

80th GENERAL ASSEMBLY

REGULAR SESSION

APRIL 12, 1978

1. PRESIDENT:

2. The hour of twelve o'clock having arrived, the  
3. Senate will please come to order. Prayer will be by  
4. Father Hugh Cassidy of Blessed Sacrament Church in Springfield.  
5. Will our guests in the galleries please rise.

6. FATHER CASSIDY:

7. (Prayer by Father Cassidy)

8. PRESIDENT:

9. Reading of the Journal.

10. SECRETARY:

11. Wednesday, April the 5th, 1978, Thursday, April the  
12. 6th, 1978, Friday, April the 7th, 1978.

13. PRESIDENT:

14. Senator Johns.

15. SENATOR JOHNS:

16. Mr. President, I move that the Journals just read by the  
17. Secretary be approved unless some Senator has additions or  
18. corrections to offer.

19. PRESIDENT:

20. You've heard the motion. Is there any discussion? If not,  
21. all those in favor signify by saying Aye. Opposed. The  
22. Ayes have it. The Journals are approved. So ordered.  
23. Committee Reports.

24. SECRETARY:

25. Pursuant to amendment...amended Temporary Rule 5, the Rules  
26. Committee met at 10:30 a.m., April the 12th, 1978 and makes  
27. the following report: By unanimous vote, the committee ruled  
28. that the following bills can be considered during the Spring  
29. Session of the Senate: Senate Bills 1505, 1530, 1531, 1532,  
30. 1533, 1534, 1535, 1543, 1556, 1558, 1561, 1565, 1566, 1568,  
31. 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578,  
32. 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588,  
33. 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598,

1. 1599, 1600, 1601. By unanimous vote, the committee rules  
2. ...ruled that House Bill 841 be placed on the Secretary's  
3. Desk. The following bills were ordered to be read a first  
4. time, printed and referred to the Committee on Assignment  
5. of Bills. Signed, Senator Thomas C. Hynes, Chairman.

6. PRESIDING OFFICER: (SENATOR DONNEWALD)

7. Senate Bills, 1st reading.

8. SECRETARY:

9. Senate Bill 1505.

10. (Secretary reads title of bill)

11. Senate Bill 1530.

12. (Secretary reads title of bill)

13. Senate Bill 1531.

14. (Secretary reads title of bill)

15. Senate Bill 1532.

16. (Secretary reads title of bill)

17. 1533.

18. (Secretary reads title of bill)

19. Senate Bill 1534.

20. (Secretary reads title of bill)

21. Senate Bill 1535.

22. (Secretary reads title of bill)

23. Senate Bill 1543.

24. (Secretary reads title of bill)

25. Senate Bill 1556.

26. (Secretary reads title of bill)

27. Senate Bill 1558.

28. (Secretary reads title of bill)

29. Senate Bill 1561.

30. (Secretary reads title of bill)

31. Senate Bill 1565.

32. (Secretary reads title of bill)

33. Senate Bill 1566.

(Secretary reads title of bill)

1. Senate Bill 1568.
2. (Secretary reads title of bill)
3. Senate Bill 1569.
4. (Secretary reads title of bill)
5. Senate Bill 1570.
6. (Secretary reads title of bill)
7. Senate Bill 1571.
8. (Secretary reads title of bill)
9. Senate Bill 1572.
10. (Secretary reads title of bill)
11. Senate Bill 1573.
12. (Secretary reads title of bill)
13. Senate Bill 1574.
14. (Secretary reads title of bill)
15. Senate Bill 1575.
16. (Secretary reads title of bill)
17. Senate Bill 1576.
18. (Secretary reads title of bill)
19. Senate Bill 1577.
20. (Secretary reads title of bill)
21. Senate Bill 1578.
22. (Secretary reads title of bill)
23. Senate Bill 1579.
24. (Secretary reads title of bill)
25. Senate Bill 1580.
26. (Secretary reads title of bill)
27. Senate Bill 1581.
28. (Secretary reads title of bill)
29. Senate Bill 1582.
30. (Secretary reads title of bill)
31. Senate Bill 1583.
32. (Secretary reads title of bill)
33. Senate Bill 1584.

1. (Secretary reads title of bill)
2. Senate Bill 1585.
3. (Secretary reads title of bill)
4. Senate Bill 1586.
5. (Secretary reads title of bill)
6. Senate Bill 1587.
7. (Secretary reads title of bill)
8. Senate Bill 1588.
9. (Secretary reads title of bill)
10. Senate Bill 1589.
11. (Secretary reads title of bill)
12. Senate Bill 1590.
13. (Secretary reads title of bill)
14. Senate Bill 1591.
15. (Secretary reads title of bill)
16. Senate Bill 1592.
17. (Secretary reads title of bill)
18. Senate Bill 1593.
19. (Secretary reads title of bill)
20. Senate Bill 1594.
21. (Secretary reads title of bill)
22. Senate Bill 1595.
23. (Secretary reads title of bill)
24. Senate Bill 1596.
25. (Secretary reads title of bill)
26. Senate Bill 1597.
27. (Secretary reads title of bill)
28. Senate Bill 1598.
29. (Secretary reads title of bill)
30. Senate Bill 1599.
31. (Secretary reads title of bill)
32. Senate Bill 1600.
33. (Secretary reads title of bill)

1. Senate Bill 1601.  
2. (Secretary reads title of bill)  
3. 1st reading of the foregoing bills.  
4. PRESIDING OFFICER: (SENATOR DONNEWALD)  
5. Committee Reports.  
6. SECRETARY:  
7. Senator Donnewald, Chairman of the Committee on Assignment  
8. of Bills, reports the following Senate Bills have been assigned  
9. to committee: Appropriations I, Senate Bills 1531, 1532,  
10. 1543, 1556, 1558, 1561, 1565, 1566, 1569, 1570, 1571, 1573,  
11. 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1584, 1586,  
12. 1587, 1588, 1589, 1590, 1592, 1593, 1594, 1596, 1598,  
13. 1599, 1600 and 1601. Appropriations II, Senate Bills  
14. 1530, 1533, 1535, 1568, 1572, 1574, 1583, 1585, 1591, 1595  
15. and 1597. Higher Education, Senate Bill 1534. Executive,  
16. Senate Bill 1505.  
17. PRESIDING OFFICER: (SENATOR DONNEWALD)  
18. Senator Rock, if you could clear the caucus in front  
19. of your desk, why do you have a motion? Senator Rock.  
20. SENATOR ROCK:  
21. This is a very difficult row in front of us, Mr. President.  
22. PRESIDING OFFICER: (SENATOR DONNEWALD)  
23. I know very well, Senator.  
24. SENATOR ROCK:  
25. All right. I would move you, Mr. President, to discharge  
26. Appropriations II Committee from further consideration of  
27. Senate Bills 1411 and 1469 and ask that they be recommitted  
28. to Appropriations I.  
29. PRESIDING OFFICER: (SENATOR DONNEWALD)  
30. You've heard the motion. Those in favor indicate by saying  
31. Aye. Those opposed. The Ayes have it. The motion carries.  
32. Senator Vadalabene, for what purpose do you arise?  
33. SENATOR VADALABENE:

1. SENATOR VADALABENE:  
2. Yes, Mr. President, would this be the proper time for  
3. an announcement, or should you wait a little later on?  
4. PRESIDING OFFICER: (SENATOR DONNEWALD)  
5. If it's short.  
6. SENATOR VADALABENE:  
7. The...the meeting which is scheduled on Executive  
8. Appointments and Administration right after the Session is been  
9. canceled ... has been canceled. There will be no meeting.  
10. PRESIDING OFFICER: (SENATOR DONNEWALD)  
11. Introduction of Bills. Just a moment.  
12. SECRETARY:  
13. Senate...  
14. PRESIDING OFFICER: (SENATOR DONNEWALD)  
15. Senator Ozinga, for what purpose do you arise?  
16. SENATOR OZINGA:  
17. Question on the announcement of Vadalabene...  
18. PRESIDING OFFICER: (SENATOR DONNEWALD)  
19. Just a...just a...just a...  
20. SENATOR OZINGA:  
21. ...have these people that were sheduled to be there...  
22. PRESIDING OFFICER: (SENATOR DONNEWALD)  
23. ...just a...just a...  
24. SENATOR OZINGA:  
25. ...have them been notified...  
26. PRESIDING OFFICER: (SENATOR DONNEWALD)  
27. Whoa...  
28. SENATOR OZINGA:  
29. ...of the cancellation?  
30. PRESIDING OFFICER: (SENATOR DONNEWALD)  
31. Just a moment so everybody can hear you. I don't think that  
32. Senator Vadalabene could hear because of the many caucuses on the  
33. Floor. Would the members please be in their seats. Senator

1. Vadalabene, did you hear the question?  
2. SENATOR VADALABENE:  
3. Yes, I believe I did. He wants to know whether the  
4. members of the committee have been notified. I didn't hear the  
5. question.  
6. PRESIDING OFFICER: (SENATOR DONNEWALD)  
7. Senator Ozinga.  
8. SENATOR OZINGA:  
9. Not, the committee, but the people that are supposed  
10. to be in attendance at that meeting.  
11. PRESIDING OFFICER: (SENATOR DONNEWALD)  
12. Senator Vadalabene.  
13. SENATOR VADALABENE:  
14. Yes, they have been notified through the Governor's  
15. Office.  
16. PRESIDING OFFICER: (SENATOR DONNEWALD)  
17. Introduction of Bills.  
18. SECRETARY:  
19. Senate Bill 1602, introduced by Senators Hynes and Shapiro.  
20. PRESIDING OFFICER: (SENATOR DONNEWALD)  
21. Senator Rock.  
22. SENATOR ROCK:  
23. Thank you, Mr. President. I would move that Senate  
24. Bill 1602, that we suspend the rules and ask that this bill  
25. be read and moved to the Order of 2nd reading without reference.  
26. It is a transfer appropriation. It is an appropriation bill  
27. transferring some money for the General Assembly.  
28. PRESIDING OFFICER: (SENATOR DONNEWALD)  
29. Motion by Senator Rock to suspend the rules in order to  
30. consider Senate Bill 1602. Those in favor indicate by saying  
31. Aye. Those opposed. The Ayes have it. The rules are suspended.  
32. Now Senator Rock moves...we shall read it a first time.  
33. SECRETARY:

1. Senate Bill 1602, introduced by Senators Hynes and  
2. Shapiro.  
3. (Secretary reads title of bill)  
4. 1st reading of the bill.  
5. PRESIDING OFFICER: (SENATOR DONNEWALD)  
6. Now, Senator Rock moves to have Senate Bill 1602 moved  
7. to the Order of 2nd reading without reference to committee.  
8. Those in favor indicate by saying Aye. Those opposed. The  
9. Ayes have it. The motion carries.  
10. SECRETARY:  
11. Senate Bill 1603, offered by Senator Rock.  
12. Senate Bill 1604, offered by Senators Rock and Grotberg.  
13. Senate Bill 1605, introduced by Senator Rock.  
14. Senate Bill 1606, introduced by Senators Philip,  
15. Rock, Carroll, Schaffer and others.  
16. Senate Bill 1607, introduced by Senators Berning,  
17. Mitchler.  
18. Senate Bill 1608, introduced by Senators Grotberg, Graham,  
19. Ozinga and Vadalabene.  
20. Senate Bill 1609, introduced by Senator Roe.  
21. Senate Bill 1610, introduced by Senator Knuppel.  
22. Senate Bill 1611, introduced by Senators Harber Hall,  
23. Vadalabene, Graham, Mitchler and others.  
24. Senate Bill 1612, introduced by Senators Philip, Berning,  
25. Bloom, Chew and others.  
26. Senate Bill 1613, introduced by Senators Davidson and Bloom.  
27. Senate Bill 1614, introduced by Senator Davidson.  
28. PRESIDING OFFICER: (SENATOR DONNEWALD)  
29. Rules.  
30. PRESIDING OFFICER: (SENATOR JOHNS)  
31. Resolutions.  
32. SECRETARY:  
33. Resolution 319, offered by Senator Berning. It's congratulatory.



1. Resolution 320, offered by Senators Philip, Bowers,  
2. Graham, Rhoads and Mitchler. It's congratulatory.  
3. And Resolution 321, offered by Senators Daley, Lemke,  
4. Savickas and others and it's congratulatory.

5. PRESIDING OFFICER: (SENATOR JOHNS)

6. Resolutions Consent Calendar. Senator Ozinga.

7. SENATOR OZINGA:

8. Mr. President, as long as there's a lull in the procedure,  
9. I might as well take advantage of the situation. Seat...seated  
10. in the galleries are...is Miss Elizabeth Zeigler from the  
11. Illinois College class in Political Science located in  
12. Jacksonville and I'd like them to stand and be recognized by  
13. the Senate. I take advantage of the situation because there  
14. are some of my good constituents from Evergreen Park in the  
15. locales farther north and also from all of your territories  
16. here and I think that they deserve the recognition of the  
17. Senate.

18. PRESIDING OFFICER: (SENATOR JOHNS)

19. The Chair wishes to recognize Senator Davidson.

20. SENATOR DAVIDSON:

21. Mr. President, if **this** is the appropriate time, I need  
22. to ask permission for a motion to clear the record in relation  
23. to Senate Joint Resolution 60. I move to have Senate Joint  
24. Resolution 60 heard in Executive Appointments next week.  
25. It was assigned to Executive but we heard it in committee last  
26. November and the record is not clear and I've checked with  
27. the leadership. Senator Wooten is not here so I could check with  
28. him but all the other leadership I've spoke to...and this bill  
29. has been heard once and held in that committee.

30. I'd move that Senate Joint Resolution be transferred and heard  
31. in Executive Appointments next week.

32. PRESIDING OFFICER: (SENATOR JOHNS)

33. Is leave granted Leave is granted. You do see Senator

1. Wooten on the Floor now, don't you? Okay, he's nodded in the  
2. affirmative. Leave is granted. Senator Davidson.

3. SENATOR DAVIDSON:

4. While we still have a break in the action,  
5. members of the Senate, on your desk is a notice about the  
6. Governor's Prayer Breakfast which I gave your reservation cards  
7. out to you last week. A number of you responded favorably.  
8. I urge you to look at the notice I gave you. The tickets  
9. are five dollars. It's Thursday, the 20th. The speaker is  
10. Dale Francis, but most important...we're holding seats down  
11. front...at reserve seat...tables for you. If we do not have your  
12. reservation and money by tomorrow, we turn these tickets loose  
13. and then you're on your own if you can get in. We are actually...  
14. got a sell out. We had to expand the seating to ten people to a  
15. table to take care of the crowds. So, I urge you to get them in  
16. if you're going to attend. Thank you.

17. PRESIDING OFFICER: (SENATOR JOHNS)

18. Senator Donnewald.

19. SENATOR DONNEWALD:

20. Yes, Mr. President. I'm sure that the rules are the  
21. same that we can't introduce very, very nice people such  
22. as Lee and Cathy Benvenuto of Collinsville. Why don't they  
23. stand up although we're not allowed to introduce them.

24. PRESIDING OFFICER: (SENATOR JOHNS)

25. We'll be at ease for a moment. The Chair recognizes  
26. Senator Graham.

27. SENATOR GRAHAM:

28. Yes, Mr. President. When are we going to get around  
29. to reading...you're not listening, Sir.

30. PRESIDING OFFICER: (SENATOR JOHNS)

31. I'm sorry, Mr...Senator Graham.

32. SENATOR GRAHAM:

33. ...you. When are we going to get around to reading the

1. Constitutional Amendments and getting them moved up?  
2. PRESIDING OFFICER: (SENATOR JOHNS)  
3. It depends on the sponsor.  
4. SENATOR GRAHAM:  
5. I'm one of the sponsors and I'd like to have HJR-CA  
6. 22 read and moved.  
7. PRESIDING OFFICER: (SENATOR JOHNS)  
8. I'll be back at you in a moment on that, Senator Graham.  
9. Senator Hynes.  
10. SENATOR HYNES:  
11. Mr. President, members of the Senate. I have a motion  
12. to waive the Six Day Notice requirement with respect to Senate  
13. Resolution 283 so that it may be heard in the Executive  
14. Committee meeting tomorrow morning at 10:00 a.m.  
15. PRESIDING OFFICER: (SENATOR JOHNS)  
16. You've heard the motion. Senator Graham asked a question,  
17. Senator Hynes. Senator Graham.  
18. SENATOR GRAHAM:  
19. What's it do?  
20. PRESIDING OFFICER: (SENATOR JOHNS)  
21. Senator Hynes.  
22. SENATOR HYNES:  
23. This is the resolution dealing with insurance red-lining.  
24. Notice was, in fact, mailed out on Monday.  
25. PRESIDING OFFICER: (SENATOR JOHNS)  
26. Enough? Enough. Senator Hynes.  
27. SENATOR HYNES:  
28. Yes, Mr. President. I don't think my motion was adopted.  
29. I would move that the Six Day Notice requirement be waived as to  
30. Senate Resolution 283 so that it may be heard in Executive  
31. tomorrow.  
32. PRESIDING OFFICER: (SENATOR JOHNS)  
33. You've heard the motion. All those in favor say Aye.

1. All those opposed say Nay. The motion is adopted. Senator  
2. Hynes.

3. SENATOR HYNES:

4. And I have two announcements, Mr. President, two important  
5. announcements, so if I could have the attention of the  
6. membership. The first is that there will be a meeting of  
7. the Rules Committee in the President's Office immediately  
8. after the Session tomorrow. A meeting of the Rules Committee  
9. in the President's Office immediately after the Session  
10. tomorrow. The second deals with the introduction of bills.  
11. As you know, the deadline for introduction of bills in this  
12. Session is Friday, April 14th, which is two days from now. Many  
13. requests have been filed with the Reference Bureau and  
14. as is typically the case, the request will increase in volume  
15. as the deadline appears. We wish to put you on notice now  
16. that any member who files a request with the Reference Bureau  
17. today, we will see to it that that request is expedited  
18. so that it will be introduced on Friday. Any requests that  
19. are filed after today with the Reference Bureau, you're on your  
20. own and you're taking your chances as to whether you get the  
21. bill introduced by the 14th or not. So, again, any request  
22. for bills that you have, get them to the Reference Bureau  
23. today.

24. PRESIDING OFFICER: (SENATOR JOHNS)

25. Any further announcements?

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senate Bills, 3rd reading. Senate Bill 311, Senator  
28. Joyce. Senate Bill 736, Senator Egan. Senate Bill  
29. 1516, Senator Rock. Read the bill, Mr. Secretary.

30. SECRETARY:

31. Senate Bill 1516.

32. (Secretary reads title of bill)

33. 3rd reading of the bill.

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. Senator Rock.

3. SENATOR ROCK:

4. Thank you, Mr. President...thank you, Mr. President  
5. and Ladies and Gentlemen of the Senate. Senate Bill 1516  
6. appropriates three hundred thousand dollars from the road  
7. fund as a deficiency appropriation to the Office of the  
8. Secretary of State. This money is needed for a repayment of  
9. license fees paid in error and license fees where the  
10. licensee has, in fact, died. I would ask your favorable  
11. consideration.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. Is there further discussion? The question is shall Senate  
14. Bill 1516 pass. Those in favor vote Aye. Those opposed  
15. Nay. The voting is open. Have all those voted who wish?  
16. Have all those voted who wish? Have all those voted who wish?  
17. Take the record. On that question the Ayes are 51, the Nays  
18. are none. Senate Bill 1516 having received a constitutional  
19. majority is declared passed. Senate Bill 1517, Senator  
20. Regner. Read the bill, Mr. Secretary.

21. SECRETARY:

22. Senate Bill 1518...Senate Bill 1518.

23. (Secretary reads title of bill)

24. 3rd reading of the bill.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Regner.

27. SENATOR REGNER:

28. Mr. President and members of the Senate. This is a  
29. transfer bill for fifty-six thousand four hundred dollars for  
30. the Legislative Information System. It transfers the monies  
31. from the line item of electronic data processing to telecommunications  
32. line item and this is at the suggestion of the Auditor General  
33. and after the audit this past year, he suggested that the line

1. charges shouldn't be data processing. They should be  
2. telecommunications. Ask for a favorable roll call.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Is there further discussion? The question is shall Senate  
5. Bill 1518 pass. Those in favor vote Aye. Those opposed  
6. Nay. The voting is open. Have all those voted who wish?  
7. Take the record. On that question the Ayes are 51, the Nays  
8. are none. Senate Bill 1518 having received a constitutional  
9. majority is declared passed. Now, proceed to the Order of  
10. Constitutional Amendments on 1st reading. House Joint  
11. Resolution Constitutional Amendment 22. Senator  
12. Graham.

13. SENATOR GRAHAM:

14. ...there has been a little error in your Senate  
15. sponsorship on that. I think Senator Rhoads asked to be added  
16. which is perfectly fine, but the original Senate sponsors were  
17. Graham and Sangmeister and they're nodding and we will correct it. Thank  
18. you.

19. PRESIDING OFFICER: (SENATOR DONNEWALD)

20. The record...the record will so show and be corrected,  
21. Senator.

22. SENATOR GRAHAM:

23. Read the amendment, please.

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. The Secretary will read the amendment.

26. SECRETARY:

27. House Joint Resolution Constitutional Amendment No. 22.

28. SENATOR ROCK:

29. Parliamentary inquiry.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Just a moment. Senator Rock, for what purpose do you arise?

32. SENATOR ROCK:

33. When...when is, in fact, concerning House Joint Resolutions

1. Constitutional Amendments, when is the amendment process  
2. prevail? The only reason I ask is that House Joint Resolution  
3. 22 is one of the worst to come down the pike in a  
4. long time and it should at least be amended.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)  
6. Senator Graham.

7. SENATOR GRAHAM:  
8. Mr. President, I would only say to the Gentleman  
9. from the other side of the aisle, it all depends upon the...how  
10. you view it...how it is perceived in the eyes of the beholder.  
11. I beg to differ with him. This is perhaps one of the best  
12. and we asked to do was to get it up to amendment stage  
13. I think and then we'll get ready to beat the amendments.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)  
15. Proceed.

16. SECRETARY:  
17. (Secretary reads HJR-CA 22)

18. PRESIDING OFFICER: (SENATOR DONNEWALD)  
19. Senator Graham.

20. SENATOR GRAHAM:  
21. I would like for Senator Rock to participate in this  
22. dialogue.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)  
24. If we could hear each other. Just a moment, Senator.

25. SENATOR GRAHAM:  
26. That's a...

27. PRESIDING OFFICER: (SENATOR DONNEWALD)  
28. Would the members please be in their seats. We're  
29. considering a Constitutional Amendment. Would the members  
30. please be in their seats.

31. SENATOR GRAHAM:  
32. I have a...

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. Would the Sergeant-at-Arms please clear the aisles.

2. Proceed.

3. SENATOR GRAHAM:

4. I would like to ask a question from the Chair. If  
5. tomorrow or next week, tomorrow would be a perfunctory,  
6. perhaps, so next week, if an amendment is offered and  
7. if, in fact, it is adopted, what is the procedure at that time?  
8. Do we have to read the amendments three times, or are we amending  
9. this to prohibit the passage...the movement of the bill  
10. or how do we go about this?

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. I'm not sure what the purpose of the amendment would be,  
13. Senator, but the Chair will rule that if the...in fact, the  
14. Constitutional Amendment is amended, then the Chair rules that it  
15. should be read three times in that form.

16. SENATOR GRAHAM:

17. ...amended.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. As amended. Senator Rock.

20. SENATOR ROCK:

21. I think the Chair's ruling is correct and Senator  
22. Graham, I was not at all facetious before. The House  
23. sponsors have indicated to me that they have amendments.  
24. I intend to vote No whatever they do to it except strike  
25. everything after the enacting clause, perhaps. But they  
26. have indicated to me they have at least three amendments  
27. that I'm aware of and I think the Chair has correctly  
28. ruled that when and if it is amended, and I think, you know,  
29. we have a number of...proposed Constitutional Amendments.  
30. We ought to decide that when it gets in its final form, it  
31. should, in fact, be read three successive times.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Senator Graham.



1. SENATOR GRAHAM:

2.           Then, using a...this as an object, if we would  
3. amend it Wednesday, say, with whatever amendments are...amendment  
4. or amendments are put on, then the ruling of the Chair  
5. says then it would have to be read Wednesday after the amendment  
6. is put on, that is not...does not constitute one day.  
7. The two or three days following that has to be read again with the  
8. amendments included, is that right?

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10.           After it's put in its final form, the Chair has ruled...

11. SENATOR GRAHAM:

12.           Has to be read three times...

13. PRESIDING OFFICER: (SENATOR DONNEWALD)

14.           ...that it has to be read three times.

15. SENATOR GRAHAM:

16.           We're not trying to prohibit the...

17. PRESIDING OFFICER: (SENATOR DONNEWALD)

18.           Three legislative days. Senator Glass.

19. SENATOR GLASS:

20.           Thank you, Mr. President. I would like to offer  
21. an amendment at the appropriate time. It seems to me that this  
22. ...and not for the same purpose as Senator Rock. I intend  
23. to vote for the amendment...this resolution, if it is amended,  
24. but I would suggest that there be some kind of understanding  
25. as to when amendments may be offered or can be offered so that  
26. Senator Graham will have a final cutoff date and then the time  
27. can begin to run.

28. PRESIDING OFFICER: (SENATOR DONNEWALD)

29.           Well, the Constitution is not clear on that point. The  
30. Chair will rule that an amendment can be submitted  
31. in any one of the three readings. But of course, I would  
32. feel the Chair would further feel that the amendment should  
33. be printed and be on the members' desks. Senator Graham.

1. SENATOR GRAHAM:

2. I...I can see that this could be a method and means  
3. of a dilatory tactics which I'm not accusing anyone of and  
4. I hope it is not that. But I'm hearing about amendments  
5. that may be offered, if they are drafted and inasmuch as Senator  
6. Sangmeister and I are the Senate sponsors of this bill, it would  
7. only seem that in good conscience we should know about the  
8. amendments as soon as other people know about them.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Well, the Chair...

11. SENATOR GRAHAM:

12. I think if we're going to use any devious tactics,  
13. which I don't...I'm not accusing anybody of doing, I think you  
14. ought to let me know in advance. If you're going to give it to  
15. me, I want to know when. And I think in all justification, as one  
16. of the senior members of the Senate, I'm entitled to get those  
17. amendments. I don't want to have them dragging along every day  
18. just to hamper the progress of this amendment...getting it to  
19. final passage. Sometime we ought to have...we ought to be entitled  
20. to vote on it.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. I...the Chair feels that you're absolutely correct  
23. in what you're saying, Senator. I think that...

24. SENATOR GRAHAM:

25. You stay 'in the Chair, Senator. We'll be all right.

26. PRESIDING OFFICER: (SENATOR DONNEWALD)

27. Senator Rhoads. Senator Rhoads.

28. SENATOR RHOADS:

29. On a point of Parliamentary inquiry. The status of this...  
30. this Constitutional Amendment is now what? It has been read a first  
31. time and advanced to 2nd?

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. That is correct. It is to be read a second time.

1. SENATOR RHOADS:  
2. All right. Further point of Parliamentary inquiry...  
3. PRESIDING OFFICER: (SENATOR DONNEWALD)  
4. Call of the sponsor.  
5. SENATOR RHOADS:  
6. Further point of Parliamentary inquiry. Mr. President,  
7. if we are to follow the logic of your ruling to its ultimate  
8. conclusion, you have just stated that you will allow amendments  
9. in...at any stage on 1st, 2nd or 3rd reading. You have further  
10. ruled, if I am not mistaken, that the Constitutional Amendment  
11. must be read in its identical form three times.  
12. PRESIDING OFFICER: (SENATOR DONNEWALD)  
13. Final form.  
14. SENATOR RHOADS:  
15. Final form three times. Are you then suggesting  
16. that if this is amended on 2nd or 3rd reading, it must...  
17. the process must start over again. You are?  
18. PRESIDING OFFICER: (SENATOR DONNEWALD)  
19. It...it must be read three times in its final form.  
20. SENATOR RHOADS:  
21. Well, Mr. President, I respectfully ask where is  
22. the finality to the...to the process? If...if it can  
23. be amended at any reading and then we must start all over  
24. again, if it is amended successfully on one of those readings,  
25. where does the process end?  
26. PRESIDING OFFICER: (SENATOR DONNEWALD)  
27. We are a Body of fifty-nine members in this Chamber  
28. and we, and we alone, determine that. Senator Hynes.  
29. Senator Netsch. Well, just a moment. Senator Hynes.  
30. SENATOR HYNES:  
31. Thank you, Mr. President. It's working now. May I suggest  
32. that the resolution has been read a first time. No amendments  
33. have been offered. The issue will not become a critical  
34. one until tomorrow and we will have an opportunity this afternoon

1. to discuss this matter.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Just...

4. SENATOR HYNES:

5. And rather than prolong the debate at this point, if  
6. that's agreeable to the Chair.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. Yes, I just wanted to call attention...it's been called  
9. to my attention, Rule 19 states that no amendment  
10. shall be in order at the 3rd reading of a bill, resolution  
11. or motion requiring three readings except to strike the  
12. emergency clause, but it shall be in order at all times  
13. before final passage of a bill. So that meaning would be  
14. to accept amendments on the first two readings.

15. Senator Netsch.

16. SENATOR NETSCH:

17. Thank you, Mr. President. Just one additional  
18. question to be put into the equation while it is being  
19. reflected upon over night. That is, if, indeed the ruling  
20. that the Chair has just given with respect to the three total  
21. readings after amendment is correct, does it also follow  
22. that when that proposal returns to the House of origin, it  
23. must be read on three separate days in its amended  
24. form there after the return?

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Where...the Constitution so prescribes.

27. SENATOR NETSCH:

28. I question that, but I just think...while you're reflecting  
29. on it, I think it's...that would be part of what has to be  
30. resolved.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. I would think that they would have to read it in its final  
33. form as submitted to them. Senator Hynes.

1. SENATOR HYNES:

2. Mr. President, I again would suggest that it has now  
3. been moved to the Order of 2nd reading and that we can address  
4. the question again tomorrow if any member so desires.

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. All right. Senator Maragos, for what purpose do you arise?

7. SENATOR MARAGOS:

8. On this...on this issue, Mr. President. But however,  
9. since President Hynes asked that we don't have any further  
10. debate on it till tomorrow, I'll withdraw my remarks at this  
11. time.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. All right. To the Order of Senate Joint Resolution  
14. 9, Senator Wooten. Senate Joint Resolution 29, Senator  
15. Maragos. Read the resolution. Senator Soper, for what  
16. purpose do you arise?

17. SENATOR SOPER:

18. Parliamentary inquiry before you start to read this.  
19. As I understand it, it's going to be read a first time  
20. and if there are any amendments that wish to be offered, you  
21. can offer them today, be read a second time tomorrow and any  
22. other amendments may be offered tomorrow, right?

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. No, I believe that the...if the...if the resolution is  
25. amended today or tomorrow, it should be read three successive  
26. times thereafter. You can amend it on the 1st and  
27. 2nd reading, Senator.

28. SENATOR SOPER:

29. That's what I want to know...

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Not the final...

32. SENATOR SOPER:

33. ...because I have an amendment, if his...if his amendment

1. succeeds. I have an amendment.  
2. PRESIDING OFFICER: (SENATOR DONNEWALD)  
3. You may amend it on the second day...2nd reading of that  
4. Constitutional Resolution.  
5. SENATOR SOPER:  
6. All right. We'll get the ball team together on that  
7. date. Thank you.  
8. PRESIDING OFFICER: (SENATOR DONNEWALD)  
9. Senator Maragos. The Chair advises that there is an amendment...  
10. SENATOR MARAGOS:  
11. Yes...  
12. PRESIDING OFFICER: (SENATOR DONNEWALD)  
13. ...to this resolution. Is it your desire to consider  
14. the amendment at this time?  
15. SENATOR MARAGOS:  
16. It is, Mr. President. Mr. President and members of the  
17. Senate. I'm offering an amendment to the Senate Joint  
18. Resolution 29 which is Amendment No. 1 which was adopted  
19. by the Executive Committee by...without any opposition  
20. in the hope that it will offer a way out of the...personal  
21. property tax maze in the General Assembly which it finds  
22. itself today. As it originally introduced...Senate Joint  
23. Resolution Constitutional Amendment 29 deleted the whole  
24. Article IX, Section 5...5-C, I should say, of the 1970  
25. Constitution. That section calls on the Legislature to abolish  
26. the remaining personal property taxes by January 1, 1979  
27. and to replace all revenues lost by units of local government and  
28. school districts. Up to this time, we have tended to look  
29. at this difficult issue as an all or nothing proposition.  
30. Our choice has been either to obey the constitutional mandate  
31. in the face of a fast approaching deadline or to remove it  
32. entirely and thereby retain the personal property tax. This  
33. amendment, I believe, strikes at middle ground on which all of us

1. in the General Assembly, the various elements of the  
2. business community, the local taxing bodies and the public  
3. at large may be able to stand together. The amendment reinstates  
4. Section 5-C of Article IX, but strikes the language  
5. imposing January the...January 1, 1979 deadline for  
6. ...for abolition of personal property tax and for replacement  
7. of the lost revenue. It does not move the deadline back  
8. ten years or more. It removes the deadline altogether.  
9. The effect of this amendment will be to continue the mandate  
10. on the Legislature, to abolish the tax and restore lost  
11. revenues but to take away the deadline now just eight  
12. months away, which has created a sense of urgency, confusion  
13. and despair throughout the State. Mr. President, I now  
14. offer Amendment No. 1 to Senate Joint Resolution Constitutional  
15. Amendment No. 29.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Grotberg.

18. SENATOR GROTBORG:

19. Point of order, Mr. President.

20. PRESIDING OFFICER: (SENATOR DONNEWALD)

21. State your point.

22. SENATOR GROTBORG:

23. I think as we talk about this and other Constitutional  
24. Amendments, would it not be protocol to have a copy on  
25. our desks and I have...this is not with any reflection upon the  
26. sponsor of this one, but we're doing the gutsy thing.  
27. Is there any way we could all share in the reading of that  
28. amendment?

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Is that request made by five or more members of the  
31. Body? It seems that that is the case and...

32. SENATOR GROTBORG:

33. Not to delay the proceedings, Mr. Sponsor or Mr. President,

1. but there are only fifty-nine of us. It wouldn't take long  
2. to run a few. I'll sit and wait for them.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. Senator Maragos.

5. SENATOR MARAGOS:

6. ...have...Mr. President, I have about six or seven  
7. copies if various individuals on the other side of the aisle  
8. would like to look at it at the present time. But we'll  
9. get fifty-nine more in the meantime while we're debating. We'll...

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator, it's impossible to debate without having the  
12. amendment before the Body. Take it from the record. Senator  
13. Rhoads.

14. SENATOR RHOADS:

15. I just wanted to make one more Parliamentary inquiry to  
16. sleep on overnight. Mr. President, what...what is the  
17. posture that these amendments are in after they have cleared  
18. the...the second House? The first three such amendments  
19. to clear the second House are the...are the three that make it on  
20. the ballot in November, is that the posture?

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senator Rock.

23. SENATOR ROCK:

24. Well, we are getting, frankly, a little academic,  
25. Mr. President. It is my considered judgment after long and  
26. lengthy discussion that we now have, I think, somewhere in the  
27. neighborhood of sixty proposed Constitutional Amendments and my  
28. considered judgment, having reflected upon what the  
29. Con-Con did to us, is that the first three out of the shoot  
30. go on the ballot.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. The matter has never...Senator Hynes.

33. SENATOR HYNES:



1. Mr. President, I do not...that is a...an inquiry of the  
2. Floor, I believe, on the part of Senator Rhoads. I do not think  
3. it is appropriate for an inquiry of the Chair at this point.  
4. Senator Rhoads, did you have...

5. PRESIDING OFFICER: (SENATOR DONNEWALD)

6. The Chair isn't responding. Senator Rhoads.

7. SENATOR RHOADS:

8. Well, Mr. President and Senator Hynes, I guess it's  
9. ...I meant to raise it as an inquiry of the Chair and I  
10. mean it as a sincere question. It's an inquiry of whoever can  
11. give the answer. But my concern is this, are we in a race  
12. for example, with the other Chamber in terms of reporting out  
13. Constitutional Amendments? Senator Rock has just stated  
14. the opinion that the first three out of the shoot...by that  
15. I assume he means the first three to pass prior to May  
16. 7th, would be the three that would be on the ballot in  
17. November. Now, I think in fairness to all the members of  
18. both Houses, we ought to know just what the...the time frame  
19. is here that have to act on these Constitutional Amendments.  
20. That's the only question I'm raising.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. I think the answer to resolve this rather quickly, if  
23. you would refer to Section C of...2-C of Article XIV  
24. of the Constitution which states, "the General Assembly shall  
25. not submit proposed amendments to more than three Articles  
26. of the Constitution at any one election. No amendment shall  
27. be proposed or submitted under this Section from a time  
28. a convention is called until after the electors have voted on  
29. the revision or amendments if any, proposed by the Constitution."  
30. The matter is dead after the first three are accepted by the  
31. General Assembly. On the Order of Introduction of Bills.  
32. Senator Soper, for what purpose do you arise?

33. SENATOR SOPER:

1. Thank you, Mr. President. I was just thinking if what  
2. Senator Rock says is true and that's going to be the  
3. ...that's going to be the attitude of the majority which  
4. I can count the majority rules except when you need  
5. thirty-six votes and you've got thirty-four on the other  
6. side so the little...the little tail is going to wag  
7. the dog for awhile unless we get some concensus here.  
8. Now, if we're going to put three amendments on this  
9. Constitution and they're...they're going to be...the  
10. concern should be of the majority in this Senate which would  
11. include the minority to have these amendments passed to see  
12. which three which comes from the House and ones that are  
13. being considered by the Senate are going to go on that  
14. ...on that ballot. And if we don't come to some accord  
15. in this thing, we're not going to have any amendments  
16. on that constitution. And maybe we'll have some lousy  
17. ones and the ones that need attention will be left...let  
18. out...left out. So, I would...anybody is listening, if  
19. Senator Rock is listening. Oh, Captain Kid is listening,  
20. the old pirate. Yes, Sir.

21. PRESIDENT:

22. Introduction of Bills.

23. SECRETARY:

24. Senaté Bill 1615, introduced by Senator Harber Hall.

25. Senaté Bill 1616, introduced by Senator Berning.

26. Senaté Bill 1617, introduced by Senators Davidson,  
27. Walsh, Shapiro and others.

28. Senaté Bill 1618, introduced by Senator Joyce.

29. Senaté Bill 1619, introduced by Senator Joyce.

30. Senaté Bill 1620, introduced by Senator Joyce.

31. Senaté Bill 1621, introduced by Senator Demuzio.

32. Senaté Bill 1622, introduced by Senators Philip,  
33. Nimrod and Donnewald.

1. Senate Bill 1623, introduced by Senators Harber Hall,  
2. Regner and Philip.

3. Senate Bill 1624, introduced by Senator Leonard.

4. Senate Bill 1625, introduced by Senators Clewis,  
5. Merlo, Berman and others.

6. Senate Bill 1626, introduced by Senators Clewis,  
7. Rock, Berman, Daley and others.

8. Senate Bill 1627, introduced by Senator Demuzio.

9. Senate Bill 1628, introduced by Senator Johns.

10. Senate Bill...Senate Bill 1629, introduced by Senators  
11. Regner, Philip, Berning and others.

12. Senate Bill 1630, introduced by Senators Merlo  
13. and D'Arco.

14. Senate Bill 1631, introduced by Senators Netsch, Lane,  
15. Demuzio and others.

16. PRESIDENT:

17. Rules Committee. Resolutions.

18. SECRETARY:

19. Senate Resolution 322 offered by Senator Demuzio, Hynes  
20. and all Senators and it's commendatory.

21. PRESIDENT:

22. Resolutions Consent Calendar. Senate Joint Resolution 29.  
23. Senator Maragos has distributed the amendment. Senator Maragos,  
24. would you explain the amendment.

25. SENATOR MARAGOS:

26. Mr. President, I already have explained it, but I will  
27. conclude again to say that the effect of this amendment will be  
28. to continue the mandate of the Legislature to abolish the tax  
29. and restore lost revenues but to take away the deadline of  
30. January 1, 1979, which is just eight months away. This has  
31. created a sense of urgency and we should, at this time,  
32. avoid the confusion and despair and act on this amendment  
33. and give us more time to come up with a package which will be

1. acceptable to our public citizens at the same time, avoid  
2. as many Constitutional pitfalls as possible. So, I ask for  
3. the adoption of Amendment No. 1 to Senate Joint Resolution  
4. Constitutional Amendment No. 29.

5. PRESIDENT:

6. Senator Grotberg.

7. SENATOR GROTEBERG:

8. One more technical question of the Chair, Mr. President.  
9. Because of the nature of reading in full the Constitutional  
10. Amendments by a Constitution, does that reflect, therefore,  
11. Mr. President and Mr. Sponsor, on any amendments thereto and  
12. must they be read in full?

13. PRESIDENT:

14. The requirement of the Constitution is that the amendment  
15. itself, the Constitutional Amendment, the proposed Constitutional  
16. Amendment be read in full.

17. SENATOR GROTEBERG:

18. Not necessarily the amendments thereto in the process?

19. PRESIDENT:

20. Not necessarily the amendments thereto. By reading the  
21. resolution after the adoption of the amendment in full,  
22. we will, in fact, be reading the amendment and the remainder  
23. of the original resolution.

24. SENATOR GROTEBERG:

25. Fine. I just didn't want to have a cloud on this  
26. Constitutional Amendment. Thank you.

27. PRESIDENT:

28. For what purpose does Senator Rhoads arise?

29. SENATOR RHOADS:

30. Point of Parliamentary inquiry.

31. PRESIDENT:

32. State your point, Senator.

33. SENATOR RHOADS:

1. Mr. President, if Amendment No. 1 to SJR 29 offered by  
2. Senator Maragos is now adopted on this roll call, does  
3. SJR 29 advance to 2nd reading or does it revert back to  
4. 1st reading for...to be read a first time tomorrow?

5. PRESIDENT:

6. It is on the Order of 1st reading now and it has not  
7. yet been read a first time. For what purpose does Senator  
8. Soper arise?

9. SENATOR SOPER:

10. Thank you, Mr. President. Parliamentary inquiry.  
11. On this...on this amendment, is it, in your opinion, Mr.  
12. President, that this would impose a tax on the individual  
13. as well as on corporations, an income tax which would be  
14. unlimited by taking out the eight to five...eight to five  
15. limitation as set in the Constitution?

16. PRESIDENT:

17. Senator Maragos.

18. SENATOR MARAGOS:

19. Mr. President and members...and Mr...Senator Soper,  
20. in response to your inquiry, I would like to refer you to  
21. Article IX, Section 5-B which is the Section just preceding  
22. ...the subsection just preceding the one we're trying to  
23. amend in this amendment today on 29. If you'll see, at that  
24. time in that language...as soon as I get the Article, I'll  
25. read it to you. On...if you'll see Section 5-B which is the  
26. preceding 5-C which we are not today alluding to, any  
27. ad velorem personal property tax abolished on or before the  
28. effective date of this Constitution shall not be reinstated.  
29. So the answer to your question is that this will not in any  
30. way allow any personal property tax to be placed on  
31. individuals.

32. PRESIDENT:

33. Senator Soper.

1. SENATOR SOPER:

2. Thank you, Mr. President. But, Senator, then you say  
3. that it cannot be placed on individuals because of that  
4. Section, but you could...then you changed the...you change  
5. the limitation by allowing a corporate...a corporate income  
6. tax with the limitation being other than eight to five. In  
7. other words, the corporation income tax could be ten to five,  
8. twenty to five, a hundred to five, on this one subject. Is  
9. that correct?

10. PRESIDENT:

11. Senator Maragos.

12. SENATOR MARAGOS:

13. No, Senator Soper, in fact, it does the opposite. It  
14. states that it does not have to be limited to the eight to  
15. five ratio and therefore in no way will it become a tax on  
16. individuals because if you don't have that limitation for  
17. the eight to five...I mean if you don't have the limit that  
18. it has to be the eight to five ratio, therefore, thereby you  
19. assure that it will not in any way reflect on the individuals.  
20. That's why we...we're keeping the language of the replacement  
21. and the...and the...remove the restriction of eight to five  
22. ratio so in no way can be attributed as a tax on individuals  
23. which has been abolished by referendum in 1970.

24. PRESIDENT:

25. Senator Soper.

26. SENATOR SOPER:

27. I think you misunderstood my question. My question was  
28. now if you state that that income tax will not...to replace  
29. the...replace the personal property tax, the income tax would  
30. not be placed upon individuals, but that corporations could  
31. be made to pay on a...on a formula ratio basis of other than  
32. eight to five. In other words, it could be ten to five, twenty  
33. to five, a hundred to five or any other ratio that...that you

1. want it. Now you say that that could be done? Correct? I  
2. don't know who's waving at me, but if you want to wave, I'll  
3. wave back to you. Who's the...who's the Senator with the red  
4. tie?

5. PRESIDENT:  
6. Senator Maragos.

7. SENATOR SOPER:  
8. Oh.

9. SENATOR MARAGOS:  
10. In answer to your response, that's a parliamentarian of  
11. a...the President's Parliamentarian. But in...in answer  
12. to your question, Senator Soper, we are not in any way touching  
13. the Constitution as to that problem at all by this amendment.  
14. We are leaving this particular subsection intact and saying  
15. that by leaving this intact we are no way penalizing the eight  
16. to five ratio or rather the limitation that it should be an  
17. eight to five ratio. If we don't leave this language in here,  
18. Senator Soper, as the Constitution presently exists on that  
19. score, it means that if at a...at a subsequent date, you do  
20. have a replacement tax when you abolish the personal property  
21. tax and you say one of those replacement taxes shall be an  
22. income tax, then you say it'll be eight to five ratio by...by  
23. automatically then you lock in an increase on individual.  
24. But by not having that restriction you therefore allow to  
25. raise whatever needs to be on the corporations to...to...to  
26. raise the revenue that you need to...to replace the personal  
27. property tax and thereby assuring that the individuals will  
28. not be taxed.

29. PRESIDENT:  
30. Senator Soper to conclude his remarks.

31. SENATOR SOPER:  
32. Well, I thought this was a...I thought this was a debate  
33. and I thought that we should bring our...our thoughts on this

1. matter. Now...

2. PRESIDENT:

3. It is Senator.

4. SENATOR SOPER:

5. ...if you've, all right. Now if you want to cut me out

6. it's all right with me, but I'll tell you this much, Mr. President,

7. if we're not allowed to debate this, you know, Senator Maragos

8. is doing a wonderful job by not explaining, see.

9. PRESIDENT:

10. Well, Senator, I...I only...

11. SENATOR SOPER:

12. Now...now..

13. PRESIDENT:

14. Excuse me, Senator.

15. SENATOR SOPER:

16. Could...could you tell me that...

17. PRESIDENT:

18. Excuse me...

19. SENATOR SOPER:

20. ...if I ask a question that I can't answer, if he doesn't

21. answer it properly or to my...or to...intelligently, as far

22. as I'm concerned, that if I'm going to sit down, I'll sit

23. down, but if you say you can change the tax with this on the

24. corporations and you can't change the tax on individuals, that's

25. absolutely wrong 'cause if it said the ratio of eight to five

26. shall not be maintained they can change it. You can change it

27. on individuals and you can change it on...on corporations. That's

28. what it says. Now, that's what I'm trying to say now. If you

29. want to drive industry out of this State...

30. PRESIDENT:

31. Senator...

32. SENATOR SOPER:

33. Understand. I'm just trying to...if you don't want to



1. debate this, it's all right with me, Mr. President, I'll sit  
2. down.

3. PRESIDENT:

4.       Senator...I'm not asking you to sit down, Senator.

5. SENATOR SOPER:

6.       Yes, you're telling me to conclude my remarks and I've  
7. concluded my remarks.

8. PRESIDENT:

9.       No, I'm not. There are five other...five other speakers...

10. SENATOR SOPER:

11.       Thank you for the time.

12. PRESIDENT:

13.       ...there are five other speakers and you'll have an  
14. opportunity to speak a second time if you wish to do so.  
15. That's the only point the Chair is trying to make. And  
16. maybe that...that some of the other comments may clear up  
17. some of the problem. Senator Soper.

18. SENATOR SOPER:

19.       Thank you, very much. But I didn't understand it  
20. that way, you said, conclude your remarks and when somebody  
21. tells me to conclude means I'm through and that's what I...  
22. that I took it. Now if I took...

23. PRESIDENT:

24.       No, Senator...you have...

25. SENATOR SOPER:

26.       ...it the wrong way, I apologize.

27. PRESIDENT:

28.       ...you have an opportunity to conclude now and you can  
29. speak a second time if you wish. Senator Rhoads.

30. SENATOR RHOADS:

31.       Thank you, Mr. President. On a point of parliamentary  
32. inquiry. To the best of my knowledge this will be a precedent  
33. in terms of voting on an amendment to a constitutional amendment.

1. Inquiry of the Chair, how many votes does it take to adopt  
2. the amendment?  
3. PRESIDENT:  
4. A majority of those voting.  
5. SENATOR RHOADS:  
6. Are you citing a rule, Mr. President?  
7. PRESIDENT:  
8. I'm...I'm citing our rule with respect to the adoption  
9. of amendments, which I believe applies across the board.  
10. The...the Constitutional requirement is for thirty-six votes  
11. on final passage of the resolution as amended. (Machine cutoff)  
12. ...Senator Glass arise?  
13. SENATOR GLASS:  
14. Mr. President, to address the amendment. If I may ask  
15. Senator Maragos a question if he will yield.  
16. PRESIDENT:  
17. Indicates he will yield.  
18. SENATOR GLASS:  
19. Senator Maragos, am I correct that your amendment would  
20. simply make it permissive for the General Assembly to abolish  
21. the personal property tax on corporations. That's all it  
22. does, isn't it?  
23. PRESIDING OFFICER: (SENATOR BRUCE)  
24. Senator Maragos.  
25. SENATOR MARAGOS:  
26. Yes, except one additional caveat, it also removes the  
27. deadline of January 1.  
28. PRESIDING OFFICER: (SENATOR BRUCE)  
29. Senator Glass.  
30. SENATOR GLASS:  
31. I thank you, Senator Maragos. I'd like to...I'd like  
32. to speak in opposition to the amendment. Now you...you  
33. mention that there is a lot of conflicting proposals submitted

1. to change the...to...to develop a replacement tax for the  
2. personal property tax and nobody can seem to agree on them.  
3. I...I would remind you and the other members of the Body  
4. that the Illinois Constitution went into effect in 1970.  
5. This is 1978, we've had eight years. This is a terrible  
6. tax. It should be repealed as the constitutional...as the  
7. Constitution provides and as the people voted for...who  
8. voted for the Constitution intended. And for us to come  
9. in at the last minute and extend the deadline is wrong.  
10. We ought to repeal this tax and we ought to face up to the  
11. issue, it's a tough issue, but we're got to face up to  
12. it of...of replacement. As I say, we've had eight years  
13. to do it and like many other things in the General Assembly  
14. we wait until the last minute to...to get the job done,  
15. but we're certainly capable of doing it. I think this is  
16. the wrong way to go and I would urge the defeat of this  
17. amendment.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Nimrod.

20. SENATOR NIMROD:

21. Yes, Mr. President. A question of the sponsor of the  
22. amendment. In reading this amendment, I notice that this  
23. seems to be different than the amendment that was put on in  
24. committee. Now, I'm not a member of that committee, but I  
25. happen to be there since I had a resolution that was similar  
26. to this and I'm concerned that this wording on the amendment  
27. is different than the one passed by the committee.

28. PRESIDING OFFICER: (SENATOR BRUCE)

29. Senator Maragos.

30. SENATOR MARAGOS:

31. Mr. President, I'd like to tell Senator Nimrod that this  
32. is the exact language and this is the committee amendment  
33. which was adopted by committee and...and in no way do I see

1. how it has differed than that as I...I stand corrected, but  
2. I think this is a correct amendment. Tell me what you think  
3. is different that it should not have been which is adopted  
4. because the records will speak for themselves.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Nimrod.

7. SENATOR NIMROD:

8. Yes, I...I would only say that in...in sitting and reviewing  
9. it, I thought the only word that was being changed on this was  
10. the one word from, shall, to, may, imposed the tax and there  
11. was nothing said about the eight to five ratio as I recall it,  
12. but let me...let me go one step further than that, that's  
13. for members of the community to dispute that because I was...I  
14. am not a member of that committee and there was no written  
15. amendment. And the only word that was changed, which was  
16. Senator Rock, which was one word from, may, to, shall and here  
17. it is coming to us showing that this is a committee amendment.  
18. Number 2, I think that Senator Soper is absolutely right when  
19. he was trying to make the point. The way this amendment is  
20. written in this part that has never been approved by the  
21. committee is added on here. What it does, it does provide  
22. for a differential of the five to eight in percent of the  
23. ratio in the income tax. Now, it does change that provision  
24. for this particular tax...thank you, Mr. President. It  
25. would also change the ratio then, it would no longer be a  
26. five to eight ratio. So I think what you're trying to do  
27. here or do two things, you have your amendment and then  
28. you're trying to get something new added in here on the concept  
29. that it was part of the committee agreement and, in fact, it  
30. destroys the entire five to eight ratio concept and I think  
31. we should be very alert to this. And if you want to pursue  
32. this, this is fine because I was ready to join you in  
33. cosponsorship on this particular resolution. But, in fact,

1. my advice would be that the Executive Committee get back  
2. and discharge Senator Soper's or mine and give us a chance  
3. to put both of these resolutions before this Body so that  
4. we can make a decision properly because this is certainly  
5. doing something different than what was intended I think  
6. from the committee and secondly, it does destroy the  
7. constitutional concept of the five to eight ratio.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. The Chair would want to correct one of Senator Nimrod's  
10. comments. The amendment is in writing and the Secretary  
11. has a copy of it, Senator Nimrod, if you wish...if you wish  
12. to examine it. It is, in fact, in writing. Senator  
13. Maragos.

14. SENATOR MARAGOS:

15. Mr. President and members of the Senate. I'd like to  
16. clarify what Mr. Nimrod and Senator...

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Well...Senator Maragos, you will have a chance to  
19. clarify...

20. SENATOR MARAGOS:

21. No, because...

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. I thought you rose on a...point of personal privilege  
24. or some rule. For what purpose does Senator Nimrod arise?

25. SENATOR NIMROD:

26. Mr. President, was that at the committee, at the Executive  
27. Committee itself, there was not an amendment in writing that  
28. was presented.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Well...yes...Senator Nimrod, there was, in fact, an amend-  
31. ment in writing which has been, in fact, transmitted to the  
32. Secretary's Desk and if you wish to examine it...from the  
33. committee. So, to that extent your comments are in error.

1. Senator Knuppel is recognized.

2. SENATOR KNUPPEL:

3. Well, so there's no confusion the...there was a complete  
4. explanation in the Executive Committee. I sat in the  
5. Constitutional Convention. This is one exception and it's  
6. in the old Constitution. There's nothing being added by  
7. this eight to five ratio exemption. That was always in  
8. there. What you're reading in the amendment, they restate  
9. all of the old language. So...and while there is some  
10. conflict in the language of the section with respect to  
11. the eight to five ratio, and this section, that conflict  
12. within the Constitution all the time, at the time it  
13. was adopted. Therefore, since the Constitution was adopted  
14. as a whole, that would have to be construed as being an  
15. exemption from the eight to five ratio. And for eight years  
16. now, for eight years, the...the corporations of this State  
17. have been paying personal property tax and been paying on  
18. the eight to five ratio, four to two and a half, and they  
19. have never complained. So we're not changing anything in  
20. the language here. Let's get...if we're going to argue  
21. this, let's get to those distinctions which are meaningful  
22. and not those that have existed all the time. Now, I would  
23. say this to Senator Glass. He says that...that we have  
24. the power to...to meet the mandate of the Constitution and  
25. he's absolutely right. I introduced legislation here in  
26. 1972 to get about the work of implementing this provision  
27. in the Constitution. We have never done it, we have never  
28. abolished personal property tax. But the one thing I want  
29. to say is this, by adopting this resolution and by adopting  
30. the amendment which Senator Maragos have, we do not remove  
31. our power, our ability, to still abolish the personal  
32. property tax. The only thing is, instead of a cattle  
33. prod saying, we shall, it will now say, we may remove that

1. personal property tax. And I agree with you, hopefully this  
2. can and will be done. But none of these arguments are fertile.  
3. None of them can withstand the...the rebuttal that goes with  
4. them. In other words, we have the power to do it even after  
5. we adopt this. We've taken nothing away from the power of this  
6. General Assembly to abolish personal property taxes on  
7. corporations. The differential of eight to five always intended  
8. that...that as far as personal property taxes on corporations  
9. were...was concerned or as far as the amount which replaced  
10. it was concerned that there would always be that differential.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Further discussion? Is Senator Walsh on the Floor?  
13. Senator Walsh, did you seek recognition on...on, no,  
14. all right. Senator Wooten on the Floor? Senator Rock.

15. SENATOR ROCK:

16. Thank you, Mr. President and Ladies and Gentlemen of  
17. the Senate. I, in fact, offered Amendment No. 1 in  
18. writing in the Committee on Executive. And what we are attempting  
19. to do by virtue of Amendment No. 1 is admit, frankly, that  
20. we are unable to, by January 1, 1979, replace personal property  
21. tax. And we are suggesting that the General Assembly the  
22. power by saying we may abolish, but we are deleting, hopefully,  
23. the deadline, which is January 1, 1979. I think the amendment  
24. is a good one. I think the Senate Joint Resolution is a  
25. good one and I urge...urge its adoption.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Senator Netsch.

28. SENATOR NETSCH:

29. Thank you, Mr. President. I...I think probably the  
30. amendment does make a good deal of sense, although I must  
31. say it carries its...its own inherent contradictions also.  
32. It never was a good idea for us to mandate the abolition  
33. of a single identified tax in the Constitution and, in fact,

1. we clearly would not have done that except for a rather simple  
2. fact, the convention was simply about to break apart on this  
3. one issue and if we did not find a resolution for it at the  
4. time, that is between those who wanted to abolish the  
5. personal property tax across the board and basically the  
6. Chicago people who wanted to make sure that that source of income  
7. would not be taken from the City of Chicago, then we would  
8. not have had a Constitution at all. Now, there are one or  
9. two of you who think that might have been a blessing, but  
10. if you really look around you would discover that is not  
11. the case. So that it...it was not a good provision. It  
12. was a...it was a monstrosity in terms of constitution  
13. writing to begin with, although it was, I think, a brilliant  
14. political resolution of a very difficult problem. I think  
15. it...it does make sense to make it permissive rather than  
16. mandatory. The only thing that disturbs me at all, although  
17. I expect I will probably vote for it, is that the mandatory  
18. nature of the replacement requirement is still in this  
19. provision. In other words, the General Assembly may abolish,  
20. but if it does it must replace. I must say after six years  
21. here I see no disposition at all that the General Assembly  
22. will ever face up to that replacement requirement and it  
23. may well mean that the tax will end up not being abolished,  
24. at least not within our lifetime and that I think is perhaps  
25. not totally candid on our part. But given the...the alternatives  
26. between having a provision which we clearly are not going to  
27. abide by, that in the present Constitution, and having utter  
28. chaos, I think this is probably a reasonable middle ground.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Wooten. May we have some order, Ladies and  
31. Gentlemen.

32. SENATOR WOOTEN:

33. Thank you, Mr. President. I simply want to address



1. myself to one point just to underline that we did adopt an  
2. amendment in writing. It was the consensus of the committee  
3. that one word be changed on the face of the amendment and  
4. that was done because we had that consensus. I just wanted  
5. to be sure that we understand that we followed the correct  
6. committee procedure since I believe that was called into  
7. question. Thank you.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Further discussion? Senator Graham.

10. SENATOR GRAHAM:

11. I...just one question of Senator Maragos or Senator  
12. Wooten.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Indicates he will yield. Senator Graham.

15. SENATOR GRAHAM:

16. Or Senator Hickey and Senator Wooten together, I don't  
17. care who answers it. Senator Maragos, does this amendment  
18. as now printed and placed upon our desks, represent, in fact,  
19. the exact...exact language that you presented to us in  
20. committee with the exception that shall was changed to may?

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Maragos.

23. SENATOR GRAHAM:

24. There's...there's been no change...answer the first  
25. question.

26. SENATOR MARAGOS:

27. No, Senator Graham, you are correct. All that the  
28. committee changed on my amendment as I introduced it to  
29. the committee the other day is the word, shall, to may.  
30. Everything else is exactly the same as it was introduced  
31. to the committee at...on my original amendment.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Graham.

34. SENATOR GRAHAM:

1. Then you're saying you did, in fact, take the amendment  
2. back to the Office of the Reference Bureau, have it retyped  
3. and changed only that one word.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Maragos.

6. SENATOR MARAGOS:

7. If I recall the committee, I'm not a member of the  
8. Executive Committee, Mr...Senator Graham, and I think you  
9. are and you were there and you know the answer to the  
10. question that you just raised. The committee by its own  
11. action amended my amendment while in committee and they  
12. printed it up.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator...Senator Graham, if I might interpret...

15. SENATOR GRAHAM:

16. I...Mr. President, I know that too, but there are people  
17. on the Floor that don't know that, that's why I asked the  
18. question.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Right...right. The...the amendment that the Secretary  
21. has shows amended on its face the word, shall, is stricken,  
22. the word, may, is handwritten in. And that is the amendment  
23. that is before the Body. But we have had prepared, I  
24. understand Senator Maragos has had typed and prepared an  
25. amendment which is...which has been passed out. Further  
26. discussion? Further discussion? Senator Hynes.

27. SENATOR HYNES:

28. Mr. President, I think this is a very good amendment  
29. and for a very simple reason. The Constitution as it presently  
30. exists, mandates the Legislature to abolish the personal property  
31. tax by January of 1979. As you know, the personal property tax  
32. applies only to corporations. And the Constitution further  
33. mandates that those paying the tax, namely corporations, shall

1. pay a replacement tax when it is abolished. It is obvious  
2. that there is no agreement in this Legislature on how that  
3. should be done and what the replacement should be. Therefore,  
4. to avoid the problem of potential invalidity of the tax, to  
5. avoid any controversy that might arise in 1979, this resolution  
6. as amended, would remove the date of 1979 for abolition, leave  
7. the ability of the Legislature in to do it and to replace it.  
8. It would also change the word, shall, to may, so that the  
9. Legislature may in its discretion abolish the tax and replace  
10. it or it may not. I think this is the only sensible, reason-  
11. able solution that is..of this problem that is before us and  
12. that can be before us and I think the amendment ought to be  
13. adopted and the resolution ought to be passed and approved by  
14. the Senate.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Further discussion? Senators who have spoken the first  
17. time are now recognized a second time. Senator Soper.

18. SENATOR SOPER:

19. Thank you. The thing that concerns me, you can say that  
20. it's in the Constitution now and that we're not changing that  
21. part, that doesn't mean that it was good when it was put in  
22. and it shouldn't be changed now. All I tell you is this.  
23. We're trying to get corporations to come to this State, we're  
24. trying to create jobs in this State and if you put this  
25. imbalance in here and you allow any...any Legislator to come  
26. up with...with these kooky ideas that the corporations pay  
27. these taxes, you're going to do two things. One is if it's  
28. a corporation that...that's a utilities corporation, you're  
29. going to put the tax right on the guy that buys the gas or  
30. the electricity and if it's a corporation that has to stay  
31. in this date, like the newspapers, The Chicago Daily News  
32. closed shop because they couldn't make money. You'll have  
33. the...you'll have the Tribune and you'll have The Sun Times

1. close shop and you'll have the...all the downstate newspapers  
2. that support all you fellows, they'll close shop. Maybe...maybe  
3. you'll have to put up a balloon with your name on it to get  
4. elected. But beside that, if you don't allow corporations  
5. to be treated fairly and you're all talking about getting corpora-  
6. tions to come to this State, you have a lot of kooky ideas  
7. about giving them property, giving them real estate, not  
8. having taxes put on them so they come in because you say that  
9. when they hire someone, you have a...the money revolves itself  
10. seven times. If you have a million dollar payroll, it's  
11. seven million dollars that go through the...through the faucet  
12. and back through the drain. You're going to stop corporations  
13. from coming to this State and if that's what you want to do,  
14. you're doing a disservice to the guy that needs a job, to the  
15. working man and you're...you're, you've got a phony...you got...you got  
16. a phony premise and you keep on telling the working man, we'll  
17. tax the corporations, they don't stay in the State and you  
18. put them on relief and we can't afford that. You do it your way,  
19. but I think you're wrong.

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Rhoads.

22. SENATOR RHOADS:

23. Thank you, Mr. President. On yet another point of parliamen-  
24. tary inquiry. Earlier I asked the question of the Chair how  
25. many votes it took to adopt an amendment to a constitutional  
26. amendment. I believe the Chair cited at that time, Rule No.15  
27. of our rules, as saying there would be a majority of those  
28. Senators voting on the question. Reading from the Constitution,  
29. Section 2 of Article XIV and consistent with Senator Donnewald's  
30. earlier ruling while in the Chair, that amendments shall be  
31. read in full three different days in each House and reproduced  
32. before the vote is taken on final passage. Nothing in the  
33. Constitution and nothing in our Senate Rules deals in any way  
34. with amendments to constitutional amendments in the legislative

1. process. Therefore, Mr. President, I am asking the Chair to  
2. cite some authority permitting this Body to amend an amendment  
3. of this nature.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Well, Senator Rhoads, your first point was whether or not  
6. it would be read a first time at large before this Body. And  
7. if, in fact, this amendment is adopted, it would be my procedure  
8. that we then read the amendment as amended in its entirety.  
9. Although you must remember that the Constitution likewise  
10. requires that we read our bills entirely and I don't believe  
11. we do that. Only by title, that's correct, under the new  
12. Constitution. Under the new Constitution, that's correct,  
13. we have enough constitutional experts with us. The other  
14. point is that it was amended, the action of the committee  
15. was that it could be amended. It has been submitted in the  
16. committee report and is before this Body and no one made  
17. objection at the time the committee report was submitted.  
18. Senator Rhoads.

19. SENATOR RHOADS:

20. The committee report is immaterial because the amend-  
21. ment had not, at that time, been read a first time. It has  
22. not yet been read a first time. It will be, I assume, in a  
23. few minutes if this amendment goes on. I am asking the Chair  
24. to cite some statutory or constitutional or rule authority  
25. for amending an SJR, constitutional amendment. Do you have  
26. some authority to cite?

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. The...it is a...it is a resolution which is before this  
29. Body. Under our rules we are allowed to amend bills. Our  
30. rules are silent as to the amendment of resolutions. We cite  
31. the last rule of our rule book cites that Robert's Rules will  
32. prevail, where there is a question, Robert's allows amendments  
33. of resolutions. I would say that this Senate Body, therefore,  
34. having given the authority to amend bills can also amend

1. resolutions. Senator Rhoads.

2. SENATOR RHOADS:

3. All right, the Constitution of the State of Illinois  
4. supersedes our rules and...and Robert's Rules, is that  
5. correct?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Well, Senator, I've given you a ruling, the fact that  
8. we can amend this amendment. If you wish to appeal from  
9. that ruling, we would take that matter up and then we  
10. will see where the Constitution supersedes State law or  
11. our rules and we can...I will give you a ruling on that.  
12. Do you object to the ruling on whether or not we can  
13. amend this resolution? Senator Rhoads.

14. SENATOR RHOADS:

15. Mr. President, I don't mean to be disputatious. I am  
16. not...I'm...I'm simply asking. Are you ruling that  
17. because the State of Illinois Constitution is silent  
18. on this matter that we can therefore amend a Senate Joint  
19. Resolution Constitutional Amendment?

20. PRESIDING OFFICER: (SENATOR BRUCE)

21. Senator Maragos, for what purpose do you arise?

22. SENATOR MARAGOS:

23. If the Chair and if Senator Rhoads would read Rule 19  
24. of the Senate Rules. This is an amendment...I mean this is  
25. a resolution which requires three readings. And it says  
26. no amendment shall be in order at the 3rd reading of a  
27. bill, resolution or motion requiring three readings except  
28. to strike out an emergency clause. But it shall be in  
29. order at all times before final passage of a bill, resolution  
30. or motion to move its commitment or recommitment. Now,  
31. the Chair has ruled that this is an amended...they've stated  
32. you could do in the first two readings to amend this  
33. particular constitutional amendment. And I think it is under

1. that rule they have the authority and...and it was also  
2. used...previously stated they also have the authority under  
3. Robert's Rules.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Senator Rhoads.

6. SENATOR RHOADS:

7. Again, Mr. President, I'm not challenging the ruling  
8. of the Chair, I'm simply trying to understand your ruling.  
9. Again, I refer to Section 2 of Article XIV of the Constitution,  
10. which apparently is silent about the...the legislative  
11. process as it relates to constitutional amendments. Now,  
12. are you...are you citing...are you citing one of our rules  
13. relating to resolutions as your authority for allowing an  
14. amendment to a constitutional amendment. This is precedent  
15. and it's never been done, that's why I'm asking.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Well, let me just answer the...the Constitution only  
18. states as to the final form that the constitutional amend-  
19. ment must be submitted to the public on which they will  
20. then vote. The Constitutional Convention, I think wisely,  
21. did not say the procedure by which we would conduct our  
22. business. That means that we then conduct our business  
23. by adoption, amendment, proposing these amendments according  
24. to Senate rules. The Senate rules...it's been the ruling  
25. of this Chair that Senate Rules will allow the amendment  
26. of an amendment to the Constitution. For what purpose do  
27. you arise, Senator Hynes?

28. SENATOR HYNES:

29. Mr. President, to support the ruling of the Chair.  
30. The amendment under the constitution in my judgment is  
31. the document in its form as finally modified by this  
32. Body and then read three times. So that Senator Maragos  
33. could within the purview of the Constitution and...and

1. assuming that this Body would allow it under its own rules,  
2. could have put the amendment in then have rewritten it several  
3. times and then begin the three reading process. The important  
4. thing is that the amendment is in a given form and then is  
5. read three times. Insofar as the rules of this Body are  
6. concerned, by implication from Rule 19, I believe it is...  
7. you can construe that it is possible to amend resolutions,  
8. it is not limited to congratulatory or other resolutions,  
9. and furthermore, as the Chair pointed out under Robert's  
10. Rules it would be so permissible. So I think the important  
11. thing is, under the Constitution, is that the fact of the  
12. full text of the amendment is read three times in full before  
13. the entire Body. And what procedure we adopt beforehand  
14. to get it into the shape we wish to have it in for those  
15. three readings is up to us.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Further discussion? Senator Rhoads.

18. SENATOR RHOADS:

19. Well again, Mr. President, my point is simply this.  
20. The Chair earlier ruled that in...in citing the Section 2  
21. that the amendment should be read in full in its final  
22. form three days. So in that case we're...we're appealing  
23. to the Constitution for our authority. Later when I asked  
24. how many votes were required for adoption, we, Rule 15 was  
25. cited. So we're citing the rule for bills in...on the one  
26. hand and...and citing the Constitution on the other. I  
27. am simply pointing out to the membership here and for the  
28. record that the Constitution is silent on the subject of  
29. amending constitutional amendments in the legislative process.  
30. I personally do not believe that this is permitted...

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Rhoads...

33. SENATOR RHOADS:

34. ...under the Constitution of the State of Illinois.



1. PRESIDING OFFICER: (SENATOR BRUCE)

2. ...all the Chair is saying is that the  
3. Chair is in absolute agreement with you when your statement  
4. that says that the Constitution is silent and once the  
5. Constitution is silent this Body is allowed to make its  
6. own rules and under our rules we can, in fact, amend amendments.  
7. I agree with you in toto, the...the Constitution is absolutely  
8. silent as to whether or not we can amend an amendment. And  
9. at that point our rules will prevail. Senator Rhoads.

10. SENATOR RHOADS:

11. All right. And then to clarify your...your other ruling,  
12. Mr. President, you...you said that it will be your posture  
13. that if this Amendment No. 1 is adopted, the Secretary will  
14. then read the amendment in full including...Amendment No. 1  
15. and then it will be advanced to the Order of 2nd reading today.  
16. Is that your position?

17. PRESIDING OFFICER: (SENATOR BRUCE)

18. Well, under the Constitution Section...Article XIV, Section 2A,  
19. amendment shall be read in full on three different days in each  
20. House and reproduced before the vote is taken on final passage.  
21. I would just indicate that we are going to read it today. If  
22. we were to read it tomorrow, it would be, in fact, a 2nd reading,  
23. if it were read a third day it would be, in fact, a 3rd reading  
24. and thereby meet all the mandates of the Constitution. Senator  
25. Rhoads, we will, in fact, advance it to 2nd reading having met  
26. the constitutional mandate of having read it once today, we  
27. could advance it to 2nd reading for a 2nd reading tomorrow since  
28. it...it technically doesn't stay anyplace except on the  
29. Calendar under the area of constitutional amendments there  
30. isn't really a technical 2nd reading, it just must be read  
31. three separate days and it will, in fact, be read in the  
32. same form three separate days. Further discussion? Senator  
33. Maragos may close. On the amendment, Senator Rhoads.

1. SENATOR MARAGOS:

2. Mr. President and members of the Senate. I again arise  
3. for the support of the amendment of the constitutional amend-  
4. ment because it, I said it earlier, it keeps it in the  
5. area as it is presently in effect. We only do one thing,  
6. we don't change any other thing in the present Constitution  
7. except a deadline and it takes it from the mandatory stage  
8. of shall, to permissive, which is may. And I think we should  
9. be able at this time to support this amendment then go into  
10. the other aspects of the whole amendment when it's...if this  
11. amendment is adopted. I move for the adoption of Amendment  
12. No.1 to Senate Joint Resolution Constitutional Amendment  
13. No. 29.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Maragos has moved the adoption of Amendment No. 1  
16. to Senate Joint Resolution 29. All those in favor say Aye.  
17. There's been a request for a roll call. A roll call will be  
18. taken. Those in favor will vote Aye. Those opposed will vote  
19. Nay. The voting is open. It will require a majority of  
20. those voting on the issue for the adoption of Amendment No. 1.  
21. Have all voted who wish? Have all voted who wish? Take the  
22. record. On that question the Ayes are 31, the Nays are 17,  
23. 5 Voting Present. Amendment No. 1 to Senate Joint Resolution  
24. 29 is adopted. Senator Rhoads, for what purpose do you arise?

25. SENATOR RHOADS:

26. My purpose is to request a verification of the affirmative  
27. votes in light of an earlier ruling that a majority of those  
28. voting on the question was required. If...if subsequently a  
29. different ruling is made, I want to make sure there are thirty  
30. votes up there. Request verification of the affirmative votes.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Been a request for verification of those who voted in the  
33. affirmative. Will the members please be in their seats.

1. Secretary will call the roll of those who voted in the affirma-  
2. tive.

3. SECRETARY:

4. The following voted in the affirmative: Berman, Bruce,  
5. Buzbee, Carroll, Chew, Clewis, Collins, D'Arco, Daley, Demuzio,  
6. Donnewald, Egan, Harber Hall, Kenneth Hall, Hickey, Johns,  
7. Knuppel, Lane, Lemke, Leonard, Maragos, Merlo, Netsch, Newhouse,  
8. Rock, Savickas, Smith, Vadalabene, Washington, Wooten, Mr. President.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Rhoads, do you question the presence of any  
11. gentlemen or lady who voted in the affirmative?

12. SENATOR RHOADS:

13. Senator Chew.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Is Senator Chew on the Floor? Senator Chew on the Floor?  
16. Strike his name, Mr. Secretary. Senator Rhoads, question?

17. SENATOR RHOADS:

18. Senator Collins.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Is Senator Collins on the Floor? Senator Collins is  
21. at the telephone booth.

22. SENATOR RHOADS:

23. Senator Donnewald.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Donnewald on the Floor? Is Senator Donnewald  
26. on the Floor? Strike his name, Mr. Secretary. Question the  
27. presence of any other gentlemen? On a verified roll call  
28. the Ayes are 29, the Nays are 17, 5 Voting Present. Amend-  
29. ment No. 1 to Senate Joint Resolution 29 is declared adopted.

30. Senator Maragos.

31. SENATOR MARAGOS:

32. I now respectfully ask that that whole constitutional  
33. amendment be read as amended for the record.

1. PRESIDING OFFICER: (SENATOR BRUCE)  
2. The Secretary will read Senate Joint Resolution 29 as  
3. amended.  
4. SECRETARY:  
5. (Secretary reads SJR-29CA)  
6. 1st reading of...Senate Joint Resolution No. 29 Constitutional  
7. Amendment.  
8. PRESIDING OFFICER: (SENATOR BRUCE)  
9. 2nd reading. For what purpose does Senator Shapiro arise?  
10. SENATOR SHAPIRO:  
11. Just a point of clarification. Now it's my understanding  
12. that on 2nd reading this resolution is again subject to amend-  
13. ment.  
14. PRESIDING OFFICER: (SENATOR BRUCE)  
15. I...I understand that an earlier ruling was made to that  
16. effect, Senator Shapiro. You evidently confirmed what was  
17. done earlier in the day. Introduction of bills.  
18. SECRETARY:  
19. Senate Bill 1632 introduced by Senator Vadalabene.  
20. Senate Bill 1633 introduced by Senators Carroll and  
21. Guidice.  
22. Senate Bill 1634 introduced by Senator Knuppel.  
23. Senate Bill 1635 introduced by Senators Merlo...or Berman,  
24. Merlo, Maragos, D'Arco and others.  
25. Senate Bill 1636 introduced by Senators Daley, Guidice,  
26. Lemke and Savickas.  
27. Senate Bill 1637 introduced by Senators Daley, Lemke  
28. and Savickas.  
29. Senate Bill 1638 introduced by Senators Lemke, Daley,  
30. Savickas and others.  
31. Senate Bill 1639 introduced by Senators Daley, Carroll,  
32. Vadalabene and D'Arco.  
33. Senate Bill 1640 introduced by Senators Daley, Merlo, Carroll

1. and Berman.

2. Senate Bill 1641 introduced by Senators Ozinga, Graham,  
3. Grotberg and others.

4. PRESIDING OFFICER: (SENATOR BRUCE)

5. Rules Committee. (Machine cutoff)...that concludes  
6. our business. Senator Hynes moves that the Senate adjourn  
7. until the hour of 12:00 o'clock noon tomorrow. Those in  
8. favor say Aye. Opposed Nay. The Ayes have it, the Senate  
9. stands adjourned until 12:00 o'clock noon.

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