side

of the aisle and having come originally from downstate, especially you downstaters. None of the Senators from Chicago are going to lose regardless of how they vote on this issue, but if I were south of that Mason-Dixon line, and I refer to the Cook County-Will County border, I would be reconsidering on how I vote on this. I'm happy to support this amendment to House Bill 3734 and I would like to see a little more support on the other side of the aisle. Thank you.

SECRETARY:

Weaver.

PRESIDENT:

For what purpose does Senator Mitchler arise?

SENATOR MITCHLER:

How am I recorded, Mr. President?

PRESIDENT:

You are not.

SENATOR MITCHLER:

I'd like to explain my vote. We're down here in a January session. Many people say why are we here. First of all, the new Illinois Constitution, 1970 Constitution, mandates that this General Assembly convene in January of each year. That's the main reason we're here, to fulfill our constitutional mandate. The next reason that we're here is to be responsive to the people of this State in matters involving them. Now, when we heard Governor Richard B. Ogilvie deliver his State of State message to the Joint Session, it was pointed out to us the accomplishments of his administration with the help and cooperation of both the House and Senate, both sides of the aisle being responsive to the people. Among these...In his speech he came to a sentence and he said, after enumerating on these many accomplishments, "but there have been some notable failures also." And when listening to that speech, my ears perked up because I wanted to know what these failures were in the eyes of our chief Executive Officer. In the next sentence he said "One year ago I called for adoption of strong ethics legislation". Now

that was one of our failures. We had not passed ethics legislation, so we have been responsive during this brief session and we have just, a matter of a few minutes ago, passed very strong ethics legislation, which I hope will be concurred in with the other House and signed by the Governor promptly. Going further down Governor Ogilvie's budget... State of State Message, he cited another one of the notable failures. He said, "I refer to personal property tax relief." Now that's what we're doing now. We're being responsive to the second of what he considered the most important notable failures of last year. And this legislation that has been constructed and sponsored by Senator Sours does, in part, begin to meet that responsiveness that we have to the people because they mandated that to us in a referendum amendment to the old Constitution in November, 1970. And you could pick at this and find fault with it, but it does, basically, exactly what the new Constitution demands of us, and that is ultimately abolishing personal property tax on both individuals and corporations and, in addition to that, put on a state-wide replacement for the revenue taken from these local governments, and that's provided for in Section 51.5 of this amendment that Senator Sours is sponsoring. This is being responsive to the second of these two notable failures as pointed out by the Governor. I vote aye.

PRESIDENT:

For what purpose does Senator Sours arise?

SENATOR SOURS:

Are you still calling the absentees?

PRESIDENT:

I have received no request for call of the absentees.

SENATOR SOURS:

Then I would like to-call the absentees, Mr. President.

PRESIDENT:

Request for call of the absentees. The absentees will be called.

SECRETARY:

Cherry, Chew, Collins, Course, Donnewald, Egan, Hall, Hynes, Knuppel, Kosinski, Kusibab, Lyons, Neistein, Newhouse, Nihill, O'Brien, Palmer, Partee, Rock, Romano, Saperstein, Savickas, Smith, Soper, Sours...

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I believe with my vote we will then have either 30 or 31 votes on this motion. I would like to suggest that the greater part of wisdom, if one wants to do a duty towards his constituency, is to vote aye on this because we are going to have to get this bill this time and I vote aye.

SECRETARY:

...Swinarski.

PRESIDENT:

On that question the yeas are 31, the nays are 1. The motion having failed to receive the necessary 35 votes is declared defeated. Senator Sours.

SENATOR SOURS:

Now I presume we can discuss this bill also when you get to the proper order; on the order of business of this chamber. May we not?

PRESIDENT:

That is correct. We have a message from the Governor.

SECRETARY:

Message from the Governor by Arthur R. Swanson, Assistant to the Governor. Mr. President, the Governor directs me to lay before the Senate the following message: To the Honorable members of the Senate of the 77th General Assembly. Thomas D. Evans of Glenview has made the decision not to accept the appointment of Assistant Director of the Department of Finance. Therefore, I hereby withdraw his name from the nomination in my message dated November 4, 1971. Respectfully sub-

mitted, Richard B. Ogilvie, Governor.

PRESIDENT:

Refer to the Executive Committee. We have some bills that are here for introduction. They are being referred to the Rules Committee. Senator Partee.

SENATOR PARTEE:

I just wanted the membership to know we have just been in communication with the House and the ethics matter has been finalized there by a positive vote and they are now in the throes of going through some 10 or 15 amendatory vetoes, all of which are of an inconsequential nature which do not require debate and they should be here very shortly where we may act upon them in equally as hasty a fashion and then we can get going.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Is that not out of order?

PRESIDENT:

What is out of order, Senator Sours?

SENATOR SOURS:

The matter Senator Partee is presenting. Won't that take 35 votes to be considered? Unless he ask...

PRESIDENT:

He...Senator Partee.

SENATOR PARTEE:

That was in the nature of an announcement calculated to let you know what the plan and program was in your interest so that you could make plans accordingly. It was not a request of any kind, it was simply an announcement.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

If that comes up out of order, then am I then correct in the assumption that it will take 35 votes to be considered?

PRESIDENT:

If any...if the amendatory...you are referring to the amendatory vetoes?

SENATOR SOURS:

That is correct.

PRESIDENT:

If we are not no longer on the order of messages from the Governor it would take...if unanimous consent is not given, it would take 35 votes to proceed out of the order of business. Senator ParTEE.

SENATOR PARTEE:

Mr. President, I move we recess for about 20 minutes until those bills can come over here.

PRESIDENT:

Motion that the Senate stand in recess. All in favor signify by saying aye. Contrary minded. Senate stands in recess.

SENATOR PARTEE:

Now, Mr. President, in the intervening period, if the members of the Senate Operations Commission could meet in my office for about 5 minutes, there is one item of business we would like to take care of. Senate Operations Commission.

RECESS

PRESIDENT:

The Senate will come to order. Senator Sours.

SENATOR SOURS:

Mr. President, in the...during the recess I called to your attention rule 4 suggesting that your decision was erroneous and I would like to read that very briefly now. It is next to the last paragraph of rule 4. The Senate may at any time by unanimous consent or on motions supported on a majority vote of the Senators present proceed

out of order to any order of business. Now I would like to make the proper motion that we proceed, under rule 4, to move House Bill 3734 back to second reading for the purpose of amendment and apply the roll call...the same roll call that you considered was insufficient in number.

PRESIDENT:

What is your point of order, Senator Partee?

SENATOR PARTEE:

That it would not be possible to call that motion and employ the same roll call. You would have to take a new roll call.

PRESIDENT:

The...Senator...Senator Horsley.

SENATOR HORSLEY:

I think you have a perfect right to reverse your decision and to employ that roll call, and I am asking that you do that and that is what Senator Sours is doing. I think you made a mistake and I think you ought to acknowledge it and reverse it and apply it.

PRESIDENT:

Well, the Chair was in order...in error in advising that the motion necessary was to suspend the rules. Now the motion that was made was to suspend the rules, and uh...Senator Sours may at this point make the other motion that the Senate proceed out of order... to this other order of business, and then it would simply take 30 votes rather than the 35 votes. And Senator Sours is correct in that. Senator...Senator Sours.

SENATOR SOURS:

We have suspended the rules.

PRESIDENT:

The rules were not suspended. It does take 35 votes to suspend the rules, but it does not take 35 votes to move out of position of order. It only takes 30 votes for that.

SENATOR SOURS:

To move uh...to take this out of order. Is that right? It takes

30 votes.

PRESIDENT:

That is correct.

SENATOR SOURS:

No. Rule 4, Mr. President, says a majority of those present.

PRESIDENT:

You are correct. The majority of those present. Senator Clarke.

SENATOR CLARKE:

Mr. President, I am a little confused here. Who made the initial ruling that a motion to suspend the rules was required.

PRESIDENT:

Well, the Chair was in error and the Chair suggested that it took the motion to suspend the rules, and uh...at that point there was no disagreement. The motion was made by Senator Sours to suspend the rules. There was objection on the original by Senator Rock, and then the motion was made to suspend the rules. Now another motion is in order and it takes a simple majority of those present.

SENATOR CLARKE:

Mr. President, I uh...just point out that the Senator was not in error. He asked to go out of the order of business. Now he didn't rule that a motion to suspend the rules, I mean that was the ruling of the Chair. We have had a vote that was more than a majority and I would think that we ought to go to the business and take it up.

PRESIDENT:

We can proceed to the correct order if Senator Sours will make the motion and then we can proceed.

SENATOR CLARKE:

Mr. President, my point is we already had a vote that was a majority vote.

PRESIDENT:

The motion was to suspend the rules. Now the chair was...the Chair was incorrect in suggesting, as I believe I did, that the correct motion

was to suspend the rules. That does take 35 votes. Senator Sours.

SENATOR SOURS:

May I ask then, Mr. President, may we proceed on consideration of House Bill 3734.

PRESIDENT:

The Chair has recognized you for the purpose of going out of the regular order of business. Senator Sours.

SENATOR SOURS:

Now I should like to make the proper motion, Mr. President and Senators, that House Bill 3734 be taken from third reading on the calendar and placed on second reading for the purpose of having it amended.

PRESIDENT:

The point is that we proceed to that bill. That is the motion that you wish to make, Senator Sours.

SENATOR SOURS:

Alright, I will make the motion that we proceed to House Bill 3734.

PRESIDENT:

The motion is made by Senator Sours that we proceed to House Bill 3734 on third reading. Is there any discussion of that motion? Senator Cherry.

SENATOR CHERRY:

I yield to Rock.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

On a point of inquiry, Mr. President. As I understand it that motion to go out of the regular order of business takes unanimous consent. For the same reasons I expressed before I object to that.

PRESIDENT:

Under rule 4 the Senate may at anytime by unanimous consent or on motion supported by a majority vote of the Senators present proceed

out of order to any order of business. The Chair will rule that that motion is in order by Senator Sours.

SENATOR ROCK:

I ask for a roll call.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Request for a call of the absentees. The absentees will be called.

SECRETARY:

Bruce, Chew, Horsley...

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

As I understand rule 4, it only takes a majority of those voting.

Is that correct?

PRESIDENT:

By majority of the Senators present.

SENATOR HORSLEY:

And how do you tell who is present, may I ask?

PRESIDENT:

It's a determination that the Chair would have to make.

SENATOR HORSLEY:

Now, how are you going to make that determination? I would

PRESIDENT:

It has not.

SENATOR SOURS:

I move then that the Senate...House Bill 3734 be taken from third reading on the Calendar and placed on second reading for the purposes of an amendment.

PRESIDENT:

The...Now, gentlemen, I know that...because I have been through this before. We can go through another roll call on this. The Chair has always ruled that any Senator has the right to bring a bill back to second reading for purpose of amendment. Now we can go through the roll call again, but...That is not in the rules the Chair has always ruled that. The...Anyone may appeal the decision of the Chair, but the Chair is going to rule that it can be brought back to second reading for purpose of amendment. Now Senator Sours offers...The Secretary does not have the amendment.

SENATOR SOURS:

I just sent it up there.

PRESIDENT:

For what purpose Senator Cherry arise?

SENATOR CHERRY:

As I understand the motion before this body by Senator Sours is to take a bill from third reading and bring it back to second reading for the purpose of amendment. Now that motion has not been voted on and I would inquire from the Chair how many votes does that motion need?

PRESIDENT:

The Chair is ruling that that motion is not necessary. That the Chair has always, and I can remember when we ran into a great deal of vocal opposition on the other side of the aisle, we have done it periodically on both sides. The Chair has consistently ruled that any Senator may bring his back...his bill back to second reading for purposes of amendment.

SENATOR CHERRY:

Well, then I would say to the President that that requires a motion and that the motion has to be prevailed...must prevail by a majority of the members voting.

PRESIDENT:

Well, the Chair has ruled that the Senator has the right to bring it back to second reading for purpose of amendment. Secretary has the amendment. It's amendment number 3. Question is...Senator Cherry.

SENATOR CHERRY:

I have no amendment and there is no amendment in the binder. I have heard Senator Horsley time after time say that he does not have an amendment in his binder and that is where I want to see this amendment. Just like Senator Horsley has requested that amendment time after time.

PRESIDENT:

Senator...Just a moment. Senator Cherry makes a point of order that the amendment is not in his binder. For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

Mr. President, I have talked to the man who prepared this amendment. It has been reproduced. It is on every members' desk in this body, and Senator Sours knows because he had it put there, and this amendment is on every members desk.

PRESIDENT:

The...if necessary we will take a brief recess. Will the Sargeant at Arms see that these are placed in the binder. For what purpose does Senator Rock arise?

SENATOR ROCK:

Point of inquiry, Mr. President, under our rules 17. It says that when requested by 5 or more members amendments shall be printed and properly filed in the binders before such amendments may be voted on.

PRESIDENT:

We have...The Chair has always ruled that xeroxing is printing and if the Sargeant at Arms will see that they are placed in the binders, that that rule is complied with. For what purpose does Senator Sours arise?

SENATOR SOURS:

Uh...Mr. President, simply to state that I personally hand delivered a copy of that amendment to every single Senator in this chamber.

PRESIDENT:

Senator Baltz. Senator Baltz.

SENATOR BALTZ:

Mr. President, I suppose all I want to do is try and clarify some nitpicking here. If we printed and posted in everybody's binder every amendment that was offered on every bill through any session, our binders, I am sure, would be three times the size that they are now. Uh, I think your ruling is correct that if the amendment is xeroxed and it's the same form that is with the Secretary and is on everybody's desk that this constitutes the proper order of procedure and I think your ruling is correct.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Mr. President. I called for a Democratic Caucus for 15 minutes.

PRESIDENT:

Request for a Democratic Caucus. For what...Just a moment. That request has been honored by the Chair on both sides of the aisle consistently. We will return to the same point of business. For...for what purpose does Senator Harris arise?

SENATOR HARRIS:

Just a quick question to Senator Cherry. Is your binder an International Harvester or a John Deer binder?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Senator, I'm sorry, I didn't get your question. All I heard was International Harvester and John Deer. Now what's your question?

What binder do I have?

PRESIDENT:

I'm, I'm not sure the Senator understands your question, Senator Harris. The Senate will stand in recess for 15 minutes.

RECESS

PRESIDENT:

The Senate will come to order. Senator Sours has offered...Is the Senator on the Floor? While we're waiting for the Senator, I note the presence of a distinguished member of Congress, Congressman Roman Pucinski. We, we will just stand in recess for a couple of minutes while...until Senator Sours returns. Senator Sours is here. The matter before the Body is amendment number three by Senator Sours. Senator Sours is recognized. Just a moment. For what purpose does Senator Partee arise.

SENATOR PARTEE:

So that the gentlemen may have some order, could we have the back of the chambers cleared so...these gentlemen could give them seats or something so that we may be able to hear this debate?

PRESIDENT:

The Sergeant at Arms will enforce the rules on the rear of the chamber. Senator Sours may proceed.

SENATOR SOURS:

Mr. President, ladies and gentlemen of the Senate. I offer...

PRESIDENT:

Just...just...Senator Partee.

SENATOR PARTEE:

I, I apologize for interrupting you, Senator. But I just want to

make certain that our record is clear as to what our position and posture here is and I'll...I remember that you made a motion to suspend the rules which motion you changed at the behest and suggestion of the President, to move it out of the regular order of business on which there was a vote 29 to 20. Is that correct?

PRESIDENT:

That is correct.

SENATOR PARTEE:

Subsequent to that it was...there was a motion to return it to the order of second reading for the purpose of an amendment. Is that correct?

PRESIDENT:

That is correct, although the Chair ruled that that motion was not necessary.

SENATOR PARTEE:

Alright, the Chair ruled that motion was not necessary. We did not contest that ruling in any way because we've done that many times here. Now the bill is on second reading. Is that correct?

PRESIDENT:

That is correct.

SENATOR PARTEE:

And Senator Sours is now offering an amendment on second reading. Is that correct?

PRESIDENT:

That is correct.

SENATOR PARTEE:

Now, if this amendment passes or if this...if this amendments wins, is adopted. Uh, then other amendments may be offered to this bill while it is on second reading. Is that correct?

PRESIDENT:

That is correct.

SENATOR PARTEE:

Thank you.

PRESIDENT:

Senator Sours may proceed.

SENATOR SOURS:

Mr. President and Senators, I'm not going to belabor. I've discussed earlier today the contents of the amendment. That's all I have to say. I ask for a roll call.

PRESIDENT:

Is there further discussion? Senator Rock.

SENATOR ROCK:

Yes. Mr. President, if the sponsor will just yield to a question. I have all the amendments and prior amendments. What would be the affect of date of this act, Senator, under your new amendment?

PRESIDENT:

Senator Sours.

SENATOR SOURS:

This amendment, Senator Rock, will...it provides for a deduction of \$7,500 dollars in equalized assessed valuation of personal property owned by any person, meaning a two legged person or the corporate person. Strictly across the board.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

The effective date, Senator.

SENATOR SOURS:

The effective date is immediately and it covers the taxable year 1972, payable in the calendar year 1973.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Is this then, on page 3 section 3, is that what could commonly be called an emergency clause?

PRESIDENT:

Senator Sours.

SENATOR SOURS:

We now being in annual session, Senator, we don't need an emergency clause. We are in the 1972 regular session. 30 votes, I contend, is all we need.

PRESIDENT:

Is there further discussion of the amendment? Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry...

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Would Senator Sours yield to a question?

PRESIDENT:

Senator...Senator Sours indicates he will.

SENATOR CHERRY:

Do you know how much money would be reduced in income with the adoption of the \$7,500 exemption?

PRESIDENT:

Senator Sours.

SENATOR SOURS:

No, Senator, I discussed that this afternoon in great detail. Maybe you can tell me.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Senator Sours, I am not facetious and I am asking you the question. You're offering this amendment now. I don't recall the discussion with respect to the debate that we had this afternoon, but now we are being asked to adopt this amendment and you have a \$7,500 exemption. This exemption, I assume, applies to all people. Does it also apply to

corporations?

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Uh, Mr. President and Senators, we are on roll call. I agreed to answer one question. I did that.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Well you didn't answer my question, Senator Sours, and I asked you how much money would be reduced...the collection of which would be reduced by the adoption of this amendment? I didn't hear any response.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Are you ready? I don't know.

PRESIDENT:

Proceed with the roll call. Oh! Senator Cherry do you wish to...

SENATOR CHERRY:

I want to simply say this if the sponsor of an amendment doesn't know the result of his amendment by reduction, I am going to vote no.

SECRETARY:

Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski...

PRESIDENT:

Sours aye.

SECRETARY:

Vadalabene, Walker, Weaver.

PRESIDENT:

... Groen aye. Hynes no. On that question the yeas are 28, the nays are 11. The amendment is adopted. Senator... For what purpose does Senator Sours arise?

SENATOR SOURS:

I should like to make oh... I was going to make the motion to advance it, but I understand they do have... alright, I will defer that.

PRESIDENT:

I understand there is another amendment, from the Secretary. Senator Donnewald are you the sponsor of this amendment?

SENATOR DONNEWALD:

Yes, Sir.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Mr. President and members of the Senate. The sponsors of this amendment are myself, McCarthy, Bruce, Johns, Vadalabene and Hall. This is amendment number 4, Mr. President and members of the body, and I believe that the pages have passed these amendments to the members of the Senate. This particular amendment, gentlemen and lady... Well I will wait until you have it. I think that I'd better wait, Mr. President, until all the members do have the amendment.

PRESIDENT:

Senate will stand in recess for a moment. I think they are distributed now, Senator Donnewald, you may proceed.

SENATOR DONNEWALD:

Yes, Mr. President, this particular amendment is a matter that we discussed yesterday when Senator Sours refused to bring his bill back to second reading for the purpose of amendment. This particular amendment is that amendment now. And what it does, very simply, and the new language can be found on page 2 from line 7 on through the

balance of the amendment. Now what it does is exempt all, and I say all, non-income producing property. It also exempts all chattel property of the farmer which includes grain, livestock and machinery which Governor Ogilvie, 3 days ago, stated he wanted passed in this Legislature. This is an amendment I think is equitable, fair, to all. It won't bankrupt the state. It won't bankrupt local governmental bodies and, Mr. President and members of the Senate, I would appreciate your support on this amendment. If you want to ask any questions, I would be glad to answer them.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President and Senators. I said yesterday in this chamber that the only people who can get by with being ignorant of the law are the lawyers. Now I meant that. Here is a bill...

PRESIDENT:

Just a moment. Let's...Can we please...Gentlemen. Proceed Senator.

SENATOR SOURS:

Here is a...here is an amendment which singles out a definite class of taxpayer. It is class legislation. Now I am aware of those cases that hold that taxes may be classified, taxpayers; but here is one who...which will tax the blue eyed people, for example, but not the brown eyed people. Now I am the last one, and I am just as much of a backhouse lawyer as you, all of you. But here is one that has an infirmity in it that is strictly unconstitutional, and when you say to me, for example, that this is similar if not identical to a recent administration bill, I made that same comment. If we're going to pass any relief to the personal property taxpayer, let's hand him some constitutional legislation. And I told Senator Lyons this the other day, Senator Thomas Lyons, and I told this to the chamber yesterday. This is palpably unconstitutional. If we're going to give the relief, let's

give the relief. This is an amendment that I should like to suggest our side defeat.

PRESIDENT:

Is there further discussion? Senator Horsley.

SENATOR HORSLEY:

No, I would like to ask some questions of the gentlemen here, so we would clarify the air a little bit. Will you explain in detail, Sir...I know. I would appreciate it if you would listen to me.

PRESIDENT:

Just a moment.

SENATOR HORSLEY:

I have looked at this two page amendment and I don't understand it. Will you explain in detail exactly what this amendment does?

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Very, very briefly and simply. Of course, I am not a constitutional lawyer as Senator Sours suggested I wasn't. I am a little country lawyer down at home in the backwoods and so on, and I don't understand things but very, very briefly again. What it does...Now Senator, I have the floor and I will yield to you when I am finished. Now, what it does, again, is amend the bill of Senator Sours taking away the \$7,500 amendment and, Senator, replacing, with what I said earlier, all non-income producing property plus all of the chattel property of the farmer which includes grain, machinery and so on. This is not...I want him to finish. Now the statement was made that this was an unconstitutional provision, but your Governor and our Governor, everybody's Governor in this State, Governor Ogilvie, proposed this and I think that he probably researched it adequately to determine that it was constitutional. Now if you want to go into the Constitution, check section 5 on page 47 of the little booklet we have, section 5... 5A of the Constitution regarding personal property taxation, and it

says the General Assembly by law may classify personal property for purposes of taxation by valuation, abolish such taxes on any or all classes and authorize the levy of taxes in lieu of the taxation of personal property by valuation. Now as long as this classification, gentlemen and lady, is reasonable; it is constitutional. And this is reasonable and constitutional because the federal government does it everyday, in many different instances.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Sir, I wish you would turn to page 2. If you have read this amendment and I presume you haven't read it from what you have said, but I wish you would turn to page 2 and read it quickly and read 19.25 to me and tell me what that does to the filling station operator, the grocery store, the doctor, the lawyer, the people in the little towns; because there you say the newspaper owner, all the others will pay a tax on all personal property except to the extent used in the trade or business. Now if they operate a filling station and they have personal property, or the grocery store, or the doctor, the lawyer; they are going to pay on what they have under 19.25 on page 25. Isn't that correct?

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

That is precisely correct. You read it properly. This is non-income producing property that is exempted.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Well, I would like to find out...I didn't hear your last answer, I am terribly sorry. Would you repeat that please?

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

It exempts only non-income producing property, Senator, plus all agricultural commodities and machinery, cattle, grain and machinery.

And that's it.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I think this amendment ought to be defeated and defeated resoundly as hypocritical, and I ask for a roll call on this amendment.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President and members. Senator, will you yield to a question or two?

PRESIDENT:

He indicates he will.

SENATOR GROEN:

In this proposed amendment, do you provide for restoration of the amount of money lost at the local level?

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

In response to that, Mr. President, I think that this is adopting part of the Governor's program and it is his obligation to provide the loss of revenue.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

I wish you had taken that same stance and posture a few moments ago.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

I'll gladly tell you why I didn't. That particular amendment, the

7,500 or 10,000 or 20,000 is a meat axe cut, inequitable to the citizenry of the State of Illinois. I think we all realize the crux of the argument there.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well, but do you prove...do you pro...intend here to not provide any restoration to the school boards in Chicago and, all of the alarms that were raised here by those on your side regarding this problem of restoration of funds, do you propose to have local governments not have any money returned by the state? Is that your plan?

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

This particular amendment, Senator, is much, much less severe than the proposition submitted earlier. Let me tell you this, if you would have an amendment of \$1,500, as Senator Sour's bill was prior to this amendment number 3, you would have taken care of better than 80% of the people in the State of Illinois. This is the best way to go about it if you don't adopt it as he had it initially with the 1,500.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Well now, Senator, I'm concerned about money too, and I'd like to ask you an academic question as well as a factual one. How much is the loss going to be to local governments as a result of your proposed amendment? What's the amount of money involved?

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Yes, the approximate loss, as we estimate, is \$23,000...\$23,000,000.

You'd go for the \$23,000. It is \$23,000,000.

PRESIDENT:

Senator Groen.

SENATOR GROEN:

\$23,000,000 and you do not provide any means of giving that money to local governments who are going to lose it. That's your stand... that's your proposition.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

I'm going to answer that by asking a question of you. You supported the amendment on the \$7,500, how were you going to replace it?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

We told you. Now, Mr. President, I would like to call Senator Donnewald and the member's attention to the Constitution. And I am reading from Article 9, the Revenue Article, Section 5, to which he alluded regarding personal property taxation. And I refer you, Senator, to subparagraph C of section 5 and it says: On or before January 1st, 1979, the General Assembly, by law, shall abolish all ad valorem personal property taxes and concurrently therewith and thereafter shall replace all revenue lost by local government and school districts as a result of the abolition of ad valorem personal property taxes subsequent to January 2nd, 1971. Such revenue shall be replaced by imposing statewide taxes, other than ad valorem taxes on real estate, solely on those classes relieved of the burden of paying ad valorem personal property taxes and so on. Now it says January 2nd, 1971. That's the date. To me that is a directive that we should promptly address ourselves, not to classes of people, but to the complete abolition of this tax that has been so hated over generation after

generation in this state. The amendment that has been proposed by Senator Sours does just that. The amendment proposed by you is clearly unconstitutional under the provisions of paragraph 5c of Article 9 of the...which is the Revenue Article of the Constitution of 1970. Now, if it is your purpose to intentionally have adopted an amendment to this bill that would make it unconstitutional, you couldn't have devised a better amendment.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

Well, in answer to that I've already responded earlier that this is under section 5a of the personal property taxation. This is a classification...a reasonable classification, therefore it is not constitutional. It's not unconstitutional. You'll have to forgive me. I didn't read my speech right. Now just a minute...I have no other comment to make and I would ask for a roll call.

PRESIDENT:

Is there further dis...Senator Hynes. Senator Hynes.

SENATOR HYNES:

Two brief points, Mr. President. First, I think everyone on this side respects Senator Groen as a constitutional authority. I would suggest, though, that there's a substantial difference of opinion. I disagree with him and I think most of the members on this side do. And I would also like to cite one other, I think, prominent authority on constitutional law in the State of Illinois and that's Governor Ogilvie, who in his message the other day when discussing his proposal, which this amendment incorporates, to eliminate the personal property tax on the...on agricultural products said, this legislation is constitutional, it is equitable, it is necessary, and I ask the General Assembly to take prompt action. I suggest that the Governor stands with us on the question of constitutionality. Furthermore, on the merits of the amendment, this amendment protects the individual taxpayer.

It protects the farmer. The only one left out is the big corporation which would be taken care of by the amendment already adopted. I suggest that you support this amendment.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke...

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Just in answer to Senator Hynes, I'd like to point out that in your amendment, in section 19f, you say property used in that business of farming. I've just been informed by the person that drafted the Governor's proposal that that was not their language, that that would probably include John Deere and International Harvester and a lot of other tremendous corporations. And this cannot be in any sense thrust forward as the proposition that the Governor proposed. I vote no.

SECRETARY:

...Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt...

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President, in explaining my vote I wonder if the sponsor of the amendment would yield to a question?

PRESIDENT:

I'm...I'm sorry, the Chair was occupied here. What is the question again, Senator Merritt?

SENATOR MERRITT:

I said before explaining my vote, I wondered if the sponsor of the amendment would yield to a question?

PRESIDENT:

He indicates he will.

SENATOR MERRITT:

All right. I'm not a lawyer, perhaps my grammar is poor and my understanding of the English language, but on line 10 I read that the tax of property excluded from the exemption of this would be the following: a, b, c, e, f. And if that be true, then property used in the business of farming would not be subject to an exemption. I'd like to know his answer to that.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

I've been advised that that is correct, Senator. It should be removed. You're right. And we'll have another amendment to do so.

PRESIDENT:

Senator Merritt has the floor.

SENATOR MERRITT:

Mr. President, in explaining my vote, when you're talking about trying to help rural people in my district and then to come out with such a thing as this, it could be no other vote than no.

SECRETARY:

...Mitchler...

PRESIDENT:

We are on roll call.

SECRETARY:

...Mitchler, Mohr, Neistain, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee...

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Some time, some way, some day, the people will come to realize that in this Legislature there is a thing called games people play. The Governor had a proposition yesterday which we've adopted. Members of his own party now say that they cannot see or cannot buy it and that what he says is unconstitutional.

PRESIDENT:

Just...just a moment. Let's...let's get some order, please.

Proceed Senator.

SENATOR PARTEE:

The use of the word restoration and replacement here is something like a 5th grade child's joke. A few years ago because the Governor said our state needed more money for essential services, there are those of us who tightened our belts and supported his program and gave him an income tax. From those proceeds we exacted that one-twelfth of that money should go to municipal and other governments. Now you want to take away one-twelfth of this money as a replacement figure under this bill. Where would this other money come from? Would it be like manna from heaven or must I listen to what Senator Sours tells me, that it would come from Wilbur Mills' tax bills. I brought Wilbur Mills here to Illinois and I am in constant contact with him and he just introduced another bill the other day which the President of the United States has not yet seen fit to agree with, and for us to sit here on an if-come basis saying that this money is going to be replaced by Washington is fatuous, fatuous kind of thinking. We were going to get \$85,000,000, the Governor assured us, for the welfare program. This was money to come from an agency controlled by the Republican party under Republican administration to a Republican Governor. We got not one red cent of that \$85,000,000. Fool me once, yes; my fault. But fool me twice, I'm really nuts to go for it and I won't be fooled twice. You and I know that this money has to be replaced not by any manna from heaven and not by any money from Washington, and it's

amusing to me now that you piously prattle what's coming from Washington when you've always talked about it, joked about it, and ridiculed it as big brother. You talk about the rights of states to manage their own affairs. You're an advocate of that position until it comes to this moment when you want to fool people and say we're going to get several hundred million dollars from Washington. You know and I know that this money, if it is replaced, is going to be replaced by an increase in the income tax or by some devious method of placing more taxes on our real estate people. Why don't you tell it like it is and say so. This is a good amendment. I cannot for the life of me see, if you want to be mentally honest, why you cannot support it, and I vote aye.

SECRETARY:

...Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours...

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President, Senators, since even a cat can look at a king, perhaps it might not be amiss for me to make a few scholarly comments about the comments of Senator Partee. Let me say this, I would not support the bill probably anyway, but let me tell you what this amendment does, Senator Partee. It exempts every single nickle of inventory of John Deere, if it's farming; every single nickel of inventory of International Harvester, if it's farming. It does not exempt the farmer's grain if he is a feeder farmer and feeds livestock. Now that is something that may have been omitted carelessly or otherwise, but this bill does not do what you even think it...think it does. This amendment, I mean. Now, I think in the absence of the adverbs, exclusively or solely, insofar as farming is concerned, this amendment is fatally defective, and I vote no, for a good reason.

SECRETARY:

...Swinarski, Vadalabene, Walker...

PRESIDENT:

Senator Mitchler. Just...just...We're not through with the roll call. Continue the roll call.

SECRETARY:

...Weaver.

PRESIDENT:

Senator McCarthy. Senator McCarthy.

SENATOR McCARTHY:

Mr. President, I'd like to explain my vote because I didn't vote...

PRESIDENT:

Just a moment...

SENATOR McCARTHY:

Have you concluded the roll call?

PRESIDENT:

You're...you're entitled to the floor. We're trying to get some order.

SENATOR McCARTHY:

All right.

PRESIDENT:

Proceed Senator.

SENATOR McCARTHY:

Thank you, Mr. President. Uh, Mr. President and members of the Senate, I should like to explain my vote on this amendment, but I preface my remarks with complimenting Senator Merritt with good vision and reading the bill correctly. I believe that it was admitted by those of us who have sponsored it, Senator Donnewald being the chief sponsor, that there was a typographical error in line 27 of page 2. We hope, if this amendment is adopted, to offer another amendment to change that to put it in the context of those of us that phrased and wanted...the way in which we want the amendment to presented to the other chamber

ultimately on its way to the Governor. Mr. President, one of the reasons that I supported Senator Sour's motions to, first of all, to suspend the rules and then move out of order to third reading is because I believe that the General Assembly must address itself to the question of relief from the personal property taxes. There's every member in this body that believes that we should address ourselves to this problem, and by advancing Senator Sour's bill, which actually is designated as the bill of the Committee on Revenue, the whole Committee of Revenue which is a bi-partisan committee, we do have a legislative type vehicle that we could present to the Governor. There has been the question raised as to whether or not we are in violation of the Constitution by failing to put into this amendment a replacement for the revenue loss. Let me suggest to the members of this chamber that there are two important differences between the amendment offered by Senator Sours and this amendment insofar as the constitutional duty of replacement is concerned. Article 9a of the Constitution of 1870 was voted on by the people in November 1970 and provided in substance that nothing that the Constitutional Convention might do to the contrary, still the personal property tax as to individuals...

PRESIDENT:

The Senator...the Senator will conclude his remarks.

SENATOR McCARTHY:

I am sorry, I did stray but we do not have to replace this because the Constitutional amendment took it out. Whereas by Senator Sours bill it does provide for exclusion of corporated personal property taxes which were not excluded by article 9a and therein lies the difference, and I am sorry for trespassing on your time but I do wish to vote yes on this amendment so that we can move the relief ultimately to the Governor who must act on it. Aye.

PRESIDENT:

For what purpose does Senator Egan arise?

SENATOR EGAN:

Mr. President, how am I recorded please?

PRESIDENT:

How is Senator Egan recorded? How is Senator Egan recorded?

You are not recorded.

SENATOR EGAN:

Well, Mr. President and members of the Senate, in explaining my vote on this amendment I would like to briefly address myself to the remarks that have been made tonight regarding the constitutionality of this amendment. There are many of us in this chamber who are lawyers and there are probably as many opinions as to the constitutionality of this amendment as there are members of us who are lawyers. Senator Sours, you're an esteemed lawyer in your community as are all of the lawyers who are members of this body, and I am sure that you have on many occasions had an opportunity to change your mind as to whether or not any particular law was constitutional or whether or not it was unconstitutional. So that we're not fooling anybody, one with the other, as to whether or not we can give an opinion tonight as to the absolute constitutionality of this amendment. Let me further say...

PRESIDENT:

Just a moment. Senator Egan has a full minute and a half left and is entitled to it and the Senate will maintain order while he speaks. Senator Egan.

SENATOR EGAN:

Thank you, Mr. President. I would appreciate a little attention, Mr. President. So far as the gravity of the discussion, I think it deserves some attention. We're talking about the constitutionality of this amendment and I don't think that anything should dissuade the listeners from hearing what I have to say. Consequently, Mr. President, I would like to ask for order and I would ask the members of this body and the visitors please to pay attention.

PRESIDENT:

Order is requested. Senator Egan is entitled to it. Proceed,

Senator.

SENATOR EGAN:

Thank you, Mr. President. We are talking about the constitutionality of a very important piece of legislation and I would like your attention, lady and gentlemen, so that I can address myself to that problem. We all know that no one but the Supreme Court of the State of Illinois can decide on the constitutionality of this piece of legislation. We know that the Governor feels very strongly that it is constitutional, otherwise he would not address himself to it in his State of the State Message that we just heard yesterday. I am sure that he has reflected upon it longer and harder than I have, and longer and harder on this subject than any other member of this body.

PRESIDENT:

Just...just a moment. Senator Egan would have used up his time had he not been interrupted. Senator Egan may proceed.

SENATOR EGAN:

Thank you, Mr. President. Could I ask you please how much time I have left?

PRESIDENT:

You have about 30 seconds left.

SENATOR EGAN:

I appreciate that because I will need every bit of it. This bill as have many, many bills that have passed through this chamber, have been argued on this floor as to it's constitutionality. The Constitutionality of this bill is no different than the constitutionality of the Anti-trust Act in the State of Illinois, as an example. In that bill there are certain enumerated exemptions. One of which, Senator Sours, are lawyers. If lawyers can be exempt...

PRESIDENT:

Senator will conclude his remarks.

SENATOR EGAN:

If lawyers can be exempt from the Illinois Anti-trust Act, I would

think that members who are engaged in farming in our community, in our state, could also be exempt from this Act. I vote aye on the amendment fully aware that this is a bit controversial on its constitutionality; however, confident entirely that it will be upheld constitutional.

PRESIDENT:

On that question the yeas are 24, the nays are 29. The amendment does not prevail. Are there...Senator Sours.

SENATOR SOURS:

Now, Mr. President, I move that this bill be advanced to third reading.

PRESIDENT:

No...No such motion is necessary. It is automatically advanced. Are there...Senator McCarthy.

SENATOR McCARTHY:

It is my understanding...I, I yield to Senator Donnewald.

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

I would like to announce to the body that the amendment has been corrected as I had represented initially.

PRESIDENT:

Are there further amendments at this point? Third...For what purpose does Senator McCarthy arise?

SENATOR McCARTHY:

Well, I just wanted to ask Senator Sours whether or not he would hold this bill for other amendments or do you wish to move it back to third reading now?

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President, I will abstain from answering this because I do not want this to be considered to be on second reading. I am going to

wait for other piece of business, then I am going to call it, after the intervention of some other Senate business.

PRESIDENT:

The...I gather that Senator Sours is declining to hold it, Senator McCarthy. Senator McCarthy.

SENATOR McCARTHY:

My inquiry is where is the bill at the present time?

PRESIDENT:

It is...it is on second reading and it will be advanced to third. Just...just a moment. The Chair...Senator Sours made the motion to advance it to third, I said that is not necessary, a bill is automatically advanced to third. Now, when I ask if there are any amendments, there are non...Are there any amendments to be offered at this time? Senator ParTEE.

SENATOR PARTEE:

I do not personally have an amendment, but it has been suggested by Senator McCarthy that he might have one. I would suggest to Senator Sours that he seems to forget this is another time, Senator, that you may well be alienating vital votes that you need by taking an attitude that you have just taken. It has happened before, remember?

PRESIDENT:

Are there further amendments? The...For what purpose does Senator McCarthy arise?

SENATOR McCARTHY:

I raise to a point of inquiry to uh, Senator Sours. And that is, I understood you yesterday...I understood you yesterday when we were debating the motion to reconsider the vote by which Senator Lyons' bill had been defeated. I understood you to say, and correct me if I am wrong, that you would bring the bill back to second reading for the purpose of amendments being offered. Did I understand correctly on that?

PRESIDENT:

... Senator Sours.

SENATOR SOURS:

Mr. President, I decline to discuss the matter. This bill should go on third reading now. There is no amendment filed, no new amendment suggested. It isn't on the desks. I feel we should put this on third reading now and avoid a filibuster here until doomsday.

PRESIDENT:

Are there amendments from any members? Third reading. We have... For what purpose does Senator Dougherty arise?

SENATOR DOUGHERTY:

...cause a motion I propose to make at this time.

PRESIDENT:

We have a request...Senator Lyons.

SENATOR LYONS:

I will hold mine for the moment.

PRESIDENT:

For what purpose does Senator Lyons arise?

SENATOR LYONS:

Well, I thought that Senator Coulson was on his feet over there to make an announcement, or get into...initiate a discussion which shouldn't take very long and is of great importance.

PRESIDENT:

The Chair received a request from Senator Coulson that the intervening business be a motion in regard to House Bill 3030. Senator Coulson.

SENATOR COULSON:

Mr. President and gentlemen, I don't know how we can journalize this because I intend to make a motion and then withdraw it in deference to Senator Lyons. This bill is the bill which funds the Judicial Inquiry Board, a constitutional board which, as you know if you have been reading the newspapers, has been operating without funds, and that we

have had previous hassles about it. It had a hearing in committee yesterday and it failed to be reported out. It is Senator Lyons' intention, I believe, to come up with a solution which will move the bill. My only purpose in asking for your attention at this time is to encourage the most rapid possible development of the funds for this board. I am satisfied that Senator Lyons is in good faith and that he is going to give us a subcommittee that will really perform and that they will...I will accept whatever amendments are necessary, whatever modifications, whatever reductions in amount; I simply want to keep this thing moving and get this bill out and get this appropriation made. And with that preamble, perhaps the journal can show I have made a motion to place the bill on the order of second reading without reference to...or without further...discharge of the committee. And then I will withdraw that motion after Senator Lyons has commented. That will give us a journal entry. .

PRESIDENT:

Motion by Senator Coulson to discharge a committee. Senator Lyons.

SENATOR LYONS:

Well, I am going to ask Senator Coulson to withdraw that motion for the following reasons. As we discussed in the committee yesterday, there are many matters on this bill which are not free from controversy. Now the...I told Senator Coulson that we intended to employ a working subcommittee which is going to meet as soon as the members are named. And those members, from this side, will be Senator Knuppel as Chairman and I...we, we asked him to serve as Chairman of this committee because in the Constitutional Convention Senator Knuppel was the author of the Judicial Inquiry Board proposal. Also, Senator McCarthy and Senator Hynes, all of whom are lawyers and all of whom I think can give this matter the attention that it deserves. There are several questions that are unanswered. There has never been any enabling legislation. Hearings must be held, testimony must be taken before the bill can be

passed and put into the shape in which it should be passed. So I'm going to ask Senator Coulson to withdraw that motion to discharge the committee.

PRESIDENT:

Senator Coulson.

SENATOR COULSON:

The members of that subcommittee from our side of the aisle will be Senator Laughlin and Senator Gilbert. And I do, therefore, in compliance with the request of Senator Lyons withdraw my motion to discharge the committee with the understanding that we're really going to move on this thing.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Just wanted to be expressive of my appreciation that these gentlemen are able to work this matter out. I've received a series of telegrams today, one from the Bar Association indigenous to my own neighborhood, which suggests to me that there are persons who desire to testify about certain facets of it. I'd like to point out that we did get an answer from the Attorney General as to our posture and as to the constitutional questions which we posed. Hence, we are now ready and would have been ready had we gotten that answer earlier to move with this bill. And I am happy that both of you are on the same wavelength and are now moving to get this bill in a posture where all persons who desire to be heard may be heard and we may get it back to the floor so that we may deal with it.

PRESIDENT:

The...We have had intervening business. Senator...For what purpose does Senator Dougherty arise?

SENATOR DOUGHERTY:

I now move the motion that is laying on the clerk's desk, Secretary's desk rather.

PRESIDENT:

The Secretary will read the motion.

SECRETARY:

I move that House Bill 2485 Do Pass, the veto of the Governor to the contrary notwithstanding. Dated January 13, 1972, introduced by Senator Dougherty.

PRESIDENT:

Just a moment. Just...just...just a moment. We're...Senator Dougherty was recognized, but I...the Chair had talked about intervening business, I think with the implication that would get back to Senator Sours. If...We can return to your motion, Senator, immediately following the matter of...that Senator Sours has. Senator Sours.

SENATOR SOURS:

I should now like to call that bill, 3734, as amended. I, I'll make no comment other than asking for a roll call.

PRESIDENT:

Is there...Senator O'Brien.

SENATOR O'BRIEN:

Senator Coulson made a motion and then Senator Lyons with...asked him to withdraw that motion. He did. Is that intervening business? The motion was withdrawn.

PRESIDENT:

That is intervening business.

SENATOR O'BRIEN:

Alright.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin,

Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee...

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I'm going to vote present on this bill. I'm going to suggest, only suggest, to the sponsor of this bill that when it does not receive the requisite number of votes, that he not let it go down and that he postpone consideration. When we come back, this bill will then be pending, there will perhaps be another vehicle here which will be known as the Nowlan Bill, and there may well be other bills introduced in that session. That is only a suggestion.

SECRETARY:

...Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours...

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President and lady and gentlemen of the Senate. Senator Partee, it is not because I am obstinate but we're coming back here, so I understand, on March 1st for one day. Then we're coming back in April which is after the assessment date. As a very competent, big city, LaSalle Street Lawyer, you know that too. If this bill doesn't pass after calling the absentees, I'm going to let it go, let it go down in perdition; and I'm going to tell the story over and over again; that Ivory Soap Floats, GL 70 is good for your teeth, and I'm going to name names of those who didn't think enough about the poor devil who pays these taxes, whose property is completely exposed not getting relief for which he's waited years and he even participated in a referendum, statewide, when he voted predominantly in favor of the abolition. I'm saying that because we're going to call the absentees and if that doesn't bring 30 votes, it's going down. I vote aye.

SECRETARY:

...Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Request for a call of the absentees. The absentees will be called.

SECRETARY:

Bruce, Cherry, Chew...

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Am I recorded on the roll call? Well just to be on the prevailing side, I'm going to vote no.

SECRETARY:

...Donnewald...

PRESIDENT:

Senator Donnewald.

SENATOR DONNEWALD:

I just wanted to let Senator Sours know that there's a two-way street on letting people know back home how you voted. I vote no.

SECRETARY:

...Dougherty, Egan, Hall...

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I'd like to explain my vote. I happen to be the only Republican Senator south of Springfield. I think I know the feeling of the people downstate; I think the greatest issue isn't ethics down there. The newspapers have made some issue of it. The greatest issue down there, and that applies to every Senator south of Springfield, Republican or Democrat, in his district is personal property. I'm very happy to vote aye on this bill. I'm very happy to find that nobody else down there is voting with me because I think it's going to be very helpful. I vote aye.

SECRETARY:

...Hynes, Johns, Knuppel, Kosinski, Kusibab, Lyons, McCarthy...

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Yes, Mr. President, I would like to explain my vote which will be present. I vote present because I resent the way in which this bill is presented to this Chamber. This bill was with bi-partisan vote brought back to second reading for the purpose of amendment. The Senator who is handling the bill has stated that he will not allow the bill to go on consideration postponed, that he through his action will allow this vehicle to do so that our efforts have been without fruit to the people who deserve...who deserve the Legislature to address themselves to this question. Mr. President on a matter that is, I think, admittedly in the minds of people throughout the State of Illinois, they having made a Constitutional declaration on the problem it certainly is worthy of consideration of amendments. But that is not the tact that is being taken, and it doesn't require a person with clairvoyance to see, or they might infer that this roll call will be attempted to be utilized for some political purpose. Senator Thomas Lyons made the comment on the Governor's veto of the vacancy bill of the Senate to this effect: that whenever an individual does something intentionally for political purposes, it's bound to backfire; and I suggest to the body that allowing this vehicle to go down to defeat for admitted, intentional, political advantage is bound to backfire because it will result, Mr. President, in one vehicle left, and that is the vehicle introduced by the Chief Executive of the State of Illinois who, with his amendatory powers of veto, would rewrite this bill if it passed, would rewrite the Lyons bill if it passed, and the political advantage or disadvantage will be on what bill does finally pass, the Nowlan bill rewritten by the Governor. So, I suggest to you that I have been under a misapprehension when this

gentleman from the other side asked to move this to consideration for amendment, I took 'em at their word, in good faith, that this was going to be a legislative determination, not something that the Governor was going to doctor later on. And at last I find that I am disappointed in this Chamber because I've been misled or at least I was too naive as to not perceive what was going to happen. And I vote present.

SECRETARY:

...Merritt...

PRESIDENT:

Senator Merritt. We are on the call of the absentees. Senator Merritt may proceed.

SENATOR MERRITT:

Mr. President and members of the Senate. Coming from a rural downstate district, I am well aware that this is a sad, sad day for the farmers in my area, the little businessmen who has waited, waited, waited far too long for some relief. And if you are talking about political backfire, I can assure you that the whole citizenry of Illinois will know of the roll call that occurred here today. They will also know that every member on this side of the aisle stood up in defense of those people and not one vote came from the other side. I vote aye.

SECRETARY:

...Neistein, Newhouse, Nihill, O'Brien, Palmer, Rock, Romano, Saperstein, Savickas, Smith, Swinarski, Vadalabene, Walker...

PRESIDENT:

Senator Walker.

SENATOR WALKER:

Thank you, Mr. President and members of the Senate. Uh, several hours ago I reported that if the City of Chicago or Cook County would knock out that rabies control deal you could pick up a few hundred thousand dollars, and I just found another one here. This came out of my favorite paper, the Tribune, a resultant of 4.2 million in savings could be realized, and this was in regards to the City of

Chicago's Fire Department. I found a couple of others here that might be helpful when you ask where the replacement of the revenue is coming from. Those pupils found on south side school roll in fairness I think that came from Daily News, we don't allow that to circulate in Lansing. Another one here, two city cab companies asked for one thousand relievers, get one. Let's put some of the relievers to work driving cabs there in the City. They need a thousand drivers. They got one. The O.E.A. director backs giving aid to gangs, says the program was a valuable favor...failure rather and a favor, I use the words synonymously. Now I get back to January 25, 1969. Anti Daley Democrats, here's Simon and Adlai. The main goal of the dissident Republican's is to replace machine politics in Illinois with genuinely responsive leadership. Stevenson recently described as futile the Democrat political patronage system. Now, Mr. President, I am not going to be interrupted here because I haven't said anything except what deals with the subject.

PRESIDENT:

For what purpose...For what purpose does Senator Cherry arise?

SENATOR CHERRY:

To make an inquiry. Did I hear the members of the other side say that this was not a political bill and had no political ramifications whatsoever? Did I hear correctly when that statement was made?

PRESIDENT:

The Chair will...the Chair rules that is not a point of order and uh...Senator Walker has about 45 seconds to conclude his remarks.

SENATOR WALKER:

Thank you...Thank you, Mr. President, you have always been fair but I heard the remark made by the last speaker about intentional political advantage. May-I tell you gentlemen on the other side of the aisle, in not the language of the straight but as Hudson Sours would express it, you have defecated in your chapeau. Now, figure that one out, Hudson. I don't know whether that is Latin...When I saw the

sponsorship of this bill you downstaters are bowing to the dictates of the Chicago political machine. And I love each and everyone of you and I hate like the dickens to see your seats...

PRESIDENT:

The Senator...the Senator will conclude his remarks.

SENATOR WALKER:

...filled by someone else next time. I don't know how many votes we have, but let's quit kidding each other. We're trying to help the people. We're trying to abolish this tax. You're renigging on that side of the aisle. We're supporting it. Now I don't how the papers are going to support it tomorrow...

PRESIDENT:

How does the Senator vote?

SENATOR WALKER:

I think I am going to vote aye, Mr. President.

PRESIDENT:

Senator Walker votes aye. On that question the yeas are 29, the nays are 5, three present. The bill having failed to receive the constitutional majority is declared defeated. We have...Senator Cherry.

SENATOR CHERRY:

Mr. President, having voted on the prevailing side, I move that this bill be placed on consideration postponed.

PRESIDENT:

Only...there are certain motions you can make having voted on the prevailing side. That is not one of them, Senator Cherry. Senator Sours.

SENATOR SOURS:

I was about to suggest to the good Senator that I happened to be the sole sponsor, and the destiny of this bill rests pretty much with how we feel on this side. Now we have had a lot of oratory here today. I am going to now request that I be permitted, on the basis of a personal privilege, to make a few comments.

PRESIDENT:

Senator...For what purpose does Senator Partee arise?

SENATOR PARTEE:

I am always delighted to hear the gentleman in his beautiful choice of words and his stentorian tones, but I would like to suggest to him that we have some veto messages that are here, and this would occur to me to be a very important thing to which we should address ourselves at the moment. Now, if after that we want still to talk, that is fine; but a point of personal privilege at this time, I think, takes physical advantage of all of us, when there is other matters, there are other matters to be taken up here, including two very vital veto messages.

PRESIDENT:

The Chair would urge...Senator Laughlin.

SENATOR LAUGHLIN:

Yes, Mr. President, I have sat patiently, listened, watched, observed, and it really is quite late. I don't think anyone is going home, and in the words of the great John Knuppel, we came here to work, and I don't see why we shouldn't adjourn this session until 10 o'clock tomorrow morning, and come back here when some of us are not quite so tired and perhaps can address ourselves a little bit more intelligently to what we're doing.

PRESIDENT:

You are not putting that in the form of a motion at this time.

SENATOR LAUGHLIN:

I guess I'm not.

PRESIDENT:

Senator Clarke.

SENATOR CLARKE:

Mr. President, before we wind up this question of personal property tax. We did vote on a prior amendment...

PRESIDENT:

Just a moment. Let's have some order please. Gentlemen.

SENATOR CLARKE:

Uh, Mr. President, we did vote on a prior amendment that went

into the Journal, and I understand that it has some penciled changes, and I just wanted to suggest that those changes should be indicated in the Journal, for the matter that we actually voted on should be in the Journal. But I don't want to find changes made after the fact... Uh...in the light of some previous rulings.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Senator Clarke is absolutely correct. But there were no changes made before the voting. They were changed before that, so we knew what we were voting on.

PRESIDENT:

Senator...For what purpose does Senator Merritt arise? Gentlemen, we have, and Senator Saperstein, we have a number of motions and things to dispose of. I hope we all keep that in mind. Senator Merritt.

SENATOR MERRITT:

Uh...Mr. President, on this particular subject you will remember that these were distributed to our desks in the form in which I questioned Senator Donnewald. His answer to me was...

PRESIDENT:

Just a moment. What is...on what point does the Senator arise?

SENATOR MERRITT:

I am just saying that his answer to me on it was that it was an error and they would attempt to amend it. In the meantime I was voting on the amendment on my desk and there was penciled changes put in afterwards.

PRESIDENT:

Just...Gentlemen...that matter has been disposed of. Senator Partee and Senator Clarke are in agreement here. We are going to move on to other business. House joint resolution. Just...For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

A point of inquiry. On Senator Sours' bill awhile ago, a motion

was made on the other side to reconsider. There seems to be some misunderstanding on your ruling on that. Would you repeat that please.

PRESIDENT:

The motion was made by Senator Cherry to postpone consideration, and that Senator Cherry is not, under our rules, in a position to make that motion.

SENATOR HORSLEY:

Now, having voted on the prevailing side, I move to reconsider the vote by which this bill lost.

PRESIDENT:

Senator...Senator Horsley moves to reconsider. Senator...Senator Partee.

SENATOR PARTEE:

The gentleman was not on the prevailing side. Now we're sending for someone to check the water supply here because it is polluting some of us.

PRESIDENT:

The point is well taken. Senator Horsley is not...is not eligible to make that motion. For what purpose does Senator Sours arise?

SENATOR SOURS:

I have been trying somewhat furtively, Mr. President, to get your attention. I wanted to call to the attention of the Assembly only, the last sentence of rule number 7, consent calendar, and it reads: nothing in this rule shall be allowed to affect the right of a sponsor to control his bill or resolution. Now there are other, there are other sections that permit the sponsor to control his bill, and I accordingly move that the bill be tabled.

PRESIDENT:

It...the bill is already on the table. Senator Dougherty.

SENATOR DOUGHERTY:

I renew my motion, and ask for passage of House Bill 2485, the veto of the Governor notwithstanding. As you know that this bill pro-

vides, I'm quite sure you do, it passed through last fall, it provides for the placing of the candidates name on the primary ballot, and the whole thrust of it is is the incumbents shall be placed first. This bill...this was...the House has overrode the Governor's veto on it, and I ask this body to do the same. I took this bill at the request of Representative Simmons with the thought I would be trying to help all. And this is all this bill does is to provide that the incumbents shall be placed first in the order of their seniority, and then will follow the candidates who are non-members by lot, that's it. I ask for a favorable roll call.

PRESIDENT:

Is there any discussion? Senator Groen.

SENATOR GROEN:

Mr. President, I would just like to call the body's attention to the fact that this was vetoed, I understand, on the advice of the Attorney General, on a basis of constitutionality. Now from simply a standpoint of fairness, we all know two things; one, an incumbent has an advantage to start with; secondly, we know that the name that is first on the ballot also, also has an advantage. Now why in the world, simply because you are an incumbent, you should be privileged to have an advantage over an opponent, I don't know. It would seem to me that in all fairness, in all justice, in all equality, that we should vote to sustain the Governor's veto rather than to override it. We already, as I say, have an advantage being an incumbent, and to give ourselves a further advantage, it seems to me to be unconscionable, and I'm going to vote to sustain the Governor's veto on this motion.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

What position did you get on the ballot, Senator Groen?

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Senator, I don't have the slightest idea because my opponent doesn't have a chinaman's chance, snowball, so on, whatever you want to call it, of winning. I'm going to win.

PRESIDENT:

Senator Dougherty:

SENATOR DOUGHERTY:

You must have been to the wishing well. I wouldn't be that confident no matter where I was.

PRESIDENT:

Is there further discussion?

SENATOR DOUGHERTY:

I would ask for a roll call. I'm doing this at the request of Representative Simmons and the House sponsor of the bill. You all supported us at the time of passage. I ask for the same vote if possible.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Hall, aye. Request for a call of the absentees. The absentees will be called.

SECRETARY:

Arrington, Baltz, Berning, Carroll, Chew, Coulson, Davidson, Fawell, Gilbert, Graham, Horsley, Hynes, Knuppel, Merritt, Mitchler, Newhouse, Partee, Romano, Weaver.

PRESIDENT:

On that question, the yeas are 35, the nays are 7. The Chair has received a request for a verification of the roll call. Senators will be in their seats. Senators will be in their seats. Just a moment. Senators will be in their seats. The request was made by Senator Soper. He withdraws his request for verification. Senator Groen requests verification. Senators will be in their seats. Senators will be in their seats. Call the affirmative. Secretary will call the affirmative votes.

SECRETARY:

Bidwill, Bruce, Carpentier, Cherry, Course, Donnewald, Dougherty, Egan, Hall, Horsley, Hynes, Johns, Kosinski, Kusibab, Latherow, Lyons, McBroom, McCarthy, Mohr, Neistein, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene and Walker.

PRESIDENT:

Motion by Senator Dougherty to reconsider. Motion by Senator Rock to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails. The Senate overrides the veto. We have additional messages from the House. We have one additional veto matter, I understand, to be considered. Senator Bruce. Just a moment. Please, gentlemen. Senator Partee.

SENATOR PARTEE:

I'd just like to point out that we are...

PRESIDENT:

Just a moment. Before we can point out...Proceed, Senator.

SENATOR PARTEE:

I think we should say to our friends from the House that we are delighted to have them here. It's good to see them, good to be with them; but it's not the time to fellowship with them. Now we're trying to finish here so that business may be finalized in their House and we would ask them... course they are probably accustomed to more noise than we are... we just ask them, please, to, you know, cut it down a little bit so we

can hear each other while we address ourselves to these questions.

PRESIDENT:

The Chair echos that request. Please, gentlemen. For what purpose does Senator Walker arise?

SENATOR WALKER:

Well, the good Pro Tem has been over here longer than I have and I still enjoy the companionship of the House and, Mr. President Pro Tem, I haven't seen anything, you know, disorderly back here. In fact, they have been more quiet than our staff has been. I like to fraternize with them and I would like to keep them on the floor, Cece.

PRESIDENT:

The Chair is going to rule that the point is not well taken, Senator Walker. We, we're happy to have the House members here. We do like to have some order. Senator Bruce is recognized.

SENATOR BRUCE:

Mr. President, members of the body. This House passed House Bill 3623, which would have provided a method to let the people and... allowed the people a role in selecting judges. It implemented the 1970 Constitution by providing that judges initially run for election in the regular Party Primaries or and in the....and in the General Election in November. Now, the Governor saw fit to veto this bill and a companion bill by Representative George Lindberg. To recall the sequence of events in the last days of the last session, two bills were brought over from the House. The agreement was that we would pass both of them. They were very similar in nature. Once they got to the Governor's office, both provided for the election of judges in a Primary Election, being March 21st of this year, the Governor saw fit both to veto the Hart Bill, 3623, and Representative Lindberg's bill. Now, both bills passed the House without a dissenting vote. Both bills passed this House 37 to nothing. Now, today, the House has taken action. They have overridden the Governor's veto as it relates to 3623. Representative Lindberg did not move his bill and it is not before this body. In the Governor's veto message, he

stated that the judges should be elected on a nonpartisan basis. I offer this suggestion, that no election of any party... of any person that runs as a nonpartisan, that there are very few elections that have any impact when they are elected on a nonpartisan election. Now, I cannot see any problem with a Democrat opposing a Republican in a primary election for judges. We voted to have judicial elections in that when we adopted the 1970 Constitution. I believe that the Governor has been misinformed about the effect of this bill. We need to provide the votes to override his veto so that the people, and not the Illinois Supreme Court, can select our judges. Let's make this very clear. At this point, there is no legislation providing for selection... the initial selection of judges. I'm informed there are more than 100 vacancies, all of which will be filled by the Illinois Supreme Court if this bill is not passed. From what I have learned, I do not believe that this Legislature would pass legislation to provide for separate nonpartisan election of judges as was done in the past. We used to have separate elections, partisan judicial elections and, in most cases, the turnout at those nonpartisan judicial elections was very, very light. Now, House Bill 3623 would place the candidates on the Primary and General ballots where people could make their choice as they do for most other elected officials. I believe that this is one of the most important decisions that face the public. Our confidence and the confidence of the public has been shaken in the Judiciary and I would ask that you override the veto of the Governor. I would also, for those constitutional lawyers who have come out of the woodwork today, ask them to read Section 6 of the new Constitution, Article XII, in which it states in (a) Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition. Now it goes on about the election. A person eligible for the office of Judge may cause his name to appear on the ballot as a candidate for Judge at the primary... This is in the Constitution... and at the general election by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions, which we have not done. There is no way

for a Judge to get on the ballot by petition. With the veto of this bill, there is no way for a Judge to get on the ballot in a primary. We have only the alternative of passing this bill. Now, 12(b), in a vacancy, without this bill if a vacancy occurs before the primary, the bill... the Constitution says the office shall be filled in a manner provided for filling a vacancy in that office. Then (c) says, in the absence of a law, vacancies may be filled by appointment by the Supreme Court. That's where we are in the absence of passage of this bill. Every vacancy that occurs in every court, Circuit, Appellate, will be filled by the Supreme Court. I, for one, have opted that we put Judges in a primary, that we allow them to face the public. I do not believe that when they are initially selected that it is asking too much that they run in a partisan election facing a partisan opponent. Thereafter the provisions for retention are the same as they are presently provided. That is they run on a separate ballot without declaration by party. Then they must receive 60%. This bill only says, in the initial selection of Judges they will run in a partisan primary. And with that explanation, I now move that House Bill 3623 Do Pass the veto of the Governor of this State to the contrary notwithstanding.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Yes, Mr. President, members of the Senate. I rise in support of the motion to override the Governor's veto. I note that the Governor, yesterday, stated in his State of the State Message that he was for a nonpartisan method and I would call your attention to the fact that this legislation, if approved, doesn't become effective until elections in 1974, in any event, because the date to effectively cover the primary this year is gone past. I would want to be perfectly candid with you and say that I prefer a merit selection of judges just as the Governor has. I can support a nonpartisan election of judges as long as we got rid of the damnable convention system of nominating judges. Most any

other method will be approved, so I'll support, for example, a bill by Representative Burditt, if it passes the House, for nonpartisan; but meanwhile I think it is important we do something and I think it is essential that sooner or later the Supreme Court of the State of Illinois be divested of its powers to fill the vacancies and, for that reason, I rise in support of the motion.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

Very briefly I feel the same way about it. The people of this State, in voting on the Constitution, said they preferred the election of Judges; and I think that we should pass this legislation and I am going to vote to override the Governor's veto and urge others to do the same.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

Just a question, Mr. President. As I understand, all these proceedings are being recorded. Is that right?

PRESIDENT:

That is correct.

SENATOR NEISTEIN:

And Sen... Judge Laughlin, you were the sponsor of the Lindberg bill in the Senate. Is that correct?when it passed?

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Senator Neistein, I was the sponsor of the Lindberg bill; but the House, I am informed, did not override the Governor's veto on the Lindberg bill.

PRESIDENT:

Senator Neistein.

SENATOR NEISTEIN:

And Senator Bruce, you were the Senate sponsor of Representative Hart's bill. The reason I ask these questions... I read the editorials in the newspapers about this particular bill and I read how these bills sneaked through the chamber and I remember our debates for three days on both bills, that there were two bills that passed; and yet I read with amusement that all the papers in Chicago said, on their Editorial page, that these were the bills that sneaked through the chamber, so as long as we have a recording as to what goes on here today, I hope it will be accurately reported that these bills did not sneak through this chamber and that they were discussed and voted on. I, too, support this bill.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDING OFFICER: (Senator Rock)

Groen, aye. Mitchler, aye. Senator Sours, aye. On that question, the yeas are 45, the nays are 1. The bill is declared passed. Senator Bruce moves to reconsider. Senator Johns moves to table. All in favor... The motion is tabled. Senator Sours, for what purpose do you arise?

SENATOR SOURS:

I believe there is an amendatory veto message there, Mr. President, Senators, on House Bill 1951.

PRESIDING OFFICER: (Senator Rock)

For what purpose does Senator Partee arise?

SENATOR PARTEE:

There are among the amendatory vetos about four, possibly five, which treat one subject, and that is the effective date which is immediately. I'm wondering if we could, by unanimous agreement, read all of them at once, if they change the effective date only, and take a roll call on all of those that do just that. Is that one of yours? Fine. Can we have leave to do that?

PRESIDING OFFICER: (Senator Rock)

Is there any objection? Leave is granted. Senator Sours.

SENATOR SOURS:

Yes. Mr. President, it seems to me that you have a resolution, do you not, for the Illinois Investigating Commission.

PRESIDING OFFICER: (Senator Rock)

Senator Sours, I have two Resolutions.

SENATOR SOURS:

Has that been... Is that now a matter that we should discuss? Are we on that?

PRESIDING OFFICER: (Senator Rock)

Well, we were going to...right after the amendatory vetoes, we're going to get to this. Two resolutions. Yes, sir. Senator Partee.

SENATOR PARTEE:

Just so the record will be clear, Senator Sours has called an amendatory veto which only changes the effective date. Now I'd like, then, for us to take a roll call on that one, then supply the numbers of those that remain that have only changing the effective date on it and then we can apply the same roll call to them by unanimous consent; but we must take one roll call on one of them, so take it on his.

PRESIDING OFFICER: (Senator Rock)

This is House Bill 1951. Senator Sours. Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty,

Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDING OFFICER: (Senator Rock)

Donnewald, aye. Kosinski, aye. Ozinga, aye. Swinarski, aye. Johns, aye. Horsley, Horsley, aye. On that question, the yeas are 46, the nays are none. Senator Partee. There are, as I understand it, two more bills which have the same effective date. Would you read the numbers and the sponsors, please.

SENATOR PARTEE:

Fine, would you read the numbers, please?

SECRETARY:

House Bill 1684 and House Bill 2373.

SENATOR PARTEE:

And, would you call the sponsor so that the sponsors could acquiesce in this so we don't have any problem.

SECRETARY:

The sponsor on 1684 is Senator Davidson and the sponsor on 2373 is Senator Mohr.

PRESIDING OFFICER: (Senator Rock)

Do we have unanimous consent to apply the same roll call to those two? Leave is granted.

SENATOR PARTEE:

Let the record show because you see everything is recorded. Let the record show that we do, in fact, have unanimous consent.

PRESIDING OFFICER: (Senator Rock)

Bills are declared passed. House Bill 2209. Senator Saperstein. Is Senator Saperstein on the floor? House Bill 2209. Senator Partee.

SENATOR PARTEE:

So that all the Senators who have bills that are coming back are

alerted, perhaps they all are not. Would the Secretary read the names of the sponsors of the remaining bills so that they can be ready when they're called.

SECRETARY:

House Bill 2368, Senator Mohr. House Bill 35... or 3653, Senator Berning.

PRESIDING OFFICER: (Senator Rock)

For what purpose does Senator Bidwill arise?

SENATOR BIDWILL:

I wish to move that we concur in the 2368.

PRESIDING OFFICER: (Senator Rock)

House Bill 2368.

SENATOR BIDWILL:

This is a data processing bill and it provides for adequate security protection and backup facilities for such equipment and establishment of bonding requirements and a code of conduct for all electronic data processing personnel, to insure the privacy of electronic data processing information.

PRESIDING OFFICER: (Senator Rock)

Is there any discussion? Do we have leave to apply the same roll call. Leave to apply to same...Let the record reflect that there was unanimous consent to apply the same roll call. The bill is hereby declared passed. Senator Walker is raising some objection over there and I can't even hear him. What's the number? Senator Berning. House Bill 3623. Can we have some order? House Bill 3623, Senator Berning.

SENATOR BERNING:

The amendatory veto merely provides for some greater protection and more careful guarding of the ballots during transport between the counting place and the assembly point. I would move for the adoption.

PRESIDING OFFICER: (Senator Rock)

Is there any discussion? Senator Bruce. Senator Bruce.

SENATOR BRUCE:

... Senator Berning, I....

PRESIDING OFFICER: (Senator Rock)

Senator Walker, may we have some order back there, please?

SENATOR BRUCE:

... We have just passed and overridden the Governor's veto on House Bill 3623. If that is the bill to which you refer, either you or I are in error.

SENATOR BERNING:

Light! 3653.

PRESIDING OFFICER: (Senator Rock)

House Bill 3653. Is there any discussion? Is there any objection to the use of the last roll call, the last favorable roll call? The.... Well, we were using that 46 to nothing one. Senator Partee. Senator Clarke. Is there any objection to the use of the last roll call?

Senator Partee.

SENATOR PARTEE:

Leave.

PRESIDING OFFICER: (Senator Rock)

So the record will reflect that there was unanimous consent for the use of the last favorable roll call. The bill is declared passed. House Bill 2209. Senator Saperstein. Senator Partee.

SENATOR PARTEE:

I think there is only one or two... How many are left, please? How many amendatory vetoes are left?

PRESIDING OFFICER: (Senator Rock)

This is the last one.

SENATOR PARTEE:

All right. Then we'll... From that we will take the adjournment resolution.

SENATOR SAPERSTEIN:

I don't know that the action... Mr. Speaker.

PRESIDING OFFICER: (Senator Rock)

Yes. Senator Saperstein.

SENATOR SAPERSTEIN:

I am trying to contact the sponsor... the House sponsor. She is not there today and so I am not sure whether this is a return to the Senate by action of the House or the Governor's. Can you tell me?

PRESIDING OFFICER: (Senator Rock)

I, as I... Senator Partee.

SENATOR PARTEE:

If there is any question about it or any lack of understanding about it, we can take a few moments to find out. In the intervening period, so that the House can adjourn, could we have the adjournment resolution read so that they could then go back and adjourn, and then we can take up this matter after we have had time to look at it.

PRESIDENT:

The request of the President Pro Tem is that the adjournment resolution be read. May I stress that we have a couple of more measures that will take just a few minutes, but please stay. Read the resolution, Mr. Secretary.

SECRETARY:

Message from the House. Mr. Selcke, Clerk. Mr. President, I am directed to inform the Senate that the House of Representatives have adopted the following preamble and joint resolution in the adoption of which I am instructed to ask the concurrence of the Senate to wit: House Resolution 116. Resolved by the House of Representatives of the 77th General Assembly of the State of Illinois that the...The Senate concurring herein, that when the two Houses adjourn on....

PRESIDENT:

Just...just a moment, please. Basically this is an adjournment resolution. Maybe you can just describe it, Senator Partee, rather than going through the reading of it.

SENATOR PARTEE:

The adjournment resolution, and I would hope that the members would listen because it is quite important to you. The adjournment resolution provides that we recess until March 1, 1972, at which time we will come into joint session for the sole purpose of hearing the Governor's budget message, that thereafter we recess until April 10, 1972, at 11:30 A.M. when we will then come back into regular session.

PRESIDENT:

March 1st and April 10th. All in favor of the adoption of the resolution...Senator Saperstein, on this resolution? All in favor of the adoption of the resolution signify by saying aye. Contrary minded. Resolution is adopted. House Joint Resolution 114. Senator Rock.

SENATOR ROCK:

Yes, Mr. President and members of the Senate. There are two House joint resolutions presently here before this body, House Joint Resolution 114 and House Joint Resolution 115. I would ask leave of the body to take them both up at once. They both pertain to the same commission.

PRESIDENT:

Is there objection? Leave is granted. For what purpose does Senator Sours arise?

SENATOR SOURS:

Simply, in the essence of time, these are resolutions that are absolutely necessary for the operation and conduct for the activities of the Illinois Legislative Investigating Commission and I would like to suggest that this side support them.

PRESIDENT:

The...Senator Rock.

SENATOR ROCK:

Yes, Mr. President and members of the Senate. I appreciate Senator Sours's support. I know he is a strong supporter of this commission. They were introduced in the House at the request of the executive director by Co-chairman Representative Sevcik, and what they call for is that...

Presently there is a...The commission is engaged in an investigation of certain fraudulent credit card practices which was authorized under the old Act. What we are here doing is ratifying those efforts and further providing that the General Assembly shall receive a report on or before September 1st. The second one concerns essentially the same type of procedure. The former Illinois Crime Investigating Commission had been authorized to investigate the City Savings Association matter. Now we are ratifying their efforts in that regard and again proposing that the commission will report to the General Assembly. They are simply two ratification resolutions and I would ask their immediate adoption.

PRESIDENT:

There is no appropriation in either resolution?

SENATOR ROCK:

Neither one.

PRESIDENT:

All in favor of the adoption of the resolutions indicate by saying aye. Contrary minded. Resolutions are adopted. We have some other resolutions. Senator Latherow.

SENATOR LATHEROW:

Mr. President and members of the Senate. This is a congratulatory resolution for a family doctor in one of the communities in my area. They are having a day for him and I would appreciate the suspension of the rules and show all sponsors of this.

PRESIDENT:

All in favor...all in favor signify by saying aye. Contrary minded. Resolution is adopted. I'm sorry, Senator Saperstein, you still have one additional matter. Senator Saperstein on House Bill 2209, an amendatory veto.

SENATOR SAPERSTEIN:

Yes. I have received word...the main sponsor is ill, but I received word from the person who is handling her bills that she has accepted the Governor's amendatory veto. I move, therefore, that we accept.

PRESIDENT:

... Motion to accept the Governor's...

SENATOR SAPERSTEIN:

2209.

PRESIDENT:

...amendatory veto on House Bill 2209.

SENATOR SAPERSTEIN:

I am informed, very sketchily, that this is a bill that has to do with making women who are pregnant eligible for workman's compen...unemployment compensation, and that the Governor was not happy with some of the wording and his amendatory veto cleaned up the language, and that the sponsor is satisfied with the action of the Governor.

PRESIDENT:

The...the...Is there...I understand that the unanimous roll call has been used on some of these matters. If there is any objection, we will take a roll call. Is there objection? Clarke no. On that question, the yeas are 45, the nays are 1. The Senate concurs in the amendatory veto. We have some additional resolutions. Senator Hynes.

SENATOR HYNES:

House Joint Resolution 94 encourages the Board of Higher Education to...is co-sponsored by Senator Carpentier and myself... encourages the Board of Higher Education to explore the question of cooperative educational ventures, such as the quad-cities' educational venture that is presently in operation, and it suggests that the board draw up plans and propose legislation. There is no appropriation involved and we will have a chance to pass again on anything that ah...the board may come up with. Senator Gilbert is in support of this resolution.

PRESIDENT:

As I understand, it has been approved by the committee. Is that correct, Senator Hynes?

SENATOR HYNES:

The committee was discharged.

PRESIDENT:

Is there any discussion? All in favor signify by saying aye. Contrary minded. Resolution is adopted. Are there further resolutions?

Is there further business to come before the Senate? The Senate stands adjourned until 11:30 on March the 1st for a joint session and then back for a Senate session...for just a joint session, that is right. A joint session on 11:30 March 1st and then back here on April 10th. Are there any announcements? The Senate stands adjourned.