

81ST GENERAL ASSEMBLY

REGULAR SESSION

APRIL 29, 1980

1. PRESIDENT:

2. The hour of noon having arrived, the Senate will please
3. come to order. Will the members please be at their desks.
4. Will our guests in the gallery please rise, as our prayer
5. this afternoon will be delivered by Rabbi Barry Marks, Temple
6. Israel, Springfield, Illinois. Rabbi.

7. RABBI BARRY MARKS:

8. (Prayer given by Rabbi Marks)

9. PRESIDENT:

10. Thank you, Rabbi. ...Reading of the Journal.

11. SECRETARY:

12. Wednesday, April the 23rd, 1980, Thursday, April 24th, 1980,
13. Friday, April the 25th, 1980.

14. PRESIDENT:

15. Senator Johns.

16. SENATOR JOHNS:

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

20. PRESIDENT:

21. All right, you've heard the motion. Is there any discussion?
22. If not, all in favor signify by saying Aye. All opposed. The
23. Ayes have it. So ordered. The Chair has been asked permission,
24. with leave of the Body, there's a person in the gallery who wishes
25. to take still photographs of the Senate. Is leave granted? Leave
26. is granted. So ordered. I beg your pardon, Senator Johns.

27. SENATOR JOHNS:

28. Again, Mr. President, I move that reading and approval of
29. the Journal of Monday, April the 28th, in the year 1980 be
30. postponed pending arrival of the printed Journal.

31. PRESIDENT:

32. You've heard the motion. Is there any discussion? If
33. not, all in favor signify by saying Aye. All opposed. The Ayes

1. have it. So ordered. Committee Report.

2. SECRETARY:

3. Senator Knuppel, Chairman of Agriculture, Conservation
4. and Energy Committee, reports out the following Senate Bills:
5. 1454, 1800, 1886 and 1979 with the recommendation Do Pass.
6. 1813, 1887, 1935 and 1967 with the recommendation Do Pass
7. as Amended.

8. Senator Maragos, Chairman of Labor and Commerce Committee,
9. reports out the following Senate Bills:
10. 1764, 1771, 1772 and 1773 with the recommendation Do Pass.

11. PRESIDENT:

12. Resolutions.

13. SECRETARY:

14. Senate Resolution 470 offered by Senator Davidson and all
15. Senators and it's congratulatory.

16. Senate Resolution 471 offered by Senators Hall, Rock and
17. all Senators and it's congratulatory.

18. PRESIDENT:

19. Consent Calendar. Senator Philip for what purpose...purpose
20. do you arise?

21. SENATOR PHILIP:

22. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
23. In the south gallery is the Willowbrook Community High School,
24. Villa Park, Illinois, under the direction of Kenneth Greenhouse.
25. I wish they would be...would rise and be recognized by the Senate
26. and sing us one sweet tune.

27. PRESIDENT:

28. Will our guests in the gallery please rise. Senator, excuse
29. ...oh, Senator Philip.

30. SENATOR PHILIP:

31. On behalf of the Senate, I would like to compliment the
32. Willowbrook High School Choir and Mr. Greenhouse. Job well done.
33. Thank you.

34. PRESIDENT:

35. Resolutions.

1. SECRETARY:
2. Senate Joint...or Senate Resolution 472 offered by Senators
3. Lemke, Nega, Nedza, Nash and others. It's congratulatory.
4. PRESIDENT:
5. Consent Calendar. Senator Carroll...oh, I'm sorry...I...you
6. ...you have somebody pressing your button. Okay. Yes, Senator
7. Johns.
8. SENATOR JOHNS:
9. Thank you, Mr. President. I'd like to have leave of the
10. Senate to waive the Six Day Posting so that I might hear Senate
11. Joint Resolution 95 in Executive Committee tomorrow, the 30th.
12. PRESIDENT:
13. Senate Joint Resolution 95? All right. Leave has been
14. requested to hear that...that resolution in Executive Committee
15. tomorrow. Is leave granted? Leave is granted. So ordered.
16. Senator Moore. All right. Senator Johns, do you wish to...
17. SENATOR JOHNS:
18. If you are ready, Mr. President.
19. PRESIDENT:
20. Yes.
21. SENATOR JOHNS:
22. There will be a Democratic caucus immediately, in the
23. President's Office.
24. PRESIDENT:
25. No, 212, I think, is better.
26. SENATOR JOHNS:
27. Oh, in 212. Well, I didn't get that message, okay.
28. In Room 212, immediately, of the Democratic Senators.
29. PRESIDENT:
30. Senator Moore.
31. SENATOR MOORE:
32. Thank you, Mr. President, members of the Senate. There
33. will be a Republican caucus immediately in Senator Shapiro's

1. office. We do not intend ours to last probably more than
2. ten to fifteen minutes, Mr. President.

3. PRESIDENT:

4. I...I wish we could say the same, but we will...we will
5. reconvene at the hour of one forty-five. So the committees
6. will have to be delayed. But one forty-five, back on the Floor,
7. there are some members who have requested that certain motions
8. and other things they wish to address today and we have agreed
9. to that. We will reconvene at one forty-five. There's a
10. Republican caucus in Senator Shapiro's office, a Democratic
11. caucus in 212, both of which are immediate and the Senate will
12. stand in recess until the hour of one forty-five.

13. RECESS

14. AFTER RECESS

15. PRESIDENT:

16. All right, the Senate will come to order. Committee
17. Reports.

18. SECRETARY:

19. Senator Sangmeister, Chairman of the...Judiciary II Committee,
20. reports out the following Senate Bills:

21. 1486, 1505 and 1564 with the recommendation Do Pass.

22. PRESIDENT:

23. Messages from the House.

24. SECRETARY:

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

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

30. House Bills 3102, 3103, 3105, 3108, 3110 and 3113.

31. PRESIDENT:

32. House Bills 1st reading.

33. SECRETARY:

1. House Bill 447, Senator Maitland is the Senate sponsor.

2. (Secretary reads title of bill)

3. 1st reading of the bill.

4. House Bill 821, Senator Hall is the Senate sponsor.

5. (Secretary reads title of bill)

6. 1st reading of the bill.

7. House Bill 1952, Senator Coffey is the Senate sponsor.

8. (Secretary reads title of bill)

9. 1st reading of the bill.

10. House Bill 2222, Senator Bruce is the Senate sponsor.

11. (Secretary reads title of bill)

12. 1st reading of the bill.

13. House Bill 2710, Senator Nedza is the Senate sponsor.

14. (Secretary reads title of bill)

15. 1st reading of the bill.

16. House Bill 3022, Senator Ozinga is the Senate sponsor.

17. (Secretary reads title of bill)

18. 1st reading of the bill.

19. House Bill 3030, Senator Berning is the Senate sponsor.

20. (Secretary reads title of bill)

21. 1st reading of the bill.

22. PRESIDENT:

23. Rules Committee on the House Bills that were just read in.

24. If I can have the members' attention, we took a little longer in

25. the recess than we thought was necessary. There are committee

26. schedules to meet, but pursuant to an agreement reached last

27. week, we will move to the Order of Motions in Writing on Page 9.

28. And at the bottom of Page 9 there is a Motion in Writing having

29. been filed with respect to House Joint Resolution Constitutional

30. Amendment No. 13...13. Read the motion, Mr. Secretary, please.

31. SECRETARY:

32. I move to take House Joint Resolution Constitutional Amend-

33. ment No. 13 from the Table and that it be read...in its final form

34. a first time. Signed, Senator Regner.

1. PRESIDENT:

2. Senator Regner.

3. SENATOR REGNER:

4. Yes, Mr. President and members of the Senate. I'm making
5. this motion for a couple of reasons. The first one, of course,
6. is, a year ago last November, the taxpayers in the State of
7. Illinois spoke very strongly in favor of such action, Constitutional
8. Amendment to limit taxes. People want it, they're tired of the
9. proliferation of government, the constant growth in government
10. at all levels, Federal, State and Local. Right here with this
11. amendment, we're only going to be considered with State and Local.
12. The second reason is, last fall when this amendment first passed
13. the House and came to this Senate for consideration, I asked the
14. Chairman of the Executive Committee if we could have a hearing
15. at an early date, a full blown committee hearing, have all the
16. people in the State down that are interested in speaking on it...
17. on the issue. He agreed that he would do that. It was waited
18. until about two weeks ago to assign it to a subcommittee. Senator
19. Knuppel chaired that subcommittee and I agree the subcommittee...
20. did give it a full and fair hearing in the...within the time
21. constraints that they had at that time. We never did have a
22. full hearing in committee. I think it is...the issue is of
23. such importance that it should be discussed before the entire
24. Senate and for the people of the State of Illinois to contact
25. their Legislators, their Senators and speak to them and tell
26. them what they think about the growth in government and why
27. that we do need a Constitutional Amendment to limit taxes. I
28. therefore make the motion that the Senate...House Joint Resolution
29. Constitutional Amendment 13 be taken from the Table and placed
30. on the Order of 1st reading and read a 1st time today.

31. PRESIDING OFFICER: (SENATOR SAVICKAS)

32. Is there further discussion? Senator Knuppel.

33. SENATOR KNUPPTEL:

1. This bill was heard extensively in the subcommittee. A
2. great deal of time was allowed...Representative Totten to present
3. it. This bill is seven pages long. It might make good legislation,
4. but it's certainly not in the language of a Constitutional Amendment,
5. either as to length, verbage or style. For those of you who didn't
6. get to attend the Constitutional Convention, I don't want to
7. remind you about that because I know how most of you feel about
8. it, but we had one committee that dealt with nothing but style
9. and drafting. This...this bill is almost a third as long as
10. the entire Constitution itself. It's far too verbose, it has
11. much too much specificity in it, which was a word that became
12. very popular. It's sets up standards or...or sets up Consti-
13. tutional provisions and then makes exceptions. It invades the
14. ...the appropriative power of the weakest branch of government,
15. the General Assembly. I think that this is a very, very bad
16. Constitutional Amendment for a multitude of reasons that were
17. set out in the subcommittee report. We recommended that it
18. Do Not Pass and that was the vote in the Committee as a whole.
19. I would recommend that...to anyone who is interested in having
20. a viable, a well drafted and a general Constitution that can
21. meet the needs of a...of the expanding economy, depressions
22. and other things that come along with Revenue Articles that
23. this is a very bad amendment and ought to be...the Motion to
24. Discharge Committee, ought to be defeated.

25. PRESIDING OFFICER: (SENATOR SAVICKAS)

26. Senator Rhoads.

27. SENATOR RHOADS:

28. Very briefly, Mr. President, rising in support of the
29. motion. Senator Knuppel is correct that this is a complicated
30. subject, however the clock is running. May the 4th is the
31. deadline. I think the people of the State of Illinois expect
32. that this General Assembly ought to report out something for
33. their consideration. California first tried this in 1973 with

1. Proposition I, Tennessee passed it statutorily in 1978. The
2. State of Michigan passed it Constitutionally in November of 1978.
3. And as Senator Regner already stated, we in an advisory referendum
4. in this State, overwhelmingly endorsed the concept of Constitutional
5. tax and spending limitations. There are many difficulties with
6. the resolution. Senator Knuppel has become very knowledgeable
7. about those difficulties, but they aren't difficulties which
8. necessarily could be worked out by a committee. I think everyone
9. in this Chamber ought to look at them in the next couple of days
10. and ultimately the voters ought to decide.

11. PRESIDING OFFICER: (SENATOR SAVICKAS)

12. Senator Wooten.

13. SENATOR WOOTEN:

14. Thank you, Mr. Chairman. I'm...I really apologize for not
15. having my notes here, I did not even think about this motion
16. being heard today, but there is a lot that ought properly to
17. be said about the subject as a subject. First of all the sub-
18. committee did give it a good hearing, I think Senator Knuppel
19. did one of his best jobs in addressing this particular subject.
20. I am profoundly suspicious of things that have such good titles.
21. As you know, I have been slow to embrace the idea of Sunset
22. Legislation because I feel that while it announces its intent
23. is to cut down bureaucracy, actually it fosters the growth
24. of bureaucracy. I think that Property Tax limitations tend
25. to accelerate tax increases at a steady rate year after year,
26. because it absolves Legislatures of having to make painful
27. decisions, thus, the ceiling quickly becomes the floor. I think
28. that, we do, ourselves, the State and the people of the State a
29. disservice by taking things that sound good and not really thinking
30. through into the future. I believe the General Assembly has
31. done a very responsible job. I believe we can do better, I think
32. we ought to move on to the area of tax relief. In the area of
33. property tax limitation though, I think we're treading into a

1. subject...we're treading into an area where we will...saying we
2. are doing a great deal of good, we'll actually do a great deal
3. of mischief. We had a subcommittee hearing, it reported, we
4. voted in committee, it was defeated and I think the action of
5. the committee ought to be sustained, so I would rise in
6. objection to this discharge motion.

7. PRESIDING OFFICER: (SENATOR SAVICKAS)

8. Senator Berning.

9. SENATOR BERNING:

10. Just...Mr. President and members of the Senate. I think
11. it's rather presumptuous of us as the Senate if we were to
12. deny the citizens the right to be heard on this issue. They
13. should have the final determination and we ought to let them
14. vote.

15. PRESIDING OFFICER: (SENATOR SAVICKAS)

16. Senator McMillan.

17. SENATOR McMILLAN:

18. Mr. President and members of the Senate. It seems very
19. clear that House Joint Resolution Constitutional Amendment
20. No. 13 is about the only hope the taxpayer of Illinois has
21. left of getting some possible limit on taxes and spending
22. enacted. Granted, the proposed Constitutional Amendment
23. may not be...perfect in its draftmanship, granted, it may
24. not have every question and every issue dealt with, as
25. everybody who is interested in the situation...would like
26. to see. Granted, it provides some limits for local units
27. of government which are going to be difficult to deal with,
28. but we have tried other approaches, we have tried a much
29. weaker Constitutional Amendment to deal with State limitations
30. and it hasn't gotten anywhere. We have some legislation which
31. I think is solid legislation, which may, in fact, hopefully
32. get out of the Revenue Committee tomorrow to come before us,
33. but it appears that, taking this action and supporting this

1. motion, may be the only hope for the people of the State of
2. Illinois to have a chance to get something done to respond
3. positively to their overwhelming vote in the last election,
4. asking for limits on taxes and spending. I would urge a
5. favorable vote on this motion.

6. PRESIDING OFFICER: (SENATOR SAVICKAS)

7. Further discussion? Senator Rock.

8. SENATOR ROCK:

9. Thank you, Mr. President, Ladies and Gentlemen of the Senate.
10. I rise in opposition to House Joint Resolution 13 and in opposition
11. to this motion. I opposed this resolution in committee. And let
12. me just suggest, as...as Senator Knuppel has so aptly pointed
13. out, this is hardly Constitutional draftsmanship. But that
14. notwithstanding, the subject matter, frankly, is quite serious, and while
15. we might, I suggest, engage in a form of demagoguery and suggest
16. to the people of our State that we have done something noble
17. for them. Let me point out that I read last week, as I'm sure
18. all of you did, that the State of Illinois very successfully
19. issued a hundred and fifty million dollars worth of State bonds
20. and were required only to pay 7.1 percent interest. And let me
21. also in juxtaposition point out that the State of California,
22. pursuant to Proposition 13 is not even rated. They can't sell
23. dollar one in State bonds, there is no such thing in the State
24. of California any longer. And I will suggest to you that by
25. virtue of even putting this or attempting to put this on the
26. ballot, we are jeopardizing the fiscal condition of every
27. municipality, county and school district and including the
28. State of Illinois itself. If any of you have ever read all
29. the boiler plate that's in those bond issue agreements, one
30. of the things that the buyers of the bonds rely upon is that
31. that municipality or that county or, yes, that state, has the
32. wherewithal to pay the bonds off. And any time we dabble in this
33. kind of proposed limitation, we are jeopardizing, I suggest,

1. the fiscal integrity of every unit of government in this State.
2. This I suggest, in high inflationary times, is simply not the
3. time to do this and I urge defeat of this motion.

4. PRESIDING OFFICER: (SENATOR SAVICKAS)

5. Is there further discussion? Senator Lemke.

6. SENATOR LEMKE:

7. Mr. President, members of the Senate. I was fully prepared
8. to support this motion to override until I talked to several of
9. the PTA groups that are down here from my district today. We, in
10. all, should be against this proposal for a very simple reason.
11. In the City of Chicago, the people on the southwest side have
12. nothing to say about the education, yet they pay two-thirds
13. of the taxes, supply the schools, you look at the tax bill.
14. Education, the Board of Education, takes our tax money and gives
15. us less back. They're talking about principal consolidations,
16. twelve, twenty-four schools of the twelve, nine of those con-
17. solidations are on the southwest side of Chicago. Yet we have
18. nothing to say on the school board, we have no member, no spokes-
19. man. They took our spokesman off, Pat O'Hern, and they laughed at
20. us and give the power to some people that don't even have
21. children going to school in the City of Chicago, to be members
22. on the school board. They'll never be...they're not even, some
23. of them don't even care, the President...he talks about living
24. in Chicago when he hides in an apartment. And he lives out
25. in the suburbs in DuPage County. He's going to tell us what
26. to do with the school, but my parents and the...of my children
27. in my district have nothing to say on the school board. And
28. I'm saying this right now, the day has come when we are refusing
29. to pay taxes for things that we are not represented on. We
30. are not represented on the School Board of the City of Chicago.
31. We get no representation and we get nothing back, we're the
32. last to receive our schools' repair. We're the last to get
33. our roads fixed by the State of Illinois, we're the last to get

1. anything, but yet we go on and work in the factories and feed
2. the furnances and make the cars and yet we get nothing. And
3. I'm saying this, and I say this to the Democratic Party in
4. Illinois, and I say this to my liberal friends, you better
5. start waking up. Because those people that are blue collar
6. workers and that are Democrats are going to leave the Democratic
7. Party if we don't start getting in a voice and you don't start
8. to quit taxing them because we're sick of it. But this amend-
9. ment is not the way to go because it goes a little too far and
10. it'll screw up the Constitution. And I'm telling you right now,
11. and I'm giving fair warning, when it comes to taxes, we're fed
12. up with it. So you guys do what you want to do, I'm going to
13. vote Present, but I'll tell you this right now and let the
14. message go out, and it's not taking a duck because I'm not
15. for it and I'm not against it right now, until we get things
16. straightened out in the City of Chicago and whether my parents,
17. that belong to the PTA is going to have some proper...representation
18. on that school board.

19. PRESIDENT:

20. Further discussion? If not, Senator Regner may close.

21. SENATOR REGNER:

22. Mr. President and members, I'll make it short, I think every-
23. body knows how they're going to vote. It's been purported several
24. times in the subcommittee and in the full committee of the Executive
25. and here on the Floor that the General Assembly has members that
26. will take the action to cut spending in government, the local
27. governments do. And it's very fine to say on an individual
28. ...basis. Collectively the General Assembly, neither the House
29. nor the Senate, has the guts to take strong stands in reduction
30. of spending because the pressure groups get to them. The taxpayers,
31. the people in the State of Illinois, over eighty percent of them
32. a year ago last November, said we want tax relief. The only way
33. to do it is not by legislation because it just won't happen. The

1. only way to do it is in a Constitutional Amendment that we have
2. to do it and we don't have an out. So, just in closing, a Yes
3. vote is a vote for the taxpayers in the State of Illinois and
4. a No vote or even a Present vote is a vote for the taxeaters.

5. PRESIDENT:

6. All right, Senator Regner has moved to take House Joint
7. Resolution 13 from the Table. Those in favor will vote Aye, those
8. opposed with vote Nay. The voting is open. Have all voted who
9. wish? Have all voted who wish? Take the record. On that question
10. the Ayes are 28, the Nays are 13, 8 Voting Present. The motion
11. fails. Further business to come before the Senate? If not,
12. Senator Donnewald moves that the Senate stand adjourned until
13. tomorrow at the hour of noon. Senate stands adjourned.

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