

82ND GENERAL ASSEMBLY

REGULAR SESSION

DECEMBER 2, 1982

PRESIDENT:

The Senate will please come to order. Will the members please be at their desks. Will our guests in the gallery please rise. Our prayer this morning by the Reverend Anthony Tzortzis, St. Anthony's Hellenic Orthodox Church, Springfield, Illinois. Father.

REVEREND ANTHONY TZORTZIS:

(Prayer given by Reverend Tzortzis)

PRESIDENT:

Thank you, Father. Reading of the Journal. Senator Johns.

SENATOR JOHNS:

Thank you, Mr. President. I move that reading and approval of the Journal of Wednesday, December the 1st, in the year of 1982 be postponed pending arrival of the printed Journal.

PRESIDENT:

You've heard the motion as placed by Senator Johns. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. It's so ordered. If I can have the attention of the membership, Channels 20, 3, 17, 5, 2, 7, UPI, AP and the director of communications for the Illinois Manufacturers all wish to take pictures. Is leave granted? Leave is granted. Yes, Senator Buzbee, for what purpose do you arise?

SENATOR BUZBEE:

I...I hate to...start out on a...on a sour note here, but I just noticed that you said there is an organization that wants to take pictures. Now, in the past campaign there were some very, very unfortunate sorts of photographs or at least television footage shown, not in my campaign but in a neighboring campaign, of live scenes on the Floor of the House of Representatives where an individual member was putting some money in his pocket and the implication was that somehow or

other that this had something to do with the legislative process. Now, if we're going to allow private associations to come in and...well, I just don't think we ought to allow private associations to come in and take television footage, because they obviously are going to use it at some point in the future and perhaps use it to show members in the worst possible light. So, I would object to your allowing the Illinois Manufacturers Association to take footage.

PRESIDENT:

Well, the Chair is not here to defend the Illinois Manufacturers, but they are...they requested only the opportunity to take still photographs, I assume with a little camera, not a television camera. Committee reports.

SECRETARY:

Senator Gitz, chairman of the Committee on Reorganization of State Government reports out House Bill 2517 with the recommendation Do Pass.

PRESIDENT:

Resolutions.

SECRETARY:

Senate Resolution 692 offered by Senators Bruce and all Senators, it's congratulatory.

Senate Resolution 693 offered by Senator Jerome Joyce, it's congratulatory.

Senate Resolution 694 offered by Senator Degnan, and it's congratulatory.

And Senate Joint Resolution 114 offered by Senator Lemke, and it's congratulatory.

PRESIDING:

Consent Calendar. Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

That Senate joint resolution that I have there, I'd like to have it adopted today so I can take it over and give it to

Representative McAvoy to have it processed in the House so he can take...

PRESIDENT:

Alright, you've heard the request. Is leave granted? Just...wait just a minute. Senate Joint Resolution 114, Mr. Secretary. Senator Lemke has asked that this not be placed on the Consent Calendar, but rather that it be immediately adopted. It is a congratulatory resolution in favor of Mr. and Mrs. Walter "Bade" McAvoy. Senator Lemke on Senate Joint Resolution 114. Senator Lemke moves to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 114. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Lemke now moves for the adoption of Senate Joint Resolution 114, a congratulatory resolution in favor of former Representative Walter McAvoy. All in favor signify by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Senator Lemke.

SENATOR LEMKE:

I would also like to have leave that all members of the Senate be put on there.

PRESIDENT:

Alright, you've heard the request. Is leave granted? All members will be shown. So ordered, Mr. Secretary. Senator Grotberg, for what purpose do you arise?

SENATOR GROTBORG:

Thank you, Mr. President and fellow members. I rise...while we're on the Order of Resolutions, regarding Senate Resolution 691 that was filed by Senator Berning, I would like to join as a co-sponsor. We have talked, but this is a resolution asking Congress to get...to go ahead and do their resolution regarding the Afghanistan situation, and somehow it got sent to Executive Committee, Mr. President.

PRESIDENT:

Senator Grothberg.

SENATOR GROTHBERG:

Yeah, Mr. President, you were occupied. But this resolution got sent to Executive Committee, and I would like to move to discharge it and put it on the Agreed List. 691.

PRESIDENT:

May...may we have a copy of it. I...it's the first I've heard of it. It now resides in the Executive Committee? Have you spoken with the chairman of the Executive Committee? Senator Grothberg.

SENATOR GROTHBERG:

No, I haven't.

PRESIDENT:

Why don't...why don't we do that. We'll get...yeah, we'll get back to this. Why don't we do that first. Senator Grothberg.

SENATOR GROTHBERG:

Yes, the chairman of the Executive Committee says to go ahead, it's okay with him if we discharge that and put it on the Agreed List.

PRESIDENT:

Senator Grothberg has moved to discharge the Committee on Executive from further consideration of Senate Resolution 691 and asked that it be placed on the Consent Calendar. To explain that motion, Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President and fellow members. This is an effort of Senator Berning and me as a co-sponsor regarding the Afghanistan involvement and the Congressional Resolution Number 427 which declares the United States' support for the people of Afghanistan in their struggle to be free from...foreign domination and urges the Illinois Congressional Delegation to add their support to that resolution. I move that it do be discharged and placed on the Consent

Calendar.

PRESIDENT:

Alright, you've heard the motion. Is there any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. So ordered. Senate Resolution 691 will now appear on the Consent Calendar. Senator McMillan. Senator Philip, are we ready to go to the Order of Motions? There are, for the benefit of the membership, a number of motions that have been filed to afford the opportunity for certain vehicles to get out onto the Calendar for the benefit of the membership. That's questionable at the moment, yes. Alright, read the motion, Mr. Secretary.

SECRETARY:

I move to...suspend Senate Rule 5 and all other appropriate rules for the consideration of House Bill 900 and further move that the House Bill 900 be discharged from further consideration by the Senate Revenue Committee and be placed on the Order of 3rd Reading. Signed, Senator Davidson.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I move the appropriate rules be suspended so we can get House Bill 900 to the 3rd reading where it was when it went to committee. This is the vehicle bill for the utility tax forwarding motion which will bring thirty-four million dollars one time.

PRESIDENT:

You've heard the motion. The motion is to take House Bill 900 from further consideration by the Senate Revenue Committee and placed on the Order of 3rd Reading. Any discussion? If not, all in favor signify by saying Aye. All opposed. The Ayes have it. So ordered. Further motions?

SECRETARY:

I move to discharge the Committee on Rules from further

consideration of House Bill 1047 and that the bill be placed on the Calendar on the Order of 3rd Reading. Signed, Senator Jeremiah Joyce.

PRESIDENT:

Senator Joyce. Well, it's just a motion to discharge and place on the Order of 3rd Reading, the same as Senator Davidson. Any discussion? Senator McMillan.

SENATOR McMILLAN:

Can I ask what bill this is?

PRESIDENT:

You may. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Senator, I'll just explain to you what we intend to do, alright? Mr. President and members of the Senate, we are going to bring House Bill 1047 to the Order of 3rd Reading, move it back to 2nd reading, accede to an amendment placing an amendment of the...the multiplier freeze, the one year multiplier cap. We will try to put the amendment on today and bring it back to 3rd reading and vote on it tomorrow for final passage.

PRESIDENT:

Is there any discussion? You've heard the motion. All in favor signify by saying Aye. All opposed. The Ayes have it. It's so ordered. There has been filed a Conference Committee report on Senate Bill 1652. The Chair recognizes Senator Prescott Bloom.

SENATOR BLOOM:

Thank you, Mr. President. I would move you to nonconcur in that Conference Committee report. Apparently his Excellency and leadership have another fate in mind for that. So, I ask for a nonconcurrency.

PRESIDENT:

Well, the question is, adoption or non-adoption.

SENATOR BLOOM:

HB 93
Spec. Recomm.
of the Gov.

...I'm sorry, Mr. President, I'd move that we do not adopt the Conference Committee report.

PRESIDENT:

The question is, shall the Senate adopt the Conference Committee report on Senate Bill 1652. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 1, and the Nays are 26. The Senate does not adopt the Conference Committee report on Senate Bill 1652, and the Secretary shall so inform the House and request...Senator Bloom requests the appointment of a second Conference Committee. If you turn to Page 3 on the Calendar, on the Order of Specific Recommendations for Change. We will take the motions in order as filed. House Bill 93, Mr. Secretary. Excuse me, WBBM-TV also wishes permission to film or tape. Is leave granted? Leave is granted. House Bill 93, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 93 in the manner and form as follows. Signed, Senators Geo-Karis and Bloom.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I move to concur with the amendatory veto of the Governor which would not make the elimination of the very unfair and cruel tax, inheritance tax, effective until January 1 of 1983, because we have lost a lot of good citizens who moved to other states to avoid paying this horrible tax. It does affect the middle class very adversely. People have to sell their small businesses and their farms trying to pay the tax, and I am certainly in favor of eliminating it and keeping

investment here instead of sending it out to Florida, and California, and Arizona, which are states that have eliminated their...Illinois inheritance tax. It really helps the middle class, not the wealthy. The wealthy will still have to pay a kickback tax to the State.

PRESIDENT:

Any discussion? Senator Netsch.

SENATOR NETSCH:

If I might...thank you, Mr. President. I guess my feeling about this bill now is, I give up. The Legislature has tried in seventy-five different forms to abolish the...all or some part of the inheritance tax, and it's going to happen, obviously, today. The only...and this is not the worst way to do it, because the pickup tax is still there and that still get at at least some of the larger estates, it eliminates those that are difficult to administer and that sort of thing. The one thing that I would like to make as a point is that we are talking about a out-of-pocket cash elimination in the State coffers of about two-thirds of the inheritance tax collections on an annualized basis, approximately one hundred million dollars. We are, in effect, giving away another hundred million dollars of the tax base of the State of Illinois, and we are doing nothing, N O T H I N G, nothing to replace it. All of these chickens will come home to roost, if not tomorrow, in January.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there further discussion? Is there further...Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. To close, I would make an inquiry of the Chair as to how many votes it would take for an immediate effective date. Whether...there's a reason. After you make your ruling, then I...I just want to say a few things for the record.

PRESIDING OFFICER: (SENATOR BRUCE)

To accept an amendatory veto, Senator Bloom, it's the Chair's ruling it will...require thirty affirmative votes. Senator Bloom.

SENATOR BLOOM:

Okay. Thank you. I would respectfully suggest that because of the Klinger case and the City of Springfield versus Allphin case at least some doubt has been cast on exactly when final legislative action has been taken and defining the word passed as that word appears in Section 10 of Article IV of our State Constitution, and that arguments may be raised that if our acceptance of the amendatory veto today constitutes "passage" of House Bill 93, within the meaning of Section 10 of Article IV, some would say it...the bill would not be effective prior to one July without a three-fifths vote. So, out of an abundance of caution, as the sponsor of this legislation, we asked the House, which voted 149 to 19, and now ask this Body to cast at least a three-fifths vote in favor of this legislation. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Ozinga.

SENATOR OZINGA:

Well, it's a sad day when we pass a bill to eliminate a tax and money when we're...in this State in the position that we're in, and that there has been absolutely no provision made where we're going to make this up. How are we going to get it? I've heard arguments all over the place, but I think the least that we should do...and I couldn't agree with Dawn Netsch more, very seldom that she and I are on the same wavelength, but in this instance, I would say this...there has been no way anybody has informed me, how are we going to replace, and I believe the figure is eighty-three thousand dollars...or eighty-three million dollars per annum where the claim only has been, well, it's spent in administration

costs? Even if it's only half that we have as a profit, I think we should have had somewhere, someway that these funds are going to be replaced.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Bloom.

SENATOR BLOOM:

...To close? Yes, okay.

PRESIDING OFFICER: (SENATOR BRUCE)

Well, the motion was made by Senator Geo-Karis.

SENATOR BLOOM:

Jointly, she opened, I closed.

PRESIDING OFFICER: (SENATOR BRUCE)

Alright. Senator Bloom.

SENATOR BLOOM:

I would ask you for a favorable roll call. I think that the estimated revenue losses have been grossly overstated by the parties, and I would point out that the affect of this law when it takes effect in January, the revenue effect, if any, will not be felt for another year. And finally, I think that we will more than make up by keeping the larger estates in Illinois. I think those of you who do practice law, and I note the State Bar Association supports this, know that people who are very well off can get tax accountants and lawyers and are taking up residency in Florida and Arizona and other places and those are revenues that our State is not getting. I believe that this is good, it keeps capital within the boarders of our State and it's vitally important. I'd urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate accept the specific recommendations of the Governor as to...Senator Weaver, he was closing. Senator Weaver.

SENATOR WEAVER:

A question, Mr. President. I was...I don't know who can

answer it, but I've been...inquiry has been made as to whether or not this precludes the Attorney General from sealing safety deposit boxes of deceased individuals in the State of Illinois. Is there an answer to that?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

I'm not sure. The answer, I think, is, no. The staff informs me that the answer is indeed, no.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver. Further discussion? Senator Bloom has closed. Further discussion? The question is, shall the Senate accept the specific recommendation of the Governor as to House Bill 93 in the manner and form just stated by Senator Bloom. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 2, none Voting Present. The Senate does adopt the specific recommendation of the Governor as to House Bill 93, and the bill having received the required majority of Senators elected is declared passed. House Bill 394. Has a motion been filed, Mr. Secretary?

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 394 in the manner and form as follows. Signed, Senator Kenneth Hall.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall is recognized for the...for the motion.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I will defer to Senator Dawn Netsch that she and Senator Keats are now the principal sponsor of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The bill initially was Senator Hall's bill. It was then revised to become the bill that abolished the Chicago Urban Transportation District, and at that point, the sponsorship was shifted to me since I had been trying to do that for some time. The changes mostly have to do with the effective date of when all of this is going to take place. I do not like the changes, I think it should have been abolished a long time ago and it should not be prolonged, but I'm obviously in no position to argue at this point. And so, I do support the changes so that the bill will become effective and this useless agency that has been squandering money for a long period of time will finally be abolished.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The question is, shall the Senate adopt the specific recommendations of the Governor as to House Bill 394 in the manner and form just stated by Senator Hall. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none Voting Present. The Senate does adopt the specific recommendation of the Governor as to House Bill 394, and the bill having received the required constitutional majority is declared passed. House Bill 597, Senator Grotberg has filed a motion in regard thereto. Senator Grotberg is recognized.

SENATOR GROTBORG:

Thank you, Mr. President. The Governor's amendatory veto to House Bill 579 clarified a technical problem with the county board lottery on the terms of this. They are very similar to the Legislature except when they drafted the bill, they loused it up and they've rolled themselves into the next

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decade of redistricting by some terms. This clarifies that, instead of three classes, they have only two. Two, four, four and four, four, two years and...within each decade, and the triggering mechanism for this is forty-five days after we pass this bill and it becomes law, they have to redraw their lottery so that they don't carry over into 1992. I would move for the adoption, therefore, of this excellent amendatory veto to House Bill 579.

PRESIDING OFFICER: (SENATOR BRUCE)

You've heard the motion. Is there discussion? Is there discussion? The question is, shall the Senate adopt the specific recommendation of the Governor as to House Bill 579 in the manner and form just explained by Senator Grotberg. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none Voting Present. The Senate does adopt the specific recommendations of the Governor as to House Bill 579, and the bill having received the required constitutional majority is declared passed. Senator Berman has filed a motion on House Bill 608, and Senator Berman is recognized on that motion.

SENATOR BERMAN:

Thank you, Mr. President. On behalf of myself and my co-sponsor, Senator Bloom, I move to accept the amendatory veto of the Governor. House Bill 608 was the child safety restraint bill. The Governor has made a number of changes, most of which could be described as softening the impact. He has delayed the effective date of the bill till next July 1, has staggered the effective date as to different ages of children, has excluded recreation vehicles from the coverage of the bill, and has requested a...a delay of the enforcement provisions as to first tickets, a second ticket would be excused if there was proof of purchase, and the

third...violation would only be a twenty-five dollar fine. I move the adoption of the amendatory veto.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to accept the specific recommendation. Discussion of the motion? Senator Schaffer.

SENATOR SCHAPPER:

Well, Mr. President and members of the Senate, many of the changes that the Governor brought about with his amendatory veto are exactly the things that we discussed in Senate committee, and that were discussed on the Floor, and that were not allowed or rejected. And, obviously, I am convinced that this bill is in a much better form as amended by the Governor, which is not universally the case. But, my concern is that if we pass this bill, that it be allowed to be given a couple of years to make sure it's working without further infringement by the Legislature. And I would hope the sponsor would be prepared to assure me that...that the proponents of this proposal are prepared to let this initial...beginning work and...and see how it goes and get some statistics before any attempts are made to go back in the original direction. I was wondering if you'd care to comment to that.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Far be it from me, Senator Schaffer, to be able to commit future action by any General Assembly.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAPPER:

I'd settle for just one member, yourself. You do have that power.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

I don't think I could make any commitment at this point.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAPPER:

Well, I was trying to make a deal, but obviously that won't work. Clearly, this still is somewhat of an infringement on the rights and responsibilities of parents, but it's in much better form and it's my hope that the proponents of this legislation will, in fact, be willing to live with a steak sandwich instead of a steak plate and give it a couple years to make sure that it makes sense before they attempt to go any further. And I intend to support it.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Berman may close.

SENATOR BERMAN:

I ask your...affirmative vote on the child restraint bill. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 608 in the manner and form explained by Senator Berman. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 9, 1 Voting Present. The Senate does adopt the specific recommendations of the Governor as to House Bill 608, and the bill having received the required constitutional majority is declared passed. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR BRUCE)

State your point.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I would like to introduce to the members of the Senate a government class which got out and found out what elections were all about. They worked on a number of candidates' campaigns for...on November 2nd. I'd like to introduce the government class and their teacher, Mrs. Brenda Holme from the Pawnee High School, here in the President's gallery. Will you please stand.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests please rise and be recognized by the Senate. Senator Davidson, we hope those efforts were bipartisan in nature, so...

SENATOR DAVIDSON:

Not too much.

PRESIDING OFFICER: (SENATOR BRUCE)

House Bill 958, Senator Hall, you have filed a motion. Senator Hall is recognized. Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move to accept the specific recommendation of the Governor as to the House Bill 394 in the manner and form as follows. The Governor's specific recommendations where it clarifies that the Illinois Community Development Finance Corporation bonds are not an indebtedness or obligation of the State. Now, the Governor's rationale for this is that he felt and feels that the State should not use its own credit power to support local private industry; singly clarifies no State liability which was the intent of House Bill 958 at its acceptance. He also changed the effective date from...from July until July 1, 1983 in the bill. I move to accept the Governor's specific recommendation.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is...is to accept. Is there discussion? Is there discussion? The question is, shall the Senate adopt

the specific recommendations of the Governor as to House Bill 958 in the manner and form just stated by Senator Hall. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none Voting Present. The Senate does adopt the specific recommendation of the Governor as to House Bill 958, and the bill having received the required constitutional majority is declared passed. House Bill 1607, Senator Netsch...Senator Netsch is recognized for a motion.

SENATOR NETSCH:

My motion will be to accept the specific recommendations for change. Unfortunately, I do not have a copy of my motion in front of me so I cannot read it word by word. If you'll hold on just one second, I've just requested one. Thank you. "I move to accept the specific recommendations of the Governor as to House Bill 1607 in the manner and form as follows: Amend House Bill 1607 by deleting lines 4 through 30 on page 1, all of page 2, and lines 1 through 21 on page 3, and on page 3 in line 22 by deleting Section 1A and inserting in lieu thereof." Basically, all this does is to eliminate a section dealing with the tax on interstate motor carriers that is in another bill, Senate Bill 1599, which the Governor had already approved. In all other respects, the very important provisions of this bill, and some of them are extremely important, are intact.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The motion is to accept. Discussion? Discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1607 in the manner and form just stated by Senator Netsch. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays

HB 1971
Accept. Amend.
M.D.

are none, none Voting Present. The Senate does adopt the specific recommendations of the Governor as to House Bill 1607, and the bill having received the required constitutional majority is declared passed. House Bill 1971, Senator Grothberg. Senator Grothberg is recognized for...on a motion.

SENATOR GROTHBERG:

Thank you, Mr. President and fellow Senators. I am in the ironic position of moving to accept an amendatory veto of the Governor's that I was the sponsor of. The House killed...or sustained the Governor's deletion of the lethal injection method of execution from this bill in the House. It would kill the whole bill if I didn't make the motion that hurts me. And, Governor, if you're listening, get ready, we're coming around again with a sharper needle and a longer dose. So, in the four years ahead we'll continue to work at that program. I, therefore, move that we do adopt the Governor's, in this case, veto of my amendment regarding lethal injection.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. Senator Grothberg, could you just briefly explain what is left in the bill now with...if the Governor's recommended changes are accepted?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President. And Senator Netsch, the details that are left are under the felony murder clauses that permits a defendant to be sentenced to death even though he did not personally deliver the mortal blow. Remember that conversation that allows the judges and the juries to go beyond that person who gave the mortal blow and adds it to the death penalty. Adds aggravated arson, home invasion, and

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attempts to commit the felony murder, predicates described in the section to the death penalty. Witness murder, remember that one? Permits death sentence where the defendant killed to prevent a victim from testifying. And under child murder, reduces the age of the victim from sixteen to twelve. Those are the key ingredients that are left.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The question is, shall the Senate adopt the specific recommendations of the Governor as to House Bill 1971 in the manner and form just stated by Senator Grothberg. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are...on that question the Ayes are 53, the Nays are 5, 1 Voting Present. The Senate does adopt the specific recommendations of the Governor as to House Bill 1971, and the bill having received the required constitutional majority is declared passed. House Bill 2116, Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate. I move to accept the specific recommendations of the Governor as to House Bill 2116. There was language in the original bill which, incidentally, allows the State to appeal the...the bail if they feel the need for that, and requires that motions for continuances in criminal trials be in writing. It's...it's...you're familiar with the bill, but there was language in there which would have restricted the speedy trials to...only to motions. It was not intended to be in there originally. I don't know why...why it was. Anyway, the Governor's staff caught it and wished to remove it and I agree. So, I commend it to your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall

the Senate adopt the specific recommendations of the Governor as to House Bill 2116 in the manner and form just stated by Senator Egan. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. The Senate does adopt the specific recommendations of the Governor as to House Bill 2116, and the bill having received the required constitutional majority is declared passed. House Bill 2133. Senator Mahar is recognized for a motion.

SENATOR MAHAR:

Yes. Thank you, Mr. President and members of the Senate. I move to accept the specific...specific recommendation for change of the Governor as to House Bill 2133. Originally, House Bill 2133 enlarged the MSD area in my district, and to that, several other things were added. The Governor made three basic changes. First of all, he changed the boundaries of the MSD section to be added inadvertently, and in the House that was corrected by a motion. Secondly, he made sure that the provision allowing MSD employees to hold certain offices conform with the Federal Hatch Act. And third, he revised the language of the Medical Center District in Chicago, because inadvertently they had certain railroad property put into that. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The motion is to accept. Is there discussion? Discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2133 in the manner and form just stated by Senator Grotberg. Those in favor vote Aye...by Senator Mahar. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes 57, the Nays are none, none Voting Present. The Senate does adopt the spe-

cific recommendations of the Governor as to House Bill 2133, and the bill having received the required constitutional majority is declared passed. House Bill 2234. Senator Geo-Karis has filed a motion on House Bill 2234. Senator Geo-Karis is recognized.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the...the Governor amended part of this bill because he felt it was unconstitutional, and that's the one that related to military reservations affecting the impact on school districts, and he did leave the provision in which provides...

PRESIDING OFFICER: (SENATOR BRUCE)

Excuse me, Senator Geo-Karis. May we have some order, please. A Senator has requested he cannot hear your comments, perhaps if you can speak over the noise, Senator Geo-Karis, we can have everyone hear you.

SENATOR GEO-KARIS:

Thank you, Mr. President. House Bill 2234 allows a school district which currently levies a special education building tax to use the revenue for other special education purposes. And I support these provisions because it does provide school districts much needed flexibility in funding special education services with existing voter approved levies. The other amendment that's on the bill provides for six-year terms, if I understand correctly, for the community colleges and the...this is supported by the Illinois Community College Trustees Association. I move for favorable consideration of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Is there discussion? The question is, shall the Senate adopt the specific recommendations of the Governor as to House Bill 2234 in the manner and form just stated by Senator Geo-Karis. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted

who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none Voting Present. The Senate does adopt the specific recommendations of the Governor as to House Bill 2234, and the bill having received the required constitutional majority is declared passed. House Bill 2310. Senator Grothberg is recognized for a motion.

SENATOR GROTHBERG:

Thank you, Mr. President, fellow members. Those of you who recall, 2310 was the...a Christmas tree ornament in the closing days of the Session regarding township government and some of the things regarding township assessors, the return of their books. The Governor has corrected the technical errors in it, and the specific change items have to do with the township office vacancies and the populations of the counties in which it's involved raised to... under a million and the...the persons appointed shall hold their office until successors are elected at the next regular scheduled election under a million...that would be over a million...in townships under...counties under a million the...the appointee fills out the term regardless of when the election comes. It's a good amendment. The township officials are all for it, and I move that we adopt the Governor's specific recommendation for change.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Totten.

SENATOR TOTTON:

Thank you, Mr. President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Totten.

SENATOR TOTTON:

Senator...Senator Grothberg, is it my understanding that under the bill as we passed it a vacancy in office that was

HB 2310
Amended
See

created a hundred and twenty days prior to the next election would have to be filled by a special election and that the amendatory veto would say that that vacancy could be filled for the remainder of the term and not require a special election?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBERG:

I think you're correct, Senator Totten.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

Is it possible to have more of a think...more than a think? Could we have somebody know what...that actually does?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBERG:

I will read to you the net effect, you have the message, of course, in front of you. I'm not reading from the message, I'm reading regarding township office vacancies. In townships of five hundred thousand or more, persons appointed...he changed that number to a million. So, it's now in townships of a million or more, which would be Cook County, persons appointed shall hold their office until successors are elected at the next regularly scheduled election, such as a municipal election.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

Thank you, Mr. President. How many townships are there of a million or more?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBERG:

It's in counties of a million or more...townships in counties of a million and up. It's one county, it's Cook County.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Totten.

SENATOR TOTTEN:

Okay, then you're saying in counties...I'm reading the same analysis, I think, that you are but I'm confused. The analysis says, in townships under five hundred thousand, persons shall hold their office for remainder of unexpired term. The Governor's amendatory veto changes population limits to a million, and it doesn't say anything about counties, it just says townships. It should be counties but it says townships.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBERG:

I don't have the original bill. I'm sure that it's a typing error by our staff. If we can get somebody to confess to the sin.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg. Senator Grotberg. Are you ready to proceed with your motion? The Chair has examined the legislation and the...and the specific recommendation, and the reference is to counties and townships in counties of over one million. Senator Grotberg is recognized.

SENATOR GROTBERG:

Thank you, Mr. President. If that solves the question of Senator Totten, I would...again, reiterate that we do adopt the specific recommendation for change.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. I...I wanted to help clarify that point by

pointing out the language, because I think it is correct. I'm a hyphenated co-sponsor of the bill and I think that the...although one of the proposed amendatory changes is a substantive one and I disagree with it, I don't disagree with it violently, and I think the rest of what is in the bill is extremely important as Senator Grotberg has said. So, I would concur with accepting the recommended changes.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, would either Senator Netsch or Senator Grotberg be able to answer this question I have? My understanding the way this...bill has now been amended is that if there is a case of a township assessor, for example, being elected to another office in, say, take my county which is less than five hundred thousand population. If there's a township...assessor already in existence and he gets elected to the county board, are you saying then, under your bill, he would be able to stay in office as township assessor?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTBORG:

This has nothing to do with duplicate service. It has to do with the vacancy of the position that he would be leaving, I would presume, to go to the county board. Other Statutes cover the duplicate service which we have forbidden from time to time and there is still case law on it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, what I'm driving at, Senator Grotberg and Senator Netsch, is this. In my county, which is less...fewer than five hundred thousand people, if we have an assessor who leaves...who is still an assessor or he dies, let's say, what

happens, I mean, who selects his replacement? I don't quite understand the amendatory veto. It says it changes the population limits to one million people. Does it mean that any county with fewer than a million people would just let an assessor stay in office, for example, if he had another office, or...how...how is the office determined to be reelected if he dies or if he has another conflicting office? This is what I don't understand.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotberg.

SENATOR GROTEBERG:

Thank you. As the sponsor of the bill to make all township government hereditary, I am an expert on this subject. The...the town board, Senator Geo-Karis, appoints to fill the vacancy. And the numbers have been changed to a million from five hundred thousand, so Lake County is under a million. And in the case of townships in counties of under a million, the appointee shall hold the office for the remainder of the unexpired term even if there is an election in between.

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...discussion? Senator Rhoads.

SENATOR RHOADS:

Mr. President, if I may clarify the situation a little bit further for Cook County, suburban Cook County legislators, we aren't going to help...those of us who want to avoid the expense of special elections aren't going to help our cause by voting No on this bill. We're in the same boat that we were before this bill came down the pike. The Governor specifically says in his Amendatory Veto Message that he raised the population threshold in order to spare the smaller counties of the expense. Now, suburban Cook County townships will still have that expense but we...we have that expense anyway. So, I would urge support of Senator Grotberg's motion and urge a vote to adopt the amendatory veto.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berning.

SENATOR BERNING:

Thank you, Mr. President. There is one...one aspect, however, of this amendatory veto which is somewhat distressing, at least to me, and that is the one which reinserts the present April 15th deadline for the returning of the books by the assessor. Now, I submit to the members of the Senate, this is a problem that's going to be compounded for us, I believe, by subsequent action when we get down to another bill. The assessors cannot return their books in a timely fashion when they are overburdened with the delayed receipt of the books, which is the result of the Board of Revenues action. Now, if we retain the April 15th and don't allow any latitude here, and then assuming that in subsequent action we require the assessors, as they are required by law, to establish a thirty-three and a third percent valuation, we are giving them a rather impossible charge. I believe that that portion of 2310 is indefensible; that we ought to have retained the provision as in the originally passed measure. I think the Governor was ill-informed on that particular point, and for that reason, I would have to...oppose the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. If I may respond to the point that Senator Berning has raised. Senator Berning, I think we actually agree with you. One of the problems is that we had changed another bill exactly as it originally was in this bill. That is where we gave the assessors, in effect, enough time from the moment that they received the assessment books. The Governor has already made that revert to the April 5th deadline. The Legislature has already accepted that change,

and so, we are really put in a position where we have no choice. It's going to end up reverting to that original language anyway. In our judgement, the Governor misread the reason for our amendments along those lines, and I think we will have an opportunity to address it anew next Session. But at this moment, he has left us with no alternative.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Grotberg, did you wish to close? Senator Grotberg to close.

SENATOR GROTBORG:

Thank you, Mr. President. Regarding the last topic, I'm informed that the township assessors organizations are meeting with the Governor in the next few days after we leave town to bring legislation forth next year to resolve that April 15th when the books are due, the hundred and twenty days, et cetera. So, we will be having some action on that. I simply close in asking your support for the amendatory language.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall the Senate adopt the specific recommendations of the Governor as to House Bill 2310 in the manner and form just explained by Senator Grotberg. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none Voting Present. The Senate does adopt the specific recommendations of the Governor as to House Bill 2310, and the bill having received the required constitutional majority is declared passed. House Bill 2356. Senator Gitz is recognized for a motion.

SENATOR GITZ:

Mr. President and members of the Senate, I move that the Governor's specific recommendations for change as applied to House Bill 2356 be approved.

*HB 2588
Spec. Recommendation
for change*

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The motion is to accept. Is there discussion? The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2356 in the manner and form just stated by Senator Gitz. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none Voting Present. The Senate does adopt the specific recommendations of the Governor as to House Bill 2356, and the bill having received the required constitutional majority is declared passed. In the case any of you are wondering what we're going to do after we do the last printed motion, three additional motions have been filed. They are House Bill 991 by Senator Degnan. A motion has been filed on House Bill 2102 by Senator Savickas, and a like motion has been filed on 2485 by Senators Grothberg and DeAngelis. Those motions have been filed but are not on the Calendar. 2588, Senator Grothberg. Senator Grothberg is recognized.

END OF REEL

REEL #2

SENATOR GROTEBERG:

Thank you, Mr. President. I would ask for an expression from the Body, if they want the long explanation of 2588 or the short one. In brief...in brief, the corporate community of Illinois has been brought together with several major exceptions, of course, numerically, but in general, to find a resolution to the...combination unitary tax concept and through the conciliatory language for specific change the Governor has done the following. It limits combined reporting by unitary business to domestic combination only, but still exclude world-wide combination, an action that reduces the fiscal impact upon the State; provides a needed definition, for the first time, of unitary business in the Statutes so that farms are not...dependent upon the local auditors or the director of revenue to be judge and jury over everything they do, taxwise, as they apply for unitary consideration. It allows for the transfer of products from Illinois farms to their foreign divisions or subsidiaries without what amounted to double taxation under the language of the bills as the inventories were passed back and forth between those divisions. And it revises the handling of foreign dividends by U.S. farms in a manner consistent with the U.S. Tax Code. There could be a million questions or no questions. I simply move that we do accept this splendid middle ground that the Governor offers in the area of unitary taxation for corporate income tax in the State of Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. There is one major problem with this splendid middle ground and that is that it all came by way of amendatory veto. The Governor had ample oppor-

tunity to make his input during the course of the Legislative Session when the Legislature was working on this very complicated subject of combined apportionment or so-called unitary taxation. Instead, he chose to sit on the fence, silencing the Department of Revenue and others who might have helped us and rewrote the bill after the Legislature went home. This is one of two examples of what I consider to be an arrogant user patient of power on the part of the Chief Executive. And in my judgment, and...I don't even totally disagree with everything he did in the amendatory veto, but he had no right to legislate after we had left Springfield, and that is exactly what this bill does, and let me quickly explain why. The bill that the Legislature passed, by very substantial vote, prohibited combined apportionment. This bill permits combined apportionment, limited to multistate not multinational, but it nevertheless, it does exactly the opposite of what the Legislature by very substantial votes decreed. Second, the bill that we passed had nothing to do with foreign dividend exclusion, that is a new provision which was put in at the amendatory veto stage and which is estimated to cost the State Treasury perhaps forty to fifty million dollars on an annualized basis. Next, the Governor added, at the amendatory veto stage, the provision for intracompany sales. It may or may not be a good idea. It is certainly going to be a costly one, although we could get no revenue estimate at all from the Department of Revenue, but the point is, it was not there at all in bill that the Legislature passed. You may agree or disagree with the particular provisions that are in this revised bill. The point is that it is a bill that is extremely different from what this Legislature passed. The Governor is using his amendatory veto to legislate, to wait until we have gone home and then to make major policy decisions. There is no doubt in my mind that if this bill is challenged, and I...I recognize it's

going to pass overwhelmingly, but if it is challenged and the courts do not get weak-kneed on the extent of the Governor's power, this bill is going to have to be invalidated because it is exactly the opposite of what the Legislature decreed it wanted done on this very complicated issue. For that reason, not because I disagree with all of the provisions of the bill but because I consider it an arrogant abuse of authority on the part of the Chief Executive, I'm going to vote No.

PRESIDENT:

Further discussion? Senator Rhoads.

SENATOR RHOADS:

Mr. President, I'll be supporting the bill, but I...I do have...do feel compelled to say that...some of Senator Netsch's comments are...are well taken. Without soring to the...rhetorical heights that she did, I would simply like to make a suggestion as an outgoing legislator that this problem ought to be addressed in a Constitutional Amendment to undo the damage done by Con Con and put tighter restrictions on the amendatory veto process, but it...this bill, given the environment that we're in, ought to be supported.

PRESIDENT:

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. As the hyphenated sponsor of House Bill 2588, the short version I will give at this time that I'm in support of the amendatory veto.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the comments that...made by my colleague on the other side may be quite true except that in ten years that I've been the House and Senate, I have seen amendatory vetoes prior to this

administration where the bill wasn't even recognized, and I think the Governor has tried to keep jobs here. And I have many people like Abbott Laboratory, Travenol and others who are in favor of this...the amendatory veto and I support it.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. That...I concur with Senator Rhoads. Ever since this amendatory veto and the framers of the Constitution in 1970 in their wisdom, now I think that many of us see what a big mistake was made. And for the examples that Senator Netsch just alluded to, I will be voting against this bill.

PRESIDENT:

Further discussion? Is there any further discussion? Senator Grotberg, do you wish to close?

SENATOR GROTSBERG:

Thank you, just a word in closing, fellow members, Mr. President, the Revenue Department indicates that there was a net revenue gain, that is the unknown figure, but is a net revenue gain to the State of Illinois under this bill. And that you should also remember with...if we fail to pass this bill, everything is back in the courts resting upon the big Caterpillar decision, and that could go another ten years before dollars flow to Illinois from the existing situation. I would rather have it in the treasury and have it the way it is as a result of this, and I urge an Aye vote for the Governor's specific recommendation for change in House Bill 2588.

PRESIDENT:

Senator Netsch, for what purpose do you arise?

SENATOR NETSCH:

Point of order, personal privilege, or whatever it takes to correct one thing that Senator Grotberg just said. We had

the Department of Revenue before us in our hearing yesterday, they made no such statement about net revenue gain to the State of Illinois.

PRESIDENT:

Senator Grotberg.

SENATOR GROTBORG:

Well, I know you too well, Madame Netsch, Senator Netsch, my distinguished colleague, to infer that I was misled. The Director of Revenue, who is sitting over here on the sidelines, told me an hour ago that there is a net revenue gain for the State of Illinois. Your hearing did not get that from him, I got it from him, it's a direct quote. If you care to question his words or let him speak for himself after we take the roll call.

PRESIDENT:

Question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2588 in the manner and form just stated by Senator Grotberg. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 5, none Voting Present. The specific recommendations of the Governor as to House Bill 2588 having received the required constitutional majority vote of Senators elected are declared accepted. House Bill 991, Mr. Secretary. Yes, Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

Thank you, Mr. President. A point of personal privilege.

PRESIDENT:

Yes, Sir.

SENATOR PHILIP:

In the north gallery is the Superintendent of Education Service Region, Jim Smith, from DuPage County, and twenty-

five superintendents. I wish they would please rise and be recognized by the Senate.

PRESIDENT:

Will our guests in the gallery please rise and be recognized. Welcome. On the Order of Specific Recommendations for Change, House Bill 991, Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 991 in the manner and form as follows. Signed, Senator Degnan.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. 991, as you all know, was the tax on tax abolition for utility bills in this State. The Governor, in his campaign last summer, with nothing to do one afternoon called a press conference, spoke on the bill, invited none of the sponsors, moved the effective date up to immediate effective date. I move we accept his specific...recommendations for change.

PRESIDENT:

Any discussion? Is there any discussion? Question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 991 in the manner and form just stated by Senator Degnan. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none Voting Present. The specific recommendations of the Governor as to House Bill 991 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Savickas, 2102. On the Order of Specific Recommendations for Change there is a motion filed with respect to House Bill 2102, Mr. Secre-

tary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 2102 in the manner and form as follows. Signed, Senator Savickas.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, the Governor in his amendatory veto narrowed and made consistent the definition of armor piercing and metal piercing bullets in both Senate Bill 1519 and 2102. And where 2102 would only apply to handguns, he made it consistent with 1519 in all firearms. So I would move its acceptance.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2102 in the manner and form just stated by Senator Savickas. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are 2, none Voting Present. The Senate...the specific recommendations of the Governor as to House Bill 2102 having received the required constitutional majority vote of Senators elected are declared accepted. (Machine cutoff)...the Order of Specific Recommendations for Change, a motion has been filed with respect to House Bill 2485, Senator Grothberg. Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 2485 in the manner and form as follows. Signed, Senator Grothberg and DeAngelis.

PRESIDENT:

*HB 2102
Amendatory Veto*

Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President, fellow members. We have had all of the difficult bills, now we come to a simple bill, a bill that simply verifies what most of us have been telling our constituents at least for a decade that we would like...local governments to be more responsible or to accept the responsibilities that are theirs by definition, and that we, the big government in Springfield, do not wish to run their daily lives in every event. About a hundred years ago in 1870, the concept of equalization of real estate assessments was recognized on multicounty jurisdictions, and ever since then, in one form or another, we have had a State-wide multiplier to bring that into effect. Most of these laws and regulations were written and created in the days before computers, before all of the...access of real estate information that's now available to every county, it's available in the State offices simultaneously from the various county recorders. And I submit to you, Ladies and Gentlemen, that the amendatory language that deletes the effect of the multiplier while keeping the multiplier is a very logical and very honorable conclusion to what we have been saying privately and publicly for so many years that the real estate taxes are driven by the multiplier, and that local officials have not had to face up to the responsibility of equalizing their own assessments. You have all read and heard in detail what the bill does. The arguments, the lobbying by the interest groups has been tremendous. I would simply urge that we adopt this language of change, and those of you who wish to enlighten me, I will listen to your speeches. If there are questions, I will try to answer them, but in the interest of time and the people, this is a logical, logical way to return government to the local counties and townships where it belongs and let them work at upgrading that process.

I move for the adoption of the language.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to this motion. I urge a No vote on the motion to adopt the amendatory veto. I have distributed to all of you, my colleagues, a letter sets forth four...I'm sorry, three reasons. The ones that I think we have all heard about the most is the impact of this bill on our schools. It is true. We have schools, I represent a school district along the north shore, a lot of people think those are rich districts up along the north shore, that's not true. They have budgetary problems just like everybody else. One of the reasons that the people in those districts live there and pay a substantial portion of their real estate tax bills towards their schools is because of their commitment to provide public schools that provide quality education. A Yes vote to any school district that meets that description, and there are many throughout this State where the parents want quality schools, a Yes vote will, in fact, say, we don't care what you what to do, Mr. Taxpayer, we don't care what your commitment is, Mr. Taxpayer, for the quality education of your children. We don't care elected school board member, that you're willing to levy the taxes that are necessary. We are going to decide down here in Springfield what is the best way to run or ruin your schools. That is not representative government, I would submit to you. Some of us have heard, and I don't think there's been enough attention given to the impact on our community colleges throughout the State by the effect of this bill. They will be decimated because of the substantial amount of their revenue that comes from local real estate taxes that cannot be substituted by any existing means of State subsidy, so, that what you are in fact doing in many

community colleges is saying, close your doors, if you vote Yes on this bill. This bill should not be supported because it has not been given the kind of attention that it requires...this has been done by amendatory veto, but for the couple of hours that Senator Netsch and her Revenue Committee gave to proponents and opponents last night, there has not been adequate evaluation of the language, and there is a substantial difference of opinion of interpretation among those people, including school board members, administrators, State agencies and the State Board of Education as to what this language, in effect, does. I also suggest to you that we are fooling somebody if you vote Yes because, in my opinion, an evaluation of all of the court cases dealing with amendatory veto, the Governor has gone far, far beyond his power in amendatory veto. This bill as it left the Legislature dealt with the requirement that...local assessors couldn't shift real estate classified property to personal property and visa versa. It amended, in a minor way, four sections of the Revenue Act. As it's presented up to us today, it now amends nine different sections of the Revenue Act and adds a totally new section. This is a new bill. That's beyond the power that Article IV Section 9 grants to any governor under the amendatory veto. We are kidding the taxpayers if we're going to vote Yes and tell them that this is an effective way to cut local real estate taxes. I want to quote Senator Grothberg, to those of us from Cook County who are concerned about property tax reform as I think we all are, I certainly am, "This bill keeps the multiplier," that was Senator Grothberg's words. We have distributed in Cook County under the...auspices of the Democratic Party petitions that call for the elimination of the multiplier. I suggest to my colleagues on the Democratic side of the aisle, particularly from Cook County, that this bill does not do what our voters voted for and what they signed petitions to do. The only

responsible action I would suggest is a No vote and address this in a responsible way with revenue from the State to take the place and to keep the programs going while still providing adequate tax relief. I urge a No vote.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. All of us have been lobbying intensely on this bill, in fact, on one occasion last week I felt like President Mubarak at a barmitzvah. I invited those people who expressed opposition into my office and I had to reschedule the place and hold it someplace else. There's a couple of points I would like to address on this particular issue though, from those very people who were in my office. It's been charged that this amendatory veto was politically motivated, and it might well be true that it was. But, the charge is because there was a response to a political charge that we in this General Assembly are in fact responsible for the increases in property taxes. Now, I would hope that we would not vote for this on that simple premise and on the political charge, because the motion has quite a bit of substance in it. If anyone would bother to check with the Department of Revenue they will find out that the tax...property tax extensions for 1981 were 5.3 billion dollars, more than the sales tax and the income tax combined. Thirty-four percent of that amount or roughly 1.7 billion was multiplier driven. Now, I'm not going to debate the merits of whether local government spends money properly or not, I think most people are responsible, but the problem is if that 1.7 billion had been collected only from those people that were underassessed or improperly assessed, then I think you would be fair in calling the multiplier an equalizer. But in reality, this is collect also from people who are properly assessed, in fact, in greater numbers than

those people who are either improperly or underassessed. So what we really have is not an equalizer but an inequalizer, and the real issue in terms of abolishing the multiplier is simply equity. And I don't think anybody in this Body...if the State income tax which everybody understands, and unfortunately, a lot of what goes on in the property tax is because people generally don't understand it, if we had the same type inequity in the State income tax, you couldn't get enough lights on that board to correct it. Now, I can understand intense lobbying. I can even understand fear, but I cannot understand hysteria. In the very school district that my children attend, the superintendent of schools sent three letters to the homes of the parents indicating what he perceived...no, not what he perceived, that what he in fact indicated. And, Senator Berman, I want to tell you, I don't mind you putting this out because you have the right and you're a pretty classy guy, but I want to tell you, what you have here is an assumption, not a fact. He put down, this particular superintendent, the immense loss for next year, the fact that class sizes will be increased to forty, that great programs will, in fact, be disbanded. This action has no affect next year. When I called to correct it, the second letter came out with the same untruths. Now, if the assumptions are correct, and there are serious questions that there are, then their assumptions of the potential losses only...only tend to show the degree of inequity. And I think what's most disturbing to me is that there are remedies under law right now that none of these people, particularly in my area, have ever chosen to use, and let me point out a couple of them. Lake County has a multiplier of one. It didn't happen by accident, it happened because they sought remedy under the law. Champaign County hauled their assessor into court under Chapter 87, and within a week he was back doing his job. Now why does this not remedy...this remedy not pre-

vail? It doesn't prevail because the multiplier works to the advantage of the people who are using it. And I will tell you the most disturbing part about it, there's been a strong commitment on my part and the part of many other people to do tax reform. We've been tipped off already that there's going to be an amendment coming up to freeze the multiplier. Well, freezing the multiplier only freezes the inequity, and if we're going work on meaningful tax reform, we ought to at least do it on an equitable base to begin with. Because if we do, in fact, raise the State income tax, which I will go on record right now as I have before my campaign of doing, and reducing the property tax load, why should we give tax relief to those who in fact are enjoying it already because of underassessment and giving it in the same degree to those who are already being charged more than they should. In closing, what I'd like to say is, this multiplier is...is a myth, it's not an equalizer. And I can understand the school districts wanting to live with the devil they know rather than the devil they don't know, but I think in the sense of fairness and the amount of dollars involved and the load we are putting on our people, we ought to really take the perfume off the pig.

PRESIDING OFFICER: (SENATOR DONNEWALD)

There are fourteen more Senators that wish to address this issue. We are multiplying by the minute. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I was intrigued, if I might start, by something that I just heard Senator DeAngelis say and that is that the multiplier is not an equalizer. At the hearing yesterday, the only justification we were told for the so-called multiplier is equalization, and if it does not indeed achieve that then it seems to me...where are we...and where is the argument of those who have been taking this

position. I think the important point is that this bill does not abolish the multiplier, that has already been called attention to, I think it needs to be repeated. It will continue to be computed. It will be applied to the distribution of school aid. It will be used, presumably, to help the overlapping tax district problem. It will simply be "neutralized" with respect to the amount of money that can be raised from property taxation by local units of government. I think it is important to recall again that until yesterday this proposal had never been heard in the Illinois General Assembly. The bill was indeed introduced in the, strangely enough, Democratic controlled Senate, not in the Republican controlled House. And I finally set it for hearing on the last Revenue Committee meeting of the Regular Session but the sponsor said, no, we don't want it heard. Every opportunity was given to give this bill the kind of...of very extensive airing that it needs to have, because it is a very dramatic change in policy in this State. That opportunity was declined and the bill did not emerge really until the agenda-tory veto procedure. Not suprisingly, yesterday, there was only one witness in favor of the bill, Director Johnson of the Illinois Department of Revenue. Other citizens had an opportunity to show up, they did not. But every unit of local government in the State of Illinois, I would suggest, bar none, was there or represented there begging us, do not do this to us without a long period of planning so that we can accommodate. Thirty-four percent of the assessed valuation base of the State is due to the multiplier, that will be wiped out. To the schools, it's about six hundred and forty million dollars. The Governor keeps...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator...Senator...

SENATOR NETSCH:

I will close in just a moment.

PRESIDING OFFICER: (SENATOR DONNEWALD)

No...no that isn't it. Senator Grotberg, for what purpose do you arise?

SENATOR GROTBORG:

I...a point of personal privilege, I want her to continue her splendid address, but as she corrected me in the last bill, I want to...correct her before she goes any further on the point that this exact bill was offered as amendment on this Floor to a bill and it was defeated 28 to 24. To say that it has never been up before is not quite as accurate as it should be.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator, that could be made in your closing remarks. Senator Netsch, you may continue.

SENATOR NETSCH:

Yeah, thanks, John. I would remind you that that came on June the 28th after the opportunity to have a hearing on the bill had been declined, and that is precisely what I said. The bill has never been heard in either House of the General Assembly until a...an eleventh and a half hour hearing that I held yesterday, just so that people would have an opportunity to spread their views, objections or otherwise on the record. What most of these local government units were saying to us yesterday was only the Governor believes that the assessors are going to raise that assessed valuation within less than a year's time to thirty-three and a third in every county. No one else believes that that is going to happen because it has not happened to date. If it does not happen, then the money is lost to the units of local government and they are not given any way to make it up. If it is to be taken away from them, the least that the Governor could have done was to have had the courage to propose how that money was going to be made up to them. If not, then it seems to me he has the obligation to file the lawsuit in every county trying to man-

date the assessors to do what literally the law does require them to do, and if he is unwilling to do that, then he certainly has the obligations to come up with the cash that they are going to be denied if this goes through. Finally, let me call attention again, and I would have preferred to make my impassioned speech on the amendatory veto with respect to this bill because this is much more flagrant than the unitary bill. Again, we have a Governor who does not offer his proposals to the Legislature, except admittedly, Senator Grotberg, as an...an amendment on June 28th without the bill have...ever having been heard, who, after we go home, takes a bill that does not have anything to do with abolishing the multiplier and rewrites it so that it can achieve his political purposes. I have a marked up copy of this bill putting on the Governor's changes on the bill that we in the Legislature passed, it is unrecognizable. That is not what is permissible under the amendatory veto, however, those...however undefined that line may be, and if I may just quote one sentence from a Supreme Court decision, "While the power," the power of amendatory veto, "has not been given precise boundaries in these cases, it is possible to say that the power does not extend to the point where the Governor may make a substitution of completely new bills, nor does it extend it to the point that it may change the fundamental purpose or...purpose of the legislation...the fundamental purpose of the legislation nor make substantial or expansive changes in the legislation." That is the limit that we know. The Governor is not the Legislature. He has certain carefully circumscribed legislative responsibilities circumscribed in the Constitution. He does not have the right to make the laws of this State after we have left Springfield by use of his amendatory veto, whether the purpose to be gained is political or otherwise, he does not have that power. This is an abuse of that power. It is an insult

to us in the Legislature, and I would strongly suggest that if this motion passes now, that those groups who are concerned about it take it to court, and I would guarantee you you are going to win that lawsuit. If not, I will lead a motion...a movement to abolish the amendatory veto. This is a total rewriting of what we did in this bill, 2485. We should not let the Governor legislate in our stead.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berning. Senator Keats. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'm in favor of this bill because what it does, it finally brings some equity to the rest of the State. We're suppose to have in uniform assessments. And what do we do? We have the fourteen counties that follow the law in assessing at the mandated thirty-three and a half percent level. Then we have a flock of other counties that won't do it either by the sweetheart deals or what have you. I think it's basically unfair to tax the rest of us. We assess a thirty-three and a third percent in Lake County, we have multiplier one. I feel the multiplier is a disgrace. I think it should be eliminated, and I think the Governor's amendatory veto should be sustained because it will finally give some tax relief to the property tax owners that we've been promising them for years. And I'd like to call your attention to the amended...to the advisory referendum covered in Cook County, it passed to eliminate the multiplier by a vote of seven hundred and seventy-six thousand five hundred ninety-six to four hundred and thirty-three thousand. Every township voted for it including...including Chicago. And I think it's only time that we remember the taxpayers are fed up with the excessive taxes. I'm sure we will take care of the schools, I'm not against schools. I'm in favor of the amendatory veto.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will. If...if you're the sponsor.

SENATOR HALL:

Let me see. Senator Grotberg, since you are the designated hitter for the second floor, I want to ask you, will this abolish the multiplier?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nimrod. Senator Grotberg.

SENATOR GROTBERG:

Thank you. That was a question, will this abolish the multiplier? No. The multiplier is still in effect for purposes of multicounty jurisdictions, school districts and college...community college.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Hall.

SENATOR HALL:

When it also computes school aid?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBERG:

That's...that's the major reason for it being retained.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Hall.

SENATOR HALL:

Well, I'd like to talk to the...to the bill, and there's no doubt in my mind that this amendatory veto was political. And, Senator Berman, I want to congratulate you and rest assured that what you say is not an assumption, it is a fact. Now, here we are standing here going to ask all of these units of government, school districts and everything to make

it on their own, take away everything at the eleventh hour for them. I'm going to be very brief. I just want to tell you this, that this is a tragedy and all that I'm asking everybody on this Floor is that we should give this a No vote and give House Bill 2584 amendatory veto the death nail it so richly deserves. Thank you.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Johns.

SENATOR JOHNS:

Well, before President Rock speaks and defines what has taken place in Chicago in the way of a referendum on the abolishment of the property...I mean of the multiplier, I'd like to make it clear to those on this side of the aisle that are using that referendum as maybe something to hang their hat on to vote for this bill. I'd like it understood that we downstaters, where we have a great community college system, where we have an outstanding educational network that we're very proud of, but this will affect both that and local and other taxing districts and bodies. This just doesn't affect education, it affects other taxing bodies. Well, what I want to explain here to those of my friends of...from Chicago, the City of Chicago, 'cause this does not affect the City of Chicago, my understanding it does affect the school districts, but the City of Chicago per se is not affected by this bill because of home rule unit. But let me explain my feelings to those from Chicago who might vote for this bill, if you do vote for this bill, it has been explained to me over and over that the referendum in Chicago, which passed by 3 to 1 was, do you favor the abolishment of the multiplier? They didn't ask any other specific criteria. And, yes, they voted for it because they thought it would be tax relief, 3 to 1 they voted for it, but this bill does not abolish the...the multiplier all the way through. The State has the inherent ability to come back in and set some of those fig-

ures and that must be understood. So, don't hang your coat on that referendum but realize that you might be destroying one of the greatest community college systems this State has ever founded and which has perpetuated our young people into new...new strata of living. I urge you to...reflect very seriously about voting for this bill. I think that you got to realize that it is forcing upon counties downstate more local needs for raising revenue when they're already strapped. We have many of our counties in the red, my gosh, you know and I know we're in a depression whether you want to realize it or not, not a recession but a depression. And I say to you, I...applaud Dawn Netsch for holding the hearing yesterday. Out of a packed, standing room only hearing room full of people from all over the State of Illinois, not but one, not but one, stood up for that bill that we're voting on today, that was Tom Johnson, Director of Revenue. Every other single entity, all the taxing districts spoke against it in a three-hour testimony. Now you got to remember that there's a message there, that these people are pleading with you, don't set us in the bottom of the pit immediately. Don't put us there today, give us time to work this out. And I think that's what a downstater, like me, is saying to you from Chicago, don't put this burden upon us immediately. If you're going to do it, give us a little more time. Thank you, very much.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nimrod.

SENATOR NIMROD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think what...we all have some very serious concerns about tax relief and we have certainly some very deep concerns about this particular bill. And we know that when we in the Legislature are faced with an issue, sometimes the terms and the conditions, are not very clear cut. I think

that the schools have some very serious concerns and you should be alarmed and very worried about what's going to happen. I think the parks and libraries which are affected by this are very much involved. There's been talk about putting a limitation on local government's ability to tax, it's the only units of government here that really has not done the job that should be done. But we must look at what the conditions are today and what we're faced with and what we're faced with at the particular moment. At this particular moment, we're faced with a decision of...whether or not we want to provide any real tax relief or not. And it's too bad that it has to come under the circumstances of where I find myself on both sides of the issue. I stand very strong on Senate Bill 1521, which is right here on 3rd reading. I think it's a very viable alternative if we really wanted to give some tax relief, but we find that that bill is impossible to move at this particular moment because of this particular situation, and maybe some other alternatives that are coming up. I find that we cannot, in fact, say to the schools, we know you will not be hurt. We can't say to the libraries, we know that the Legislature will not act on the issue of tax relief or put a limitation on local government's ability to tax unless they're driven to the wall until the last minute, the Legislature then will react. Now, I am convinced that if this should pass that there is a one year hold harmless provision...and that in this particular bill is...maybe the sponsor can clarify it before I go ahead. Do we still have the one year hold harmless provision in this particular bill? Okay. That means then that this will not affect us until the 1983 taxes payable in 1984. So the Legislature here is going to be faced next year, if this should pass, with the problem of coming up with some either replacement revenues or some answer to the problem. The Legislature always works under those kinds of conditions and

I am convinced that those of you that will be here will not, in fact, allow this to happen, that you will find the replacement tax. Why am I so concerned about what is going to happen in tax relief? If you want to face the issues, it's DuPage County and Cook County which are faced with the majority of this six hundred and forty-two million dollars. I know and I am assured...in the discussions yesterday with the Assessors Office of Cook County, it came out that in a bill that we passed this last year, the assessor will have no more responsibilities and force them into it but will have to go to the county board. In that case, I would just ask you for a moment whether it be the county board here or the...in Cook County, or the assessor, or whether or not we're going to see those...tax assessments increased to replace those taxes. I tell you, no. I tell you that it's going to be a real real estate property tax relief to those taxpayers. It seems to me that where we've had real estate property tax we've had...every year since I've been here we've talked about it. I was on a study commission with Senator Clark. We traveled this State, we talked about reform of property tax, those files are in the record. The Governor has a committee today studying real estate property tax relief. Nothing will be done until we're pushed to the wall. So, I am really in a dilemma, and I can tell you that the only real thing that I can see happen is that the only honest revolt that I can make is to insure that those taxpayers are going to...receive the possibility of a property tax reduction, a real reduction of some five hundred forty-two...six hundred and forty-two million dollars of which the majority of that is in Cook County. And on that basis, then you will have to react.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator, would you...

SENATOR NIMROD:

I will close. You will have to react, and the only way

that you're going to have to react, of course, next year is to come back with some massive kind of a tax as a replacement. I'm sorry that it puts in this position, but we have forced ourselves in this position and you leave me no choice but to support this particular amendment.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Lechowicz. Just a moment, Senator Rock.

SENATOR ROCK:

Excuse me, Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DONNEWALD)

State your point.

SENATOR ROCK:

Mr. President, yes, point of order. I thought the gentleman asked a question. I don't know whether an answer was forthcoming.

PRESIDING OFFICER: (SENATOR DONNEWALD)

I think he asked that question of the entire Body, as I understood it.

SENATOR ROCK:

The hold...the hold harmless?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Just a moment. Senator Nimrod.

SENATOR NIMROD:

Yes, thank you, Mr. President. Senator Rock, I had asked that of the sponsor and he indicated to me that this would be effective, as I mentioned, in...in the...this would be on the 1983 taxes payable in 1984. So under that condition, it is reported to me, there is a one year delay or a one year hold harmless provision.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Rock.

SENATOR ROCK:

That...that is absolutely incorrect, and I don't want you to...to premise your vote on the basis that somehow there's a

hold harmless for a year because it's simply inaccurate. Now you can vote on whatever basis you want, but don't represent to this Body that there's a hold harmless because there isn't.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Nimrod.

SENATOR NIMROD:

In that case, then, can we call on the sponsor of this bill who indicated that...so we can get an answer on this particular point.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates we will. Senator Grotberg.

SENATOR GROTBORG:

I think we're...thank you, Mr. President. Senator Rock and fellow Senators, the term hold harmless may be incorrect. The fact is there's no change in the next year, the existing...existing procedures stay in place. The effective date of this bill is July 1, 1983. And as they close out the 1983 assessment year, the bill that you get in April of '84 should have the reflection of this process in it.

PRESIDING OFFICER: (SENATOR DONNEWALD)

All right, Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and members of the Senate.

PRESIDING OFFICER: (SENATOR DONNEWALD)

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

SENATOR DeANGELIS:

Yes, as the hyphenated sponsor, I do want to clear up one point though. On this particular point, Senator Rock, I'm not going to try to put any words in your mouth, but the...the rhetoric would indicate to me that the implication here is that the current amendatory veto is worse because the hold harmless is not in there. When, in fact, it is better

because under the hold harmless, for next year the assessment would have been frozen, now it is permitted to flow free. So in the year '84 you will receive whatever taxes you are entitled to under the current system and not be subject to the freeze which was also in conjunction with the hold harmless.

PRESIDING OFFICER: (SENATOR DONNEWALD)

If we continue this particular system, we'll be here for a long time. The number of speakers is still at twelve. Senator Lechowicz.

SENATOR LECHOWICZ:

Is there anyone else in the Body that wants to interject anything before I speak?

PRESIDING OFFICER: (SENATOR DONNEWALD)

I hope not.

SENATOR LECHOWICZ:

Then, Mr. President and Ladies and Gentlemen of the Senate, I really appreciate the opportunity to also lend my voice in support on House Bill 2485. As you know, this matter was discussed not only in this State...it was discussed in Cook County and it was actually voted upon by the people of Cook County to express their opinion exactly what they thought in reference to the multiplier and whether it should be abolished or continued. And may I read into the record exactly what the people of Cook County voted upon. It says, "Shall the State equalizer, commonly called the multiplier, which is a number issued annually by the State to increase property tax assessments in the various counties for the purpose of equalizing local assessment practices be abolished?" In all practical effects, this bill, as amended, accomplishes that goal except for two provisions which are required when you have interaction between the crossing of county lines for educational purposes. And I believe that no one in this Body at this time or in the previous months of this Session

addressed that issue as succinctly as is contained in House Bill 2485. Cook County, the membership of the Democratic Party asked the voters to place this issue on the ballot; petitions were circulated; petitions were submitted; a matter was...addressed and put on the ballot and it passed 2 to 1 in Cook County. In almost every ward in every...in every suburban area the issue was addressed and voted upon. And it was voted upon by the people with their own volition. Yes, I circulated petitions in my area, but as far as the issue itself, I believe that the electorate of Cook County made their own choice and determination based upon exactly what was contained in the media, the support of the proposal and the opponents. November the 20th the chairman of the Cook County organization appeared on a program "At Issue" at nine-thirty in the morning on WBBM. He was asked specifically, because this matter was already addressed in the House and passed by a bare minimum number of votes in the House, whether he still supported this issue. His answer and it's a public record, yes, he said, the people of Cook County, we support it from the Democratic Party standpoint, it was on the ballot, I still support it today...till this day. I checked...I checked with the gentleman personally. He told me his record and his stance is the same. I, in all credibility, to the people that I represent that have been exposed to a increase in the multiplier, that have been exposed to a reassessment of the...of the area that we live in due to the quadrennial reassessment have been situated with a double increase primarily in our real estate taxes. In my area, this matter passed 3 to 1 without any support or any opposition from me, based strictly upon what the people in my district, in my ward, felt on the issue. And in all seriousness, and in all candor, I am here as a member of the Cook County Regular Democratic Organization, I am here as a member of the Senate due to the hard efforts and the vote of the people

that I've represented for the past number of years. I have never told them one thing and did another and I'm not starting today. And I would strongly recommend that this Senate, instead of being hypocritical on the issue, vote the issue as was addressed by the people and support House Bill 2485 as amended.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Buzbee.

SENATOR BUZBEE:

Thank you, Mr. President. This is an issue that no doubt we would all like to be able to vote Aye...that would somehow rather, in our areas, lower real estate taxes. It was an issue that was discussed in many political campaigns, including my own. I took the stance then and I continue to take the stance that from a perspective of being able to operate schools and local governments, this would be devastating. And I am voting No on the Governor's amendatory...veto for that reason if none other. However, I would like to go over the...the brief history of this piece of legislation. Senate Bill 1664 was introduced into the Illinois General Assembly in January of this year, I believe it was. At no point did the sponsor of that bill, which was in effect what we're doing here today with the Governor's amendatory veto, the same language, at no point did the sponsor of that bill request to have the bill heard in committee. We had...this is, obviously, a major change in revenue collection procedures for local governments, a major, major change, a revolutionary change perhaps. The sponsor never chose to even have that bill brought up at any time for discussion by the members of the Revenue Committee so that we could, in fact, see exactly what all of the impacts might be on...on local governments and school districts. And then on June the 27th of this year, that same sponsor, he tells me...Senator Bloom tells me it was June 28th. I stand corrected because I

thought it was June 27th. On June 28th, or approximately four days before we got out of Session, the sponsor then, Senator Bloon, chose to try to have the language of that bill amended onto Senate Bill 2381. Now, it is very confusing to me as to why the sponsor would at no point during the whole six months session ever...at no point did he ever request that his bill be heard, and then in the final closing hours of the General Assembly he stood up and tried, on the Floor of this Senate, to put it as an amendment onto another bill. Again, a revolutionary change in revenue procedures for school districts and local governments. When that effort failed, and by the way, a lot of us in...particular a lot of us on this side of the aisle were castigated severely in the...ensuing political campaign because of our responsible vote on his irresponsible action. When we were castigated severely, we said we were doing it because...for all of the reasons that I have already stated. Then over the course of the summer, again during the heat of a political campaign, the Governor of this State chose to exercise something called an amendatory veto, which was, obviously, a mistake that the writers of the Illinois Constitution made when they gave the Governor that authority. He used the amendatory veto in such a irresponsible manner...manner and in such a blatant disregard for the constitution of this State, and in such a blatant piece of political demagoguery that it...it defies any understanding on my part, unless you'd consider that this whole process is simply nothing more than just politics, and government or what is good for schools or what is good for local governments should be totally disregarded. I think the Governor has far exceeded his authority...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator, could you conclude your remarks, Sir.

SENATOR BUZBEE:

Yes, it's strange, Mr. President, that you haven't asked

anybody else to do that, and I've been up here...

PRESIDING OFFICER: (SENATOR DONNEWALD)

I've done it three times.

SENATOR BUZZER:

...a lot less time than a lot of them have. It's strange to me that we would be asked now to take part in the Governor's political demagoguery. It was alluded to in an earlier speech that somehow or other the Republican side had...had discovered that there's going to be an attempt made to freeze the multiplier. Well, Senator DeAngelis, the reason the Republican side discovered that there was going to be an attempt to amend the...the multiplier...to put the multiplier freeze on was because Senator Jeremiah Joyce and I distributed copies of the amendment that we're going to attempt to put on tomorrow. That's how it was discovered. We took it over to you and gave it to you and said, here's what we are going to do. So, we're going to attempt to address the multiplier question too by putting a one year freeze on which will give us time next year then to address the whole question of school finance and local government finance, but in the interim, this piece of nonsense ought to be sent down the tubes very quickly. Thank you.

END OF REEL

REEL #3

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Totten.

SENATOR TOTTON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I guess as a previous Senator said, this could be called the hypocrisy bill. It's no wonder that members of the Illinois Legislature or politicians in general have succeeded used car salesmen as the most distrusted profession. Let me reconstruct the scenario last spring when tax bills came out in the suburban Cook County area, collar county area and throughout the State. The outcry from most of our constituents was that the acceleration in those property tax bills was too high; that they were paying too many dollars in property taxes; that the tax eaters were beating the taxpayers, and that this Legislature ought to address itself to the question. The Governor in use or misuse of his amendatory veto did that by the proposal that is before us, and though I would agree with the lady from Cook that he has misused his amendatory veto, this is a good place to test that power by passing House Bill 2485. The Governor has purported to say that this will provide local accountability; that our assessors will be required to assess at equitable levels; that school districts, park districts, other local taxing bodies must go to the assessor rather than the Legislature to correct the inequities that the multiplier, or more properly the manipulator, has caused in our property tax bills. Unfortunately, the Governor was as hypocritical in his campaign as some others have been regarding this message. For in suburban Cook County and in the collar counties, as I

pointed out yesterday in our Revenue Committee meeting, the Governor proposed this is a property tax relief measure—not necessarily as an accountability measure. He proposed it as a means to save the taxpayers dollars on their property tax bill, and that may well have been the major reason that the multiplier referendum passed as well as it did in Cook County. I take my hats off though to the...my colleague from the other side of the aisle, who got up and said that he campaigned this fall on abolition of the property tax multiplier, because that's what the people in his district wanted. They wanted a reduction in property taxes, and he campaigned that way. His party chairman did. His party took a position on it, and he has held firm and fast to the promise that he made to the voters in his district. Many of us here are being hypocritical, because we probably did the same things in our campaign. Reducing taxes is popular and in this case right. The use of the multiplier or manipulator over the years has enabled local taxing bodies to hide behind a forced push in property taxes and allowed them the windfalls over the last few years that the multiplier has provided. It is no wonder that few taxing districts in this State today have to use the referendum to increase taxes. They have the manipulator to increase taxes. The property tax has long been billed as the fairest tax, because it gave the voters a vote or a key into what their tax bill would be locally and what it would be used for, but because of the multiplier, few referendums have come before the voters to increase taxes. And, unfortunately, those few that have, a good portion of them have been defeated. But, the voters should have the final choice in the distribution of their property...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator...

SENATOR TOTTEN:

...and if they say, no...

PRESIDING OFFICER: (SENATOR DONNEWALD)

...could you conclude.

SENATOR TOTTEN:

...if they say, no, then that should be the action that should be final. Let me point out also, that sometimes it takes a sledgehammer to correct an inequity. And, the amendatory veto on House Bill 2485 may be just the sledgehammer that's needed to correct a very flagrant inequity in the way we go about assessing property taxes in this State, and we ought to act now to correct that inequity.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Indicates he will...

SENATOR WEAVER:

Senator Grotberg...Senator Grotberg, with the acceptance of the amendatory veto, would this...would that preclude the county board of any county in this State or the supervisor of assessments from assigning a township multiplier in those townships of the county that are out of line on their assessments?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBERG:

Senator Weaver, the Statutes already provide that the boards of review in one hundred and one counties can: One, equalize individual properties, you and your neighbor, me and my neighbor. They can equalize groups of properties, such as subdivisions. They can equalize among the classes of...of property from commercial, residential, industrial; and, to answer your question directly, equalize among the townships.

And, in most counties that have a supervisor of assessments, the delegated authority is to that supervisor to equalize among the townships and they can avoid the State equalization problem now by equalizing to one and that accounts for Lake and as a rule, Kane and some other one multiplier counties.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Weaver.

SENATOR WEAVER:

Well, it seems to me that if the counties would issue township multipliers, they could correct the inequities Statewide. The problem, as I see it, is with a county-wide multiplier, you're just...compounding the inequities within the assessment districts. So, I would hope that we would accept this amendatory veto.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Jeremiah Joyce.

SENATOR JOYCE:

Thank you, Mr. President and members of the Senate. This matter had its genesis in political expediency and it has continued throughout its four or five month history. Senator Bloom offered it in late June to protect the political hides of Republican Senators; Adlai Stevenson and Thompson picked it up and kicked it around throughout their campaign, and today it is before us and will be decided on a totally political basis. Six Cook County Democrats will make their decision as to whether or not this multiplier is abolished. On the basis that it was...in large part at least, on the basis that it was on the ballot; that the chairman of the Cook County Democratic Party sought to place this on the ballot and it received overwhelming support by the voters in Cook County. Well, it received overwhelming support by the voters in my district, also; but I do not feel bound by that decision, because I think the chairman of the Cook County Democratic Party forgot to fill out what should have been the

referendum and that is, should the multiplier be abolished at the cost of closing our schools, cutting back park services, closing recreational facilities and the forest preserves, and on and on. So I submit that there comes a time when we should set aside partisan political considerations and, as difficult as that may sometimes be, and do what is in the best interest, the general welfare of the people that we represent, and I strongly oppose this amendatory veto.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President. I feel like the young boy who got off the bus with two black eyes and they asked him how he got it and he said, "A rather large lady came to sit down beside me and it was hot and her dress was tucked in the seam and I pulled it out and she hit me. And, when I saw how mad she was, I tried to put it back the way she had it and she hit me again." Sneaks up on you, doesn't it? First, I think many of the prior speakers have stated opinions under the guise of facts and some of the prior speakers have misstated. Yes, the 23rd of June we did have this before us, and I went home and was in the political campaign...castigated for offering...it...thank you...but, that's why my voice is rising. But, some of the misstatements that have flown around this Chamber, one of the prior speakers suggested that the Governor of this State should go from county to county and mandamus people, which is among the more ridiculous assertions we've heard. I'd like to address one feature of it and that is...whether the Governor has acceded his powers under the Amendatory Veto Article. I'd commend to you the Klinger Case and City of Canton vs. Crouch, the Continental Bank case. I think you'll find that the court has allowed a Governor to add new subsections to proposed legislation. I think you'll find that the court cases hold the Governor as

not limited to the material contained in the original bill, so long as his changes further the essential purposes and the intent of the legislation. Here, the changes related to the sections of the Revenue Act are necessary to give effect to the amendment, redefining the multiplier so that it no longer is a manipulator, or whatever you want to describe it, and to realize the underlined purpose of House Bill 2485, which is insuring equitable property tax collections and assessments. I think that...I think that the Governor is within...within the guided discretion of the court cases, that he can go beyond mere technical...alterations and that the underlying purpose of 2485, equitable property tax assessments and collections, is being furthered by this legislation. I think that some of the opponents have miss...have really omitted the underlying fact in the bottom line. Either we mean what we say and say what we mean or we don't, and the underlying reason for all this hassling and wrestling back and forth is because the front end of the real estate tax cycle is not being done on the square. That's the bottom line. We'll take care of the schools. Everybody in this room knows that. But, you got to get your taxpayers; no one likes to pay taxes but they will as long as they know it's being done on the square. Some of the prior speakers touched on that. The presumption is that the assessing officials aren't going to do their job on the square. Well, the first step in getting this out of politics is to force your county assessors, no matter what county they are, to do it on the square, and in a hundred and one counties in this State the county boards and the boards of review can have township multipliers and it can be done on the square. So, I would suggest to you that it is very responsible to vote in support of accepting of the motion on House Bill 2485. Thank you, very much.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio.

SENATOR DEMUZIO:

...Mr. President. I would like to ask the sponsor a few questions, if I may.

PRESIDING OFFICER: (SENATOR DONNEWALD)

You have time...Senator Grotberg.

SENATOR DEMUZIO:

Senator Grotberg, the first question I would like to ask is, what happens when a township refuses to assess at thirty-three and a-third percent? What happens if a township is assessed at twenty percent?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR DEMUZIO:

Who...Who equalizes?

SENATOR GROTBERG:

If they refuse at the township level, then the county supervisor of assessments...I'm inferring from your question that he or she also refuses, the board of review or just the township?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio.

SENATOR DEMUZIO:

A...assuming all three refuse.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTBERG:

Assuming all three, in about twenty-four hours any local taxing district can file a writ of mandamus to force legal action to assure, and with...then you deal with the courts, and then you know the fallout of that.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio.

SENATOR DEMUZIO:

Assuming no taxpayer does that.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR DEMUZIO:

What is...then what is the role of the Illinois Department of Revenue? We are not...it is my...it is my understanding taking any...any power away from the Department of Revenue to equalize assessments in the county, they, in fact, still have statutory authority to call the board of review back, they still have the power to equalize assessments. Is that not correct?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTEBERG:

They will still issue the multiplier, I think, we have all known that. It's regards to...its involvement in the School Aid Formula, but the multiplier is there, for whatever purposes.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio.

SENATOR DEMUZIO:

Does this amendatory language in any way, shape or form, change the Statute now that provides that the...Department of Revenue can equalize assessments? They can have the power to call the board of review back. If they refuse to do that, what other kinds of options are available to the Illinois Department of Revenue, assuming that the taxpayer of the county, and there is no lawsuit, at what point then does the Illinois Department of Revenue step in to...to equalize assessments?

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Grotberg.

SENATOR GROTEBERG:

I'm reliably informed that the power to do...to force the

situation resides yet in the director of Revenue. He may impose the multiplier. But, because of the nature of this language, with the divider added also, it neutralizes the effect.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Demuzio.

SENATOR DEMUZIO:

Well, the point is, is that the director of the Illinois Department of Revenue still has the responsibility or will have the ultimate responsibility as to equalized assessments and it's the same as it is right now, unless you can point out to me differently. The...if there are many townships in Illinois that refuse to assess the statutory thirty-three and a third percent and assuming that there is no taxpayer court action, the Illinois Department of Revenue, I will suggest to you, will, in fact, equalize assessments in townships. Thank you.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Berning.

SENATOR BERNING:

Thank you, Mr. President and members of the Senate. It seems that while there has been some alluding at times to the statutory provision, it just might be appropriate to read for the benefit of those of who have not, that Chapter 120 says, "Each lot, each tract or lot of real property shall be valued at thrity-three and a third percent of fair cash value." That is the responsibility of our township assessors, backed up by our county supervisors of assessments. So, I submit, Ladies and Gentlemen of the Senate that much of this rhetoric, I guess is the common term, is totally meaningless. There have been statements made such as the one by our good colleague Senator Berman, irreparable damage. Now, Senator, you know better than that; all of us know better than that. There's not to be any irreparable damage to school children,

and you say parents demand quality education. There isn't anything in this bill that has anything to do with quality education. Senator Berman, I challenge you to define quality education for this Body. Then there was the charge that this is a major change. Senator Buzbee, I submit to you this is not a major change and that we ought not to proceed with a major change. All this would be is a conforming to the Statutes that we are now supposed to be functioning under. It's putting really back on the back of local government what we have always said we thought they should have, local responsibility to carry out what is their real charge. I submit that this legislation is only a partial step in the direction of really bringing fairness and equity into the taxing system and benefits to our taxpayers. The next step, Mr. President and Ladies and Gentlemen of the Senate, will be to proceed with a total elimination of the School Aid Formula.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Gitz.

SENATOR GITZ:

Mr. President and members of the Senate, I am freed of some of the constraints that several of you have, because I don't have to worry about the political consequences. The sun has set on my service in the Senate, and for that reason I felt a certain amount of ease to say to Curt Dillard that I had an open mind in this proposition, because there is some real questions about the way the multiplier is applied. And, in fact, I would say that there are some very intriguing reasons why one might want to consider supporting this legislation. Number one, it would be certainly a clear way to have the test that Senator Netsch is anxious to have of the amendatory veto power. Secondly, it's clear...and we will have that test clearly, if it passes. Secondly, it would give the public what they want. They want this mysterious beast that has that magic ring of the multiplier. They don't

know what it is but they think it cost them money. We'll be doing the political thing. Thirdly, and perhaps the best reason, it brings the crisis to a head. I don't think there is any real way that we can avoid going through the next six months with some very serious considerations in where we're going with funding services. People can't have it both ways. We can't have the services and not have a way to pay for them. So, I believe it will bring the crisis to a head, and in some respects, it would give people exactly what they deserve, because many of the superintendents are never there, teachers or other organizations, except when they want something, they fear it. And, for those in the galleries that think that today's debate either way is going to eliminate it, I'm sorry to say I think this is just the opening salvo of some very critical decisions that are perhaps overdue. But, I would point out that there is a certain schizophrenia, which I'm reminded of Senator Schaffer's comments in which he in one legislative debate talked about the dance of the seven veils, and when they got down to the last veil, they thought they had Farrah Faucett, and lo and behold, what did they have, the Incredible Hulk. This proposition is presumably supported by people, because they think it is going to lower taxes. If it lowers that tax bill, then we definitely have a real problem on our hands, because we have a reduction in the corporate personal property tax receipts. We have an investment credit; we have reduced the State aid; we have other cuts that are probably going to be before us shortly; and I think we then have to be prepared to take the consequences of what that means to school districts at a time when we simply cannot...this proposition. But, let us consider the other proposition, that perhaps it doesn't affect revenue at all, that this is merely tax reform. I would submit to you that one of the problems that has not been brought out is this is great legislation if we want a lawyer's relief bill. Imagine

trying to mandamus throughout the various counties and townships throughout the State. Imagine, for example, since Illinois has the fourth largest debt service of all of its taxing districts combined, a school district that is trying to borrow funds in that market, with a cloud that is going to be over this legislation. Is that going to result in a higher interest rate? I think, probably so. Is it certainly going to cast doubt on their ability to repay? Certainly in those marginal considerations it will. This legislation, also, has been put before us in the guise it is hold harmless; and yet the House's motion does not include the section that would include that hold harmless, and as a matter of fact, that hold harmless is very much in doubt apparently, if it exists at all. Another real problem, because at least the hold harmless would have given us time to look at it. But, the third and final proposition that concerns me is the fact that most observers who have looked at this legislation agree that this is not complete by itself; that there will have to be further amendatory legislation, further action that will have to be taken, further problems that'll have to be worked out. This legislation before us and this questionable amendatory veto takes away, in a sense, both hands. It uses the multiplier and the new assessed valuation for calculating School Aid in the case of our school districts, and then it reduces the local amounts. They get hit two different ways. Not to mention that those community college districts, which are heavily dependent upon it; if they happen to be fortunate enough not to be at the maximum tax rate, then they can recover...

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator...

SENATOR GITZ:

...and if they are a home rule unit, they can recover.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator, you've...

SENATOR GITZ:

...but if they aren't, they're going to be set. Excuse me, I'm bringing my remarks to a close.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Thank you.

SENATOR GITZ:

My point is that I think with the time before us, we don't have to look at this as the last shot; we should have all of the facts before us, and I think we should be very mindful before we simply play the game of roulette. It conceivably can close large numbers of local school districts and pose a burden with the foreknowledge that we have absolutely no way to pick up the gap; and for that reason, I will reluctantly cast a No vote. And, I will do so with a certain amount of smugness knowing, and this is my final comment, Senator from the Chair, that the very gentleman who used this in his campaign brochures, even when he looked at it, he understood it was not a good proposition, and he had to pull in his marbles and do the right thing as well.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Bruce.

SENATOR BRUCE:

Thank you, Mr. President and members of the Senate. One thing about baloney, no how...no matter how you slice it, it still comes up baloney and that's what this bill is. It does not offer tax reform to anyone in the State of Illinois. It offers to most taxing districts and the taxpayers that reside in them tax annihilation, and I suppose that what we're doing is following in the Thompson tradition of going from one crisis to the other, so that we continue to have government by crisis, and that's what's going to happen to all the units of local government. Now, there's two parts to this bill that we ought to think about. One of them is what has hap-

pened and what is fact, and then we all have to look to the future and we have to make a conjecture as to what is going to happen. Now, the fact is...as you look around the State of Illinois, thirty-four percent of the taxes collected in this State are now based because of the application of a multiplier. That is fact; we all know that. We also know that in Cook County, for those of you who are worried about raising assessments there, no matter what happens, if this bill passes, they can't add enough money; they need a multiplier to get the thirty-three and a third. With the property classification system in Cook County, if you don't apply a one point four-four multiplier in Cook, you won't have thirty-three and a third. And, so once you take this bill, you let Cook County off because they classify property. Now, every school district is going to lose money and that's where we get into the conjecture. If the assessments aren't raised, they're going to lose their local source of money, then they're going to turn around because the Governor's application and we are still going to have the multiplier; everyone agrees here on the Floor; the multiplier is not abolished; it will be applied as if you had collected the money and then that money will be taken away from you in the School Aid Formula. Now, that's two losses, local and State; and tomorrow this Body is going to debate whether or not we ought to take another forty million dollars, two percent of the School Aid Formula funds, away from those school districts, while today we are debating whether or not we ought to take about six hundred million dollars. And, that's the total loss Statewide to the school districts, six hundred million dollars. If we don't change the assessments, if we don't change the assessments, if we don't change the assessments, that's the loss. Loss of a hundred and twenty-two million dollars in the city of Chicago to their schools, if we don't change the assessment. All right. Now, the ques-

tion comes, what's going to happen? Fifty-eight counties in this State are going to have to raise their taxes twenty percent next year to get in line. Forty-one are going to have to raise them by more than forty percent. You believe they're going to do that? All of you who vote for this think they will. I don't believe it. We know what has happened in assessments in the State of Illinois. No one can predict the future and what you're doing with 2485 is predicting that a system that has years of poor administration, years of...undertrained assessors, years of late...tax bills, years of a patched-up amended change system that goes back two hundred years, that that system within...in a period of twelve months, with a beacon shining from this Capitol dome will strike responsibility into the heart of every assessor in the State of Illinois and that next year, when he goes out with that book he is going to do good. I don't buy it. I don't buy it in Richland County in my district that the assessors that for eighty years have underassessed properties that by this act and by this Legislature and the Governor on the second floor, that we're going to strike fear into their hearts that somehow taxing bodies that reside and sit in these Chambers are going to force them to act properly. I think they're going to respond to the pressures in their local community and to the taxpayers who say, keep 'em low, keep 'em low, keep 'em low. And for those of you who don't practice law in a mandamus action, try it. Senator Grothberg, if you want to have a mandamus action against your assessor, take him to court; if he doesn't file his books you can mandamus him; if he doesn't sign off you can mandamus him; if the supervisor of assessments refuses to do an act that's ministerial you can mandamus him. You cannot mandamus a public official to do a discretionary act, and you and I can stand all day and try to assess this building in which we debate and we will never agree on what the Capitol building

in the State of Illinois is worth, and you can't do it on your home or on my home or anyone else's home. And, when you say mandamus, you mean that you are going to go out and tell that assessor a three bedroom home on a lot a hundred and sixty by a hundred and twenty shall be assessed at eighty six thousand dollars and you can't do it. What you're saying by this bill won't happen. What you're going to do is drive these people in these galleries and the people that go to schools and the community colleges right into economic ruin based on a campaign promise that was baloney to begin with. Thank you.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Keats, did you wish to speak? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm going to make a prediction; I normally don't make predictions. This bill is going to get 29 votes and it's going to go down the drain for one reason, the other side of the aisle. Now, you know it and I know it. You made it the issue in the November election. Your chairman, your assessor, your president of the county board caused it to be put on the ballot. You wanted the direction from the citizens, the taxpayers, the little guys. You got their reaction, sixty-three percent in the city of Chicago; sixty-five percent in suburban Cook. What are you going to do now? You're going to slap them in the face. You've all got very, very, short memories. The next election is two years from now. We on this side of the aisle aren't going to forget it. The majority of the Republicans are going to be where they should be and you're going to kill it. It's going to be on your head, your responsibility. If we get 4 or 5 votes over there, I'm going to be surprised. Now's your opportunity; stand up and be counted.

PRESIDING OFFICER: (SENATOR DONNEWALD)

Senator Collins, did you wish to speak? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I wish to stand up and be counted, and I do not think we're going to get even to 29, we certainly should not. This, as everyone well knows and has been said repeatedly, is an unfortunate result of an ill-conceived political campaign. It does not—it does not abolish the multiplier, and the people in my legislative district when they, in fact, voted on that proposition, voted on the proposition that they wished the multiplier abolished, period. These specific recommendations for change, I said then at the time and I say today are simplistic, because they do not contain any reference at all to the other component, the unspoken component; the component that you and I know has to be there if we are to do this. Namely, a tax increase someplace. It's going to be a tax increase at the local property tax level so that the taxes are not going to go down, contrary to political rhetoric, or it's going to be a tax at the State level that we somehow send back, and I suggest to you, just like on the Federal level, revenue sharing is a little passe' these days. I cannot see this Body or the Chamber across the hall passing money back to cities and counties across this State. It simply is not going to happen. We probably will pass some money back in the event that we have...available resources, which we currently, obviously do not have. We will pass them back to the schools, in what amount yet...is yet to be determined, but the fact is an affirmative vote on House Bill 2485, at this moment, is, in my judgment, not the responsible thing to do. The affect on the local units of government is absolutely devastating and we have made no provision —no provision to afford any bail out. The school district that is shared by Senator Walsh and myself will lose, if this gem passes, in excess of three million dollars of its available revenue, and where is that to be

made up? It's to be made up by the taxpayers in Oak Park and River Forest, and I suggest to you, that's not what they intended. We are, at the same time, as Senator Bruce so rightfully said, confronted with the absolute assurity that the existing FY'83 budget for School Aid is going to have to be cut. We are half way into the fiscal year, so the cut is going to be somewhere around four percent. It was sold very blandly as a perhaps two percent across the board, but the fact is six months money has already been spent. So we're talking about a four percent cut, forty million additional dollars coming out of those school districts. Couple that with this and, I suggest to you, you have an absolute disaster. Ladies and Gentlemen, I implore you to do the responsible thing, to leave the partisan rhetoric behind us as we did on November the 3rd and act responsibly. I urge a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Grotberg may close.

SENATOR GROTBORG:

Well, thank you, Mr. President, fellow members, each in your own way having expressed every angle that there is to this good concept, I have been listening, as I promised you I would. Only once or twice have we referred to the people, who had had it up to their neck with us, us, the Legislature. Ten years, I've been running, twelve; and everyday on the campaign trail in my office as we sit here, they blame us for the tax situation, for real estate. What the hell, we've never had anything to do with the real estate tax, and you're going to sit there and take that heat and give me the rhetoric. Holy Mackerel, fellows on the other side of the aisle, Johnny D'Arco, two to one they wanted it abolished in your ward. Senator Dawson, in your tenth ward ten...two to one. In the fifteenth ward, Savickas, Taylor, Lemke, to a man, your people want it, they wanted to get rid of it.

Senator Rock, you're one of the best debators in the world and I appreciate it, but you made one little slip, you said that there was nothing in this thing that would abolish the...the tax and that your referendum had called for it to be abolished. Where was Senator...Assessor Hynes when he had the same idea and he wanted to abolish it. At least there's a little safety net in this one. That concept had no safety net at all. I hate to get into the partisan rhetoric. I'll share part of our caucus with you, Gentlemen and Ladies on the other side. Several of our distinguished members said if we can't be non-partisan and bi-partisan in a Lane-Duck Session, when can we do it? When can we do it? We've got to do it now. We've got to kill this thing before it has little ones, because the whole concept of the multiplier...the whole...I'm talking about killing the multiplier, we've got to kill it...because it has been a cancer in the side of the taxpayer since 1870 in various forms. Are we going to come back with Band-Aids every time? Ten years of Band-Aids, I've got them up from my ankles to the top of my head. I've been on the commissions as you suggested. We had a Tax Study Commission last year and I'm sure that you will remember it. We filed twenty-seven bills, we studied it so carefully. Do you know what twenty-six of them did? They got more money quicker. That was the guts of that whole ten or twenty thousand dollars of the taxpayers we spent hearing all those wonderful things. The people simply want, they don't even necessarily need tax relief, they would understand equity. They don't need a multiplier coming down the pike. Good heavens, don't tell me that in some counties there are forty years that they have never assessed. Why in the world would Richland County, which a former speaker referred to, as..as not understanding, have a negative multiplier? They are doing a better job in Richland County than any other county in the State, Senator Bruce, if that's in your district.

But, then why are there some with five percent...five multipliers too? I'm reliably informed that there are county assessors and township assessors that have not assessed for forty years, and yet, we come down here and take this kind of heat as if we were imposing it? Let's put the monkey on the back of where it belongs, with sixty-seven hundred local units of government in the State of Illinois, each county and each township having the ability and the skills now, not in 1870 they didn't, but they've got them now. Let's do something about it. If it crashes down I have...I know we're full of school people here and all of the tax eaters of Illinois are represented today, and I'm one of them. My wife is a teacher, I understand, but I have told my local school officials, bear with us because this General Assembly has a heart, it has knowledge, it has conscience, we just look funny when you're in the balcony, but we'll be back here, we'll be back here on January the 11th, we're going to get through a Chicago election, I presume before we do anything; but we will not let the schools go down the chute. I listened to you, Sir, now please listen to me. We will not let the schools go down the chute. We will not let the park districts go down the chute. I have the list. We will act responsibly and remedially, but the first thing we have to do is, as Mr. Totten said, get the sledgehammer and ban. Let's start with tax reform and start now, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall the Senate accept the specific recommendation, as to House Bill 2485 in the manner and form just stated by Senator Grothberg. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 25, the Nays are 29. We are happy to have our guests, but please do not participate in our proceedings. On that question, the Ayes are 25,

RB 1244
Motion

the Nays are 29, and 5 Voting Present and the motion is lost. One additional...if I might...we have a...a few matters to wrap-up. House Bill ...1244, Senator Degnan. Senator Degnan has filed a motion. Would you please explain your motion, Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

...excuse me, just a...we are happy to have our guests with us, but when you...would you take your conversations and...and start them outside our Chambers. Thank you. Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. 1244, as you will recall, provides tax incentives to encourage owner occupiers of historic residences to restore or rehabilitate their property. The Governor has changed three items, mostly technical in the bill. One of them provides that a cancellation of this tax break occurs when there's a change in the property's use. The other one requires that a property be assessed on the basis of cash value rather than market value. And the third provides that all effective local government...local units of government and taxing districts have the option to participate in the Preservation of Incentive Programs. I make the motion that we accept the Governor's specific recommendations for change.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is, that we accept the specific recommendation of the Governor. Is there discussion of the motion? Discussion of the motion? Senator Walsh...Walsh.

SENATOR WALSH:

Senator Degnan, I mentioned to you yesterday that from my reading of this bill it would provide that individual taxing districts can opt out from the application of this bill,

which is not the way the...the legislation has been...has been phrased in the past, and I'm wondering if...is that correct? Could an individual park district or library district or whatever opted out of this and leave everybody else within your...all the other...taxing districts under the bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

That is correct, and if I might, I'll read from you the Governor's Message. "While I welcome the improvement this bill works in current law, I cannot approve without change legislation which deprives local authority...local authorities of a portion of their tax base without their consent." So, that is his intention.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Walsh.

SENATOR WALSH:

Well, I...I'd just like to observe, it would seem to me...I know in my own particular case I guess there may be eight different taxing bodies that levy against my real estate and not all of them are...are home rule units. But it would seem to me that it's going to put a tremendous burden on county clerks to determine which taxing body opts out and which taxing body stays in, and...I don't know that the Governor considered all of those things, but I think we may be...we may be making an extremely complex situation out of something that should basically be simple.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Degnan.

SENATOR DEGNAN:

I agree with Senator Walsh's observations, but the Governor's changes do not...alter the substance of the bill, they might cause some problems with...they will cause problems with our county clerk.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Walsh. Further discussion? Further discussion? I would just like to point out that I would be Voting Present on this because I live in a historic district. The question is, shall the Senate accept the specific recommendation of the Governor as to House Bill 1244 in the manner and form just stated by Senator Degnan. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are none, 5 Voting Present. The Senate does adopt the specific recommendation of the Governor as to House Bill 1244, and the bill having received the required constitutional majority is declared passed. Senator Gitz, as I understand it from Senator Schaffer there is a bill that must be read a second time today so that we might act on it tomorrow. It is not on your Calendar. Senator Gitz.

SENATOR GITZ:

Mr. President, just so that when this bill does move to 3rd reading, it's understood, I may assume, of the sponsor that we still have an agreed amendment to go on.

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Schaffer nods his assent. This bill was reported out this morning and is not on your Calendar. We will read it a second time today and amend it tomorrow and pass it tomorrow if...if the Body so decides. Is there leave to go to the Order of House Bills 2nd reading? Leave is granted. House Bills 2nd reading, Mr. Secretary, please.

SECRETARY:

House Bill 2517

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

Are there amendments from the Floor?

SECRETARY:

No. Floor amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. For what purpose does Senator Davidson arise?

SENATOR DAVIDSON:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR BRUCE)

State your point.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I'd like to introduce the third and fourth grade and their teacher, Rita Mack, who happens to be the wife of one of the Informational Service employees for the State of Illinois, who are here from the City Day School to observe government in action and they are standing in the...are seated in the south gallery.

PRESIDING OFFICER: (SENATOR BRUCE)

Would our guests in the galleries please rise and be recognized by the Senate. Stand up, so we'll know who you are. There you go. Is there leave to go...Senator Rock, may we go to the Order of Resolutions? All right. Is there leave to go to the Order of Resolutions? Leave is granted. Senate Resolution 692, which has been introduced by Senator Rock and all members of the Senate. Senator Rock is...Senator Rock is recognized.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. If I can have the attention of the membership, I will ask that the rules be suspended and that Senate Resolution 692 be immediately considered and adopted and it reads as follows:

(Senator Rock reads Senate Resolution 692)

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock moves the suspension of the rules. On the

motion, all in favor say Aye. Opposed Nay. On the adoption. All in favor say, Aye. Opposed Nay. The Ayes have it. Senator Mack, how about a microphone for you for one time.

JOEY MACK:

(Remarks by Joey Mack)

SENATOR ROCK:

The Chair will recognize Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I so...also would like to say so long to Joey. He's always been courteous; he's always been a gentleman, he's been a lot of fun. We're going to miss you. He told me today he was a hundred and three years old and it was about time that he retired. I don't really think he's that old, but Joey, we're going to miss you. Good luck to you.

PRESIDING OFFICER: (SENATOR BRUCE)

We've also had prepared for you, Joey, a...a little plaque, which says, "Presented to Joey Mack for twenty-one years of dedicated service to the Illinois Senate. Assistant Sergeant-at-arms, January 8th, 1969 to December 31, 1970, and Sergeant-at-arms, January 6, '71 to December 30th, 1982. Presented by the Illinois State Senate."

PRESIDING OFFICER: (SENATOR BRUCE)

I believe, Jerry Mack, his son and family, if they would stand and be recognized, joined us today. (Machine cut-off)...advise for those of you who had not...eaten lunch yet, that there's a buffet spread up in Room 400 that you are all welcome to partake in, if it is not already gone. So, I think there's still food left up there for you and...Senator...Senator Mack will join you up there, I hope, for a while. We have another honored guest, Commissioner Danny O'Brien, former Senator, former State Rep., former anything...time, Danny O'Brien.

COMMISSIONER DANNY O'BRIEN:

(Remarks by Danny O'Brien)

PRESIDENT:

Can we have some pages up front here to help distribute the Lincoln Park largess. Yes. Is there any further business to come before the Senate? Yes. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, just another reminder that there will be a meeting of the Executive Committee on Appointments and Administration, at nine o'clock, tomorrow morning. I...it will be a short meeting and I wish that you would get there because I witnessed two meetings that I was at this morning and we had to call people out of bed to have a quorum. So, nine o'clock, tomorrow morning in the...Executive Appointments in Room 212.

PRESIDENT:

Nine o'clock, tomorrow in Room 212, the Executive Appointments Committee meeting. Resolutions.

SECRETARY:

Senate Joint Resolution 115, offered by Senator Neuhouse and all Senators, and it's congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution...Joint Resolution 116, offered by Senator Kenneth Hall.

PRESIDENT:

Executive. Any further business to come before the Senate? Senator...Senator Bruce moves that the Senate stand adjourned until Friday, December 3rd, at the hour of 10:00 A.M., ten o'clock tomorrow morning. With the cooperation of the House, hopefully, we can make it a short day. Ten o'clock tomorrow morning.