

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

82nd Legislative Day

May 1, 1990

PRESIDENT ROCK:

The hour of twelve-thirty having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Prayer this afternoon by the Reverend Herbert Hubbard, Calvary Baptist Church, Taylorville, Illinois. Reverend.

THE REVEREND HERBERT HUBBARD:

(Prayer given by the Reverend Herbert Hubbard)

PRESIDENT ROCK:

Thank you, Reverend. Reading of the Journal, Madam Secretary.

SECRETARY HAWKER:

Senate Journals of Tuesday, April 24 and Wednesday, April 25, 1990.

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

Mr. President, I move that the Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer. Mr. President, I move that reading and approval of the Journals of Thursday, April 26th, in the year 1990, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Hall. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motions carry, and it is so ordered. Committee Reports.

SECRETARY HAWKER:

The Rules Committee met at 11:30 a.m. on Tuesday, May 1, 1990. The following Senate Bills were unanimously recommended for referral to the Committee on Assignment of Bills:

Senate Bill 1479, 1723, 1845, 2037, 2134, 2239 and 2255.

Filed by Philip J. Rock, Chairman.

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Senators Demuzio and D'Arco, Co-chairmen of the -- Committee on the Assignment of Bills, refers the following bills to committee:

Agriculture and Conservation - Senate Bill 2037; Executive - Senate Bill 2134; Finance - Senate Bill 1723; Judiciary - Senate Bill 1845; and Revenue - Senate Bill 1479 and 2255; and Transportation - Senate Bill 2239.

PRESIDENT ROCK:

Madam -- what've you got now? More committees? Well. With leave of the Body, those bills that were just released, we'll waive the six-day posting notice, so they can, in fact, be heard before the deadline, which is Friday. I don't think there's any objection to that. All right. Leave is granted. Committee Reports.

SECRETARY HAWKER:

Senator Welch, Chairman of the Committee on Energy and Environment, reports Senate Bills numbered 2087, 2091, 2102, 2115 and 2150 Do Pass. And Senate Bills numbered 1482, 2000 and 2111 Do Pass, as Amended.

Senator Alexander, Chairman of the Committee on Elections and Reapportionment, reports that Senate Bills numbered 1663 and 1994 Do Pass. And Senate Bill 1849 Do Not Pass.

Senator Smith, Chairman of the Committee on Public Health, Welfare and Corrections, reports Senate Bills numbered 1623, 2054, 2089, 2093 and 2108 Do Pass. And Senate Bills numbered 1577, 1850 and 1906 Do Pass, as Amended.

Senator Brookins, Chairman of the Committee on Transportation, reports Senate Bills numbered 1531 and 1550 Do Pass. Senate Bills numbered 2088 and 2094 Do Pass, as Amended. And Senate Bill 1544 Do Not Pass.

PRESIDENT ROCK:

All right. Reports Received, Madam Secretary.

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SECRETARY HAWKER:

The Senate -- received the Report on the -- Compensation Review Board on May 1, 1990.

PRESIDENT ROCK:

All right. With -- with leave of the Body, that Report will as -- as has happened in the past, be journalized, and will be referred to the Senate Executive Committee. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 991 offered by Senator Hall.

Senate Resolution 992 offered by Senator J.E. Joyce.

Senate Resolution 993 offered by Senator J.E. Joyce.

Senate Resolution 994 offered by Senator Hawkinson.

Senate Resolution 995 offered by Senator Topinka.

Senate Resolution 996 offered -- offered by Senator Dudycz.

Senate Resolution 997 offered by Senator Savickas.

Senate Resolution 998 offered by Senator Topinka.

They're all congratulatory.

Senate Resolution 999 offered by Senator Topinka.

It is a death resolution.

Senate Resolution 1000 offered by Senator Dudycz.

It is substantive.

Senate Resolution 1001 offered by Senator Brookins.

It is also substantive.

PRESIDENT ROCK:

All right. Resolutions 991 to 999, Consent Calendar. The others will go to Executive. Resolutions.

SECRETARY HAWKER:

Senate Joint Resolution 165 offered by Senator Woodyard.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar.

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SECRETARY HAWKER:

Senate Joint Resolution 164 offered by Senators Davidson, Philip and others.

Senate Resolution 1002 offered by Senators Topinka, Philip and President Rock.

It is also substantive.

PRESIDENT ROCK:

Executive. Senator Barkhausen, for what purpose do you arise, sir?

SENATOR BARKHAUSEN:

Mr. President, I would like to ask that Senate Bill 1887, which has just recently been assigned or reassigned to the Judiciary Committee, that it initially been assigned to Public Health, be heard in the Senate Judiciary Committee this afternoon, and for that reason would ask that the posting requirements be waived.

PRESIDENT ROCK:

All right. The Gentleman has requested the posting requirements be -- waived on Senate Bill 1887. Without objection, leave is granted. All right. Ladies and Gentlemen, if I can have your attention. There has been a number of requests to videotape the Senate Session, WLS-TV, WICS-TV Channel 20, and WCIA Channel 3. Without objection, leave is granted. Senator Woodyard, for what purpose do you arise, sir?

SENATOR WOODYARD:

A point of personal privilege.

PRESIDENT ROCK:

State your point, please.

SENATOR WOODYARD:

Thank you, Mr. President. In the gallery, to the rear, is a -- a school from Danville, Illinois, the Holy Family School from Danville, Illinois. And kids, would you all stand up.

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PRESIDENT ROCK:

Will our guests in the gallery please rise and be recognized. Welcome to Springfield. And if I can direct -- take the prerogative of the Chair and direct your attention to the center aisle, a former presiding officer of this Body has joined us, and we are always delighted to see the State's Attorney of the County of Cook, the Honorable Cecil Partee. Ladies and Gentlemen, if I can have your attention, please. If I can have your attention, we have with us a very special guest, that was to have been introduced in this Chamber by Senator Calvin Schuneman, who obviously is indisposed and not with us. And so he has asked Senator Rigney to do the honors. The Chair will yield to Senator Rigney.

SENATOR RIGNEY:

Mr. President and Ladies and Gentlemen of the Senate. It's my privilege to introduce a Lady from Dickson, Siberia. And she has been teaching in the Dixon school system this last semester. Her name is Nadezhda Naumenko, if I have pronounced that correctly. And at this time, I'd like to have her have the opportunity to say a few words to the Senate.

MS. NADEZHDA NAUMENKO:

(Remarks by Ms. Nadezhda Naumenko)

PRESIDENT ROCK:

Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Thank you, Mr. President. For the purpose of re-referring a bill. Senate Bill 2102 was inadvertently put into Local Government Committee - would like to re-refer that bill to the Committee on -- Agriculture and to waive the -- the -- I'm sorry -- 2101, and waive the posting rule.

PRESIDENT ROCK:

All right. The Gentleman has moved to re-refer Senate Bill

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2101 to Local Government to the Executive Committee and waive the appropriate posting. Without objection, leave is granted. Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

Well, as minority leader of the -- I mean, the minority spokesman of Local Government, it would have been nice if somebody had come over and said something to me.

PRESIDENT ROCK:

You are correct. All right. Ladies and Gentlemen, with leave of the Body, we'll move now to Page 9 on the Calendar. Page 9 on the Calendar. And I would call the attention of the sponsors, if they wish to call their measures, all they have to do is ask. That's Senators Netsch, Watson, Macdonald, Kustra, Kustra and Dudycz. All right. This is final action or will be final action if called for by the sponsor, so I'd ask the Members to please be in their seats, and I'd ask the staff to take their conferences off the Floor. Senator Philip, you want to -- introduce your -- Senator Philip, you want to introduce your distinguished guest before we get started here? You know the one I mean. Fred, I mean. Senator Philip.

SENATOR PHILIP:

All right. Thank you, Mr. President, Ladies and Gentlemen of the Senate. We have Fred Foreman, the distinguished State's Attorney from Lake County and the appointee for the U.S. Attorney for Northern Illinois, - and his lovely daughter, Melanie who has been a Page over in the House.

PRESIDENT ROCK:

Fred, welcome. Melanie, welcome. All right. Ladies and Gentlemen, top of Page 9, on the Order of Constitutional Amendment 3rd Reading, HJRCA 4. Senator Netsch. Madam Secretary, read the amendment.

SECRETARY HAWKER:

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House Joint Resolution Constitutional Amendment 4.

(Secretary reads HJRCA No. 4)

3rd Reading of the resolution.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. HJRCA 4, which is co-sponsored in the Senate by Senator DeAngelis, is the Constitutional Amendment that deals with the subject of tax delinquent property, and is designed to help speed up the -- reactivation of tax-delinquent property so that it can get back on the tax rolls and be usefully used for affordable housing and other such purposes. Basically, what it does is to change the redemption periods that are constitutionally provided for -- for delinquent property for nonpayment of taxes. It allows a six-month redemption period for multifamily, commercial, industrial and vacant non-farm properties that are two or more years delinquent. That is currently five or more years delinquent. And it allows a one-year redemption period on the same categories of property, if the property, is one year delinquent. Let me emphasize one thing - two things, really. One, this is exactly the same Constitutional Amendment that was overwhelmingly passed by both Houses of the General Assembly and placed on the ballot in 1988. It failed by less than one percent of the required sixty percent referendum approval, and the only reason we believe, why it failed - because it had total support of everybody across the State - was that at the same time, there was on the ballot the question of calling a Constitutional Convention, which was a slightly controversial issue. A lot of people were being encouraged to vote No on that and our belief is that that No vote just carried over to the vote on this constitutional proposal. We believe that the -- there really was no basis for any kind of opposition, and it simply had not been expressed. The

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other thing that I want to make absolutely clear is that this does not affect residential property, single-family or under six units. It absolutely has nothing to do with lowering the redemption period on ordinary residential property. And I think that is quite critical, so no little old lady of eighty-five years old is going to lose her property because of this. It deals only with commercial and other property that we want back on the tax rolls. Thank you.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall HJRCA 4 be adopted and approved. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? (Machine cutoff)...all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present. HJRCA 4, having received the required three-fifths constitutional majority, is declared adopted and approved. Senator Watson? On the Order of Constitutional Amendment 3rd Reading is SJR 14. Madam Secretary, read the amendment.

SECRETARY HAWKER:

Senate Joint Resolution Constitutional Amendment 14.

(Secretary reads SJRCA No. 14)

3rd Reading of the resolution.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. That was quite lengthy, but I want to assure the Members that we're only going to add an additional twenty-one lines to the Constitution, but we have to read the whole section when the amendment is read. This is the State Mandates Act. And as you know, we have in our Statutes language which was really -- the intent, I think, was to protect

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the units of local government from -- from those of us here in Springfield who would like to pass on mandates and direction in policy to our communities, school boards, counties, townships throughout this State. And the intent of that legislation was to really put some restraint into that -- that type of policy. Well, as you know, we -- we now exempt ourselves from -- from that language generally, and as a result, we can -- we still continue to mandate those policies and legislation on to units of local government. What we're told is the one way to accomplish what the original intent was, is to put it in the Constitution. Spell it out as to how a mandate could be actually passed on to a unit of local government. That's the intent of this particular Constitutional Amendment. What the bill will do, and the amendment will do, is simply say that if we are to pass on to a unit of local government, a State mandate, and it passes by three-fifths majority - three-fifths majority of both the House and the Senate - if it passes by three-fifths majority, then we can mandate this particular policy on to that unit of government. If it doesn't, and it still passes by a majority, then we must fund that mandate. If we fund that mandate, then - obviously, we can pass that on to that unit of government. The intent is simply to try to protect our -- our units of government back home who are having problems, and we are hearing from them daily. We try to address those problems this last Session with a temporary tax increase, trying to help the communities and counties. A lot of the problems - financial problems - that our communities are having comes from several different areas. One is we have destroyed, literally, the tax base in a lot of our communities, especially the rural area in my area, where the tax base has been really driven down by legislation that we pass here. This would help prevent that type of policy in the future. When we pass on those mandates to those -- those units of governments, we expect

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them to pick up the costs of those -- that goes along with that. That truly, really, simply isn't fair. And I've got a letter here - just happened to get today, from a community in my district, which is saying that we have legislation here to prohibit the rise of property taxes, and this letter really says, "If it wasn't for the General Assembly sitting up here telling us how to run our business, then we could -- we could meet the needs of our people." But as we dictate policy back to those communities, that -- with that goes a cost, and as a result, oftentimes property taxes have to go up at the local level to meet those demands. That's all this Constitutional Amendment does, Mr. President. And I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senator Watson, let me pose a question to make sure that we are crystal clear about what the amendment does, because for some reason we are lacking a text right at the moment. What it does is to provide, in effect, an option to the General Assembly. If it is going to impose costly programs or mandates on local government, it can do one of two things. Either have an extraordinary vote of -- of the General Assembly, or it can do what the Statutes have said right along, which is impose the mandates, but reimburse. Now, is that an accurate statement of your amendment?

PRESIDING OFFICER (SENATOR DEMUZIO):

Senator Watson.

SENATOR WATSON:

Yes. That is an accurate statement, and that is the intent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Netsch.

SENATOR NETSCH:

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Thank you, Mr. President. Well, I think in that form, it makes a good deal more sense than perhaps some of the others that have been suggested. It is too bad that we even have to think about constitutionalizing the requirement that the Legislature reimburse for mandates that it imposes on local government. The law has been there in place for some time. As a matter of fact, my recollection is that Senator Jeremiah Joyce was the sponsor of that legislation six or eight or more years ago. It clearly has not achieved its purpose as of the moment, because what happens is that every time we do, in fact, have a local government mandate, we simply include -- the sponsor of the bill simply includes the provision which exempts the -- that particular bill and that particular program from the Mandates Act, and I would note parenthetically that I have probably voted against maybe a dozen pension bills that the Legislature has passed, some of which were not easy No votes, simply because we had exempted the mandate requirement -- the reimbursement requirement. Again, I wish we did not have to face it in terms of a Constitutional provision, but it does at least put into a firmer form, if you will, a law which we already have imposed on ourselves.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator -- Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I hope everyone had the opportunity, at least, to hear the proposal. And while I suppose all of us who represent, as we all do, some local government or another who complains - as they always do, particularly during an election year - mandates, mandates, mandates. I want you to know one of the mandates that they complain about is that we tell the school districts how many days a year that kids have to be in school. That really bugs them, because every day they're in school, obviously, costs them

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some money. But I'd just be very, very careful of this. I don't intend to support this; I don't have any strong feeling, except that we are saying now again, that you can't do anything that we're supposed to do here by Statute unless you do it by three-fifths vote, or have this tagalong appropriation, which appropriation, by the way, this amendment also says the Governor can't touch. He can veto it outright, if he vetoes the bill, but can't reduce, or item veto. So you are at once hamstringing on behalf of units of local government who complain a lot. You are hamstringing both the General Assembly and the Executive in one fell swoop. I think it's very, very dangerous, and I would urge you to -- desist from this course of action.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Do I understand correctly that what your resolution does in effect, is to provide that where there is a bill that requires the expenditure of funds by a unit of local government school district, it has -- we have to appropriate the money for it before we make our -- our bill. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

If it's a mandate, yes. Then we must appropriate the proper dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

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Mr. President and Ladies and Gentlemen of the Senate, I rise to speak in favor of this Constitutional Amendment, because I just recently had a poll taken at a homeshow, and one of the comments was made that, "Well, we feel maybe the educators don't know how to handle money, but on the other hand, they're not given the money they should be given when there are programs mandated." I think it's a good resolution, and I think we should all support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentleman of the Senate. I would ask us all just to pay a little bit of attention here, because I think what we are asking -- what's being asked of us today is that we should put -- place ourselves in handcuffs and throw away the keys. There are certain policy decisions that for whatever reason are not made at the local level. And our constituents then come to us to set governmental policy. Our voters vote for us. They vote for us, and they vote against us. And we, at campaign time, go back and justify our actions. Part of that campaign -- procedure -- part of that campaign procedure, Ladies and Gentlemen, is to justify the actions that we take, including setting of State policy. Now Ladies and Gentlemen, I would suggest to you, and I invite the sponsor to correct me if I am in error, if this Constitutional Amendment were law -- were law, we could not have the special education requirements in our School Code as they presently exist. Because, for example -- for example, we mandate that every child, regardless of handicap, is entitled -- could I have a little attention, Mr. President?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Excuse me, Senator Berman. I didn't want to interrupt you while you were making your point. Could we have some order,

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please? I think -- I think the commotion is coming from outside the Chamber, rather than from inside the Chamber, and so I'd ask the doormen, please, to get some order in the hallway. Senator Berman.

SENATOR BERMAN:

Thank you very much. We have determined that part of the policy - and by the way, Congress has also - but we have, by enactment of the special education provisions in the Illinois School Code, mandated that every child, regardless of handicap, is entitled to a free public education. For whatever reasons, good or bad, including the fact that we haven't raised State taxes high enough, we don't have the money to fund all of the programs out of State dollars that special education requires. That's a fact. Mea culpa; we're at fault. We haven't paid for it. Does that mean that the total resources of tax dollars, local, State and federal, should not be part of State policy? And I suggest to you, Ladies and Gentlemen, that it should be part of State policy, and every handicapped child in Illinois thanks us for the opportunity to get an education whether it be out of local, State or federal funds. That's our State policy, and I doubt if there's anybody here, or many of us here, that are willing to stand up and repeal special education in Illinois Schools. But I will suggest to you that if this -- amendment were part of our Constitution, we couldn't have special education as we know it in Illinois today. Why? Because most of you, politically, could not vote to increase State income taxes sufficient for the State to pay the total cost of special education. Now that might be wrong or right, but that's the facts of life as we see it today. And I would suggest to you, that the place to make that determination is not in our Constitution, which handcuffs us as to good State policy, but rather in the debate on the Floor as every bill moves along, and then justify it both to the Governor, through the appropriation

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process, and the veto process, or back home, when our opponent says that we have acted irresponsibly. This does not belong in the Constitution, because what you will find is that you are going to prevent good public policy from being enacted when the total resources of tax money is not being able to be utilized properly. We have a combination -- a combination of resources that are made available to implement good State policy. This amendment, Ladies and Gentlemen, does not allow you to carry out what your voters have elected you to do. Do what is right, and pay for it, or make sure that it is provided from total resources. That's what we have done for hundreds -- for decades in this General Assembly; it has served our State well. Don't change it now. I urge a No vote on this proposed Constitutional Amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. I don't quite follow Senator Berman's argument. Take the special education laws of this State - there is no reason why this General Assembly cannot continue passing those special education laws, some of which may have to be financed by property taxes, as long as we pass those laws by a three-fifths vote, if it is determined that local property taxes are going to finance those activities. I don't know what is so complex about that, and I don't know what is so wrong about that in an era in a political climate where everyone across the State of Illinois, Senator Berman, is asking for a shift from the property tax to the income tax, from a burdensome tax to a more equitable tax, and what this Constitutional Amendment does is begin us on that journey. This simply says that if we're so busy about passing laws that impact those local property taxpayers, then let there be an extraordinary burden on us to pass laws like that. And if we do that, fine.

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That special education law can go into existence. But in the meantime, I think what's significant about what Senator Watson is trying to do here today, that he is beginning to take us on that journey - difficult as it will be - that shifts the burden from the property tax to fairer taxes. And that's the reason I am voting Aye on SJR 14.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President. I -- I rise in strong opposition to this amendment. And like the previous speaker referred to Senator Berman's logic, then I would refer to his. In the political climate that we exist today, whether it be by a three-fifths vote or a one hundred percent vote, why, in God's name, will this Body impose local property taxes to -- to implement the programs that exist like Title I and other kinds of programs that we have provided for in this Legislature, and we do not fund at one hundred percent. He indicated that we should not be shifting the burden to local property taxes. But the solution is, he says, we pass it by a three-fifths vote, and therefore, local property taxes will have to be raised to pay for the program. There's no logic there. Now if you're willing to say, "Yes, we're going to propose a income tax increase adequately enough to fund all of those mandated programs," then hey, put in the bill; let's vote for it. Let's do it now, along with this Constitution Amendment. Otherwise, it doesn't make sense. And what you're proposing on the other side, is a property tax increase at the local level, not shifting the responsibility to the State level, and all you say the solution is, by a three-fifths vote. That makes no sense at all. You know it, and I know it, and the people out there know it also.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Further discussion? If not, Senator Watson may close.

SENATOR WATSON:

Yes. Thank you, Mr. President. I want to reiterate what I said earlier, when I -- when I -- I know -- I don't know what the vote was when we passed the State Mandates Act here - and I was a member of the House when that happened - but I know it probably flew out of here and everybody supported it, because the intent was to try to protect units of local government back home. Many of us came from that. I came from township government. Many of us came from communities, counties or whatever it might be, to try to protect those people back home. And I know that you all realize what we've done ever since that particular piece of legislation passed. We exempt ourselves from it oftentimes, and still pass the burden on to units of local government. The intent was there, but really the policy that followed didn't really follow that intent. Everyone has said, well if you want to put some teeth in it, well you got to put it in the Constitution. And that's what we are trying to do here. It's easy for us to sit up here, and oftentimes that we do, and vote Yes on public policy. We think it's good. We're trying to do the right thing. It's easy to vote Yes. We're not trying to destroy -- and I don't think the people from our areas sent us up here to -- to establish policy, Senator Berman, for our local -- local units of government. They sent us up here to establish state policy. And if we're going to continually mandate and dictate policy to unit of local government, all we're saying here is, three-fifths vote. That's all. Three-fifths vote. And that's the protection here. If we think it's so doggoned important, then let's get three-fifths of us on the board, if we're going to pass that on to the local unit of government, or let's fund it. And I don't think that's too much to ask, and I think that's all that our communities, and our

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counties, and our schools are crying for back home. It's just a little less from Springfield, and this would do it. I'd appreciate your support. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Joint Resolution 14 be adopted and approved. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? (Machine cutoff) Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 18, 2 voting Present. Senate Joint Resolution 14, having failed to receive the required three-fifths constitutional majority, is declared lost. Senate Joint Resolution 72, Madam Secretary.

SECRETARY HAWKER:

Senate Joint Resolution Constitutional Amendment 72.

(Secretary reads SJRCA No. 72)

3rd Reading of the resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This Constitutional Amendment attempts to resolve a controversy that has gone on for over twelve years, regarding the auditing of funds of State government in Illinois, which has clearly violated the intent of the 1970 Constitution. Senator Netsch and Senator Rigney and Senator Dunn and I, who served as delegates to that Convention, have been deeply concerned and have also had other sponsors of SJRCA 72 concerned by the continuing violation of those State Government entities who resist being audited by the Auditor General, who is a Constitutional Officer serving as the Post Auditor of all State funds. I have provided each of you with a packet of materials which are very important and reflective of this serious -- of the

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serious consequences resulting from the Supreme Court's refusal to have the ARDC and the BLE funds audited, claiming that the funds are held outside of the State treasury, and are therefore not subject to State audit. Those consequences of their position, of course, is that over ten billion dollars - and by now it is more, because these figures were taken from the Comptroller's annual report in 1988, so that figure now has risen above ten million - but there are over ten million dollars of funds of similar entities who are at risk of not being audited by the official Constitutional Auditor General. That represents more than one-third of our State budget, Ladies and Gentlemen. The list of those funds held outside the State treasury is in your -- packet of materials and was taken from the State Comptroller's Annual Report. You also have in your possession an extensive list of editorials who, through the years, have supported the Auditor General's position that all funds in any department of whatever kind are to be audited by the Auditor General. We were very fortunate in committee to have some most distinguished witnesses on this particular Constitutional Amendment. One of those witnesses in particular, I think, has great ability to put this issue in its -- true perspective. That witness was Senator -- or was Samuel Witwer, Sr., who, of course, is a highly respected attorney in the legal community, and also was the President of the Constitutional Convention in 1969 and '70. And I would like to read from his remarks, so that you, again, may get a perspective of what the intent of the Constitution was when we passed this part of the Illinois 1970 Constitution. This - and I quote, "I am happy to support this proposal, and recommend its adoption by the General Assembly and voters. This resolution would define with particular clarity the meaning of the term 'public funds.' This definition would be totally consistent with the intent and the purpose of the Constitutional Convention which repaired the

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Illinois Constitution of 1970. The record of proceedings, the reports of the various committees, and my personal recollection as the presiding officer of the Constitutional Convention are absolutely clear. The Convention intended to give the term 'public funds' and provisions requiring public accountability, the broadest possible meaning, scope and application. Affirmation of that intended purpose was provided more recently by -- Convention delegates reconvened in reunion in September of 1987, who adopted a resolution confirming the Convention's objective of comprehensive review of the expenditure of any and all funds of our government. Any unauthorized restriction placed on public accountability by a unit of government leads to diminished control over government activities. Restrictions based on source of payment, place of custody, manner of authorization or purpose of expenditure are all equally repugnant to Democratic government. Failure to afford proper definition to 'public funds' could place in jeopardy the entire Finance Article of the Constitution, thereby defeating the legitimate expectations of the people and further place in jeopardy public accountability involving billions of dollars annually." This was Samuel Witwer's statement, and in addition, I did ask the Auditor General, because it has been stated that of course the funds of the ARDC and BLE are audited. I did ask the Auditor General to give me a -- the difference of what his audits are and what the other general audits are that are made of those funds, and this was the answer I got. "The audits we perform fall into four categories. Financial audits present the dollar results of agency activities. They disclose amounts received, amounts spent and the resulting financial position. Compliance audit report on the extent to which the agency has complied with the applicable laws, rules and regulations in the conduct of its activities and the expenditure of funds. This includes the agency's compliance with such things as the

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Purchasing Act, the Personnel Code, the Property Control Act, et cetera. -- The third is the management audit report on the management of an agency, with particular reference to whether the agency's activities and identified areas are being conducted economically and/or efficiently. The fourth is a performance audit report on the results of agency's activities on whether or not the results sought to be achieved by the legislation and the purpose sought to be served by the legislation have, in fact, been achieved." So this is -- the difference is that -- and also the difference is that all of these governmental audits are public documents. So I think that that puts to rest the question about the type of auditing and yes, that the BLE and ARDC funds are audited. I think that this is a critical issue for all of us today. I think that the people of Illinois spoke in the last primary election about accountability of our government and about --particularly about government funds and government taxes. I urge all of you today to join with me in putting this controversy to rest once and for all, and by voting for Constitution Amendment 72, so that we may do just that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator O'Daniel, for what purpose do you arise?

SENATOR O'DANIEL:

Mr. President and Members of the Senate, I'd like for you to help me welcome thirty-five students from the Mt. Vernon Casey Jr. High and their instructor, Mr. Marvin Rightnowar. They're in the back gallery to my rear here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please rise. Welcome. Discussion? Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. One hesitates a little bit to mention the fact that - as I am about to do - that I was a member

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of the Constitution Convention that helped draft the document that we are now addressing, but this is one time when it is particularly appropriate, because I was vice chairman of the Revenue and Finance Committee, out of which came a lot of these provisions. And I would like to make it very clear that the language that is reflected right now in SJRCA 72 is precisely what we thought we had achieved in the basic document itself. If you read back through all of the language used, all of the deliberations, it was intended that all money that is touched by the State or local governments would be public funds. It doesn't dictate anything else. Just simply that it is, indeed, public funds. I am sorry that we apparently did not fully achieve that. I want to make it very clear that I am not standing as a Supreme Court-basher or as a lawyer-basher. I am a member of that profession, but this is one instance where I think the Supreme Court is absolutely wrong. These funds are the equivalent of the licensing fee funds that are paid by other occupations. They should be subject to the same State requirements, including audit by the Auditor General as are other funds. This is not a conspiracy to try to get into the confidential files of the disciplinary commission or anything else. It is a -- states a very simple fact. Public funds are public funds, and they should all be subject to the same requirements. I think this amendment is important. It clarifies what we thought we had accomplished. Obviously we had not been totally successful, and I think it is essential for that clarification.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator -- can we have some order, please? This will go a lot quicker. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise again in strong opposition to SJRCA 72, and I would ask the

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Members, if indeed they don't have any fixed opinion, to please listen for only a moment. It seems to me - one, we ought to be very careful as we have been in the past - over the last twenty years, as a matter of fact - as to what kind of amendments we do propose to our Constitution, which frankly is working pretty well. Senator Marovitz, can I have your attention for just a moment? What we are -- or what is being attempted here is, for the first time, a definition, apparently, of what are or what is "public funds." The Constitution says - and we have abided by that - that "the General Assembly shall provide by law for the audit of the obligations, receipt and use of public funds of the State." What are public funds? Forget what SJR -- or SJR 72 says, for the moment. What do -- in your mind, what do you conjure up as public funds? Receipt from taxes imposed by the government. Right? Those are public moneys that are received from the public. And the public has a right to know where that money is spent. We have received x amount in sales tax. We have received x amount in income tax. We have received x amount in franchise tax, and utility tax, and where does it go? So Con Con provided for a post-audit function to be handled by the Auditor General, and I don't have any problem with that. But then the Auditor General, now in his second term, apparently has reached a point of absolute intransigence. He is now so arrogant that he says, "Wait a minute. Public funds are anything - any moneys that are directly or indirectly administered by the legislative, the executive or the judicial branch of the State or by any instrumentality of any branch." He's got everybody in the pool. And he says, in a letter dated April 19th, that audit access has been denied, for instance, by the Illinois Ambassadors. Everyone, I assume, knows who the Illinois Ambassadors are. It is a group of well-intended, well-meaning business people, corporate types, who pay out of their money, their personal finances, to belong to the Illinois

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Ambassadors so that we can entertain and promote Illinois business. And the Auditor General says, "Oh, no. It's public money." It's not public money. It's donated by the corporate members. And the SSC for Illinois - that group of business and labor and public-spirited citizens who got together and spent some money - pooled their own money - in an attempt to help this State secure the Superconducting Super Collider. And the Auditor General says, "Oh, no. Public money." It's not public money. It's private donations. And the latest one is the U.S.S. Abraham Lincoln. Some of you, I think, went to the commissioning of that ship - I hope that's the right term - ship - out in Virginia. There was a group put together -- headed the delegation -- headed obviously by our Governor, and a group of private business people got some money together, because some of the veterans couldn't afford to go otherwise. It's private money. Private donations. And the Auditor General says, "Oh, no. I want an audit." And the fact of the matter is, as Senator Macdonald pointed out - although I don't think she meant to point it out, because the auditor certainly doesn't want that brought up - that we're not talking about numbers. We're not talking about financial audit, because there is no one of these entities that are cited that won't afford and doesn't have a financial audit. The difficulty with this individual who holds -- now holds this office is that he's talking about the other three audits. The compliance audit and the management audit and the performance audit. And the Supreme Court of Illinois has rightfully said, "Hey, buddy, you're an arm of the General Assembly. You don't have a right to do a compliance or management or perform an audit on our money." And they're right. They're right. And so we have now devolved into this annual battle, and there are all kinds of facts and figures thrown around that are frankly less than accurate. Senator Macdonald, I read the packet. I reread it again this morning.

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And if Senator Netsch were standing here, I'd take issue with her. I reread the proceedings in those blue books we all have of the Con Con, and looked for a long time through all kinds of debates and transcripts and everything else, as to the debate over what's "public funds." Public funds are public funds. What kind of a definition do you have to have? And if you look in the packet, now we talk about nonappropriated funds. I asked Senator Carroll a little earlier - it seems to me for twenty years I have been voting to appropriate federal funds, and this -- this Body voted almost overwhelmingly each and every time to appropriate federal funds. And the Governor vetoed it every time. And it's still not the law. Is that correct? It is still not the law. So when the Auditor General talks about nonappropriated dollars, take a look at the list. It's all federal money, some of which we have frankly taken it upon ourselves to appropriate, at the agency's request. But it's all federal money. That's at least half, and I'll -- I'll again vote for the bill to appropriate that money. And let the Auditor General have at it. I don't care. But don't suggest that there's somehow some kind of a sinister plot to deny the Auditor General access to the receipt of federal funds. My goodness, that doesn't make any sense. In addition to that, you've got about six billion dollars worth of pension money - pension money that's contributed by the pensioners, all of which is subject to an audit. And none of these agencies would deny the -- the Auditor General a financial audit. As a matter of fact, as I did last year at this time when we arguing pretty much the same thing, I have again copies of the annual financial audits of both the ARDC and -- and what's the other -- the Board of Law Examiners. They're on trial by the public. They are done by a public auditing firm - the same firm that the Auditor General uses quite a lot, I'm told, in terms of his annual audits. And the other is non-tax dollars held outside the State treasury. And all

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you have to do is look at some of these. Please, take a look at the list. A lot of these -- they're not public money. It just seems to me common sense would dictate. Think again. What are "public funds"? What are "public funds"? Now he's suggesting "public funds" mean all funds administered directly or indirectly by the legislative, executive or judicial branch of the State, or by any instrumentality of any branch, whether appropriated or not, and whether derived from taxes, fees or other source. This is extremely dangerous, when you broaden the definition of what everybody commonsensically would think are public funds to include funds from any source. If Quaker Oats donates ten thousand dollars to the Illinois Ambassadors, is that public funds? I suggest to you, it is not. And I would urge a No vote on SJR 72.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator -- Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point, sir.

SENATOR DUDYCYZ:

Just briefly - like to welcome some senior citizens that are in the gallery behind us from my district - without the shopping bags. Just like to welcome here to Springfield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Welcome to Springfield. Glad to have you here. All right. Discussion? Senator Keats.

SENATOR KEATS:

Very, very briefly - I hadn't intended to speak on this, because I thought much of this was self-evident, but our President has raised some points that I think we really ought to give some thought to. Senator Rock, no one says this is a sinister plot. There's no one standing up here bashing the Supreme Court or

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bashing anyone else, saying these are somehow crooked people 'cause they won't let the funds be audited. That isn't really what the argument's about, and I can appreciate that term, but the simple fact is, you don't have people standing here saying this is a sinister plot. Your objections are really in many ways taken out of context. Public funds, which are not that difficult to figure out, really are almost anything we deal with. And perhaps you have no interest in what the Illinois Ambassadors do. But you realize they represent the State of Illinois in -- it may be called a quasi-official position, but you go talk to people they meet with. As far as they're concerned, the Illinois Ambassadors speak for Illinois and they speak for our policy. I don't think it's unreasonable that we find out what it is they are saying, because people view them as us, and how they are spending money to present an image that -- that frankly some of us might agree with, some of us might not. The SSC, the Superconducting Super Collider - this was an issue of tremendous significance in that area, and many of us were strongly in favor of it, but to say that we shouldn't have the right to find out what that money was doing is probably not a reasonable position. That was a public activity. Those are funds offered for public activity, and they should be considered as such.

TAPE 2

SENATOR KEATS:

The funds you're talking about that the Supreme Court collects - these are not truly voluntary funds. We could even argue the other ones might be voluntary, although anyone who's ever seen one of the Illinois Ambassador's arm being twisted knows that they're not the most voluntary funds in the world. But the Supreme Court

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funds are not truly voluntary. In terms of an attorney - they recognize this is a contribution they make to be able to practice law in Illinois so that they may be regulated as other activities are. It is a quasi-voluntary - but clearly not a totally voluntary - action. If you want to argue your separation of powers doctrine, saying we can't have compliance, can't have audits -- compliance audits, management audits. The separation of powers would certainly not be an argument that we want to get too heavily into, because as you know, as a majority party, you do a great deal of looking into what the administration does. Which is fine. Frankly, many of us support it. Senator Rock, I would remind you, the bill to appropriate public funds or federal funds I voted for, as many other Republicans have voted for, and I voted to override the Governor's veto. I just want to stress that those kind of arguments are interesting, but they're truly not relevant to this discussion. These are funds that the people of Illinois have a right to know what they're doing. No, we're not saying someone's being arrogant, we're not saying someone's being crooked, we're just saying, "Let's always keep an eye on this, because this is the good way to do business, and you don't get into trouble when you have someone looking over your shoulder." Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I've sat here and listened to my friend Senator Keats and my friend Senator Rock, and I will tell you that if I listened carefully - they ought to switch sides of the aisle. Senator Keats, in support of this amendment, is arguing for a greater role of central government. That's what he is doing. Roger, come on over here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Roll call.

SENATOR BERMAN:

No -- no, we're not -- and I want to thank my colleague, Senator Macdonald, for whom I have the greatest of respect, for allowing me to borrow her remarks that she read from. And as a lawyer, I ask each of you to think about this. If this amendment passes and it becomes law, and the Auditor General walks into your city, your township, your county or your school district, and the superintendent of your school district picks up the phone and calls his or her Senator - "Hey, Cronson is here; he wants to audit me. Does he have the right to?" You may say to yourself, "No, this is a school district. Cronson is supposed to take care of State money." Well, let me tell you what the record is that has been made today. And I quote, as did Senator Macdonald, from Mr. Witwer's comments. Quote, "The convention intended to give to the term 'public funds' and the provisions requiring public accountability, the broadest possible meaning, scope and application." Unquote. We have demands upon us, whether it be from the Prisons, or Public Aid or Education, Mental Health - everybody is crying out for funds from the State, and by voting for this, we're going to commit ourselves - not to those human service needs, but to allowing my good friend, Bob Cronson, to multiply his budget twentyfold to carry out the intent of the broadest possible meaning, scope and application of government funds, and go in and audit every agency - every agency - not of State government, but of every agency in this State. Ladies and Gentlemen, if it ain't broke, let's not fix it. I haven't seen or heard of anything that is broke. Every one of the agencies that are the targets of this debate are, in fact, audited, and their audits are published. Let's not go through this kind of rigamarole to expand State government into areas that it -- that you and I, I don't believe, want it to be involved. I urge a No

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vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I'm a lawyer too, like Mr. Berman and Mr. Rock. But you know, there is a question of accountability, and I think it would behoove the Supreme Court to support this, 'cause if they do, then no one can say that the Supreme Court is opposing it for any reason. As a matter of fact, the Chief Justice of the Supreme Court lives in my county. He may not like me for what I've got to say, but the truth of the matter is accountability is accountability. When you have -- when you're an employer, you pay a certain amount of tax for your unemployment compensation for your employees. Now those are -- come from the employers. They are paid and the State audits those. They come in -- they're subject to appropriations and what have you. I don't think this is any different. All I can say is I -- and I hope that the wrath of the Supreme Court isn't vented upon me, and as a lawyer I have more to lose by supporting this bill -- this -- this amendment. But I do think the name of the game is accountability. If we're going to have accountability of unemployment compensation contributions, we should have accountability in any phase. It's still money that comes into the State. I pay a fee every year as a lawyer to the Supreme Court. If I don't pay it, I can lose my license. So it's not a voluntary contribution. Either I want to practice law or I don't. So all I can say is, I have no objection to having my amounts audited; I don't know why anyone else should. And I support the passage of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator -- Senator Macdonald may close.

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SENATOR MACDONALD:

Thank you, Mr. President. Well, it is now time for us to vote, and I want to answer Senator Berman to some extent. I think that if we really reviewed Article VIII, which is the Finance Article, we would have no fears of the Auditor General going into our various Senatorial districts and municipalities to audit those funds. Section 4 of the finance Article says the "Systems of Accounting, Auditing and Reporting. The General Assembly by law shall provide systems of accounting, auditing and reporting of the obligation, receipt and use of public funds. These systems shall be used by all units of local government and school districts." So far the General Assembly has not acted on that part of the Illinois Constitution. So I suggest if we want to address that in -- at another time with another Constitutional Convention, Senator Berman may want to vote No. I say, Ladies and Gentlemen, that this whole Constitutional Amendment 72 is all about accountability. In 1970, when the Constitutional Convention ratified that Constitution, and during the discussions and I don't -- I have not read recently, Senator Rock, but I know that the dialogue during the Convention certainly centered around a disgraceful era of Illinois government which evolved in the Hodge Scandal. That was the very basis for which this Section of the Illinois Constitution was promulgated. The people of the State of Illinois, after that scandal regarding the auditing of State funds, were in absolute shock and they were demanding -- it was not just the idea of the delegates to the Constitutional Convention, it was the people of the State of Illinois that came to us and said, "There shall be full disclosure. There shall be full auditing of public funds in the -- in Illinois." I say to you that the intent of the Constitution was broad, as Senator - as Samuel Witwer told you - merely because we wanted to have some flexibility - we wanted to at least make it so we were not trying

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to tie down every single conceivable fund that might even occur in the future. This is a necessary amendment. There is nothing to fear by the people themselves choosing whether or not they shall support this Constitutional Amendment. I think it is our obligation to -- as legislators, to resolve this controversy, and I ask for your vote on behalf of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Joint Resolution 72 be adopted and approved. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 22, 1 voting Present. Senate Joint Resolution 72, having failed to receive the required three-fifths vote, is declared lost. Senate Joint Resolution 1-1-8, Madam Secretary.

SECRETARY HAWKER:

Senate Joint Resolution 1-1-8 Constitutional Amendment.

(Secretary reads SJRCA No. 118)

3rd Reading of the resolution.

PRESIDENT ROCK:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. As the Secretary read, this is the Constitutional Amendment which would return Illinois to a biennial budget beginning with the 1992 Fiscal Year. Illinois once had a two-year budget. We went to annual budgets. Since that time, the size of the budget has grown considerably and required inordinate amounts of time to prepare it each and every year. The two-year budget, I believe, will slow down spending requests from agencies and the various interests who come to us each year. It will encourage long-range planning, as

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directors would be required to put together a budget for twenty-four months. It would allow both the executive and the legislative branches of government to evaluate and analysis programs in the off-budget year, and in that off-budget year, we in the Legislature would have the opportunity to spend more time on program evaluation and analysis. Large states such as Texas, Ohio, North Carolina -- smaller states - our neighboring states such as Wisconsin, Indiana and Minnesota - all use the two-year budget. I offer this to you as a solution to the increasing amount of time we must devote to the compilation and consideration of the budget each year, and also because I believe sincerely that it will require long-range planning, which will bring about more cost-effective programs across Illinois. Be glad to answer any questions.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall Senate Joint Resolution Constitutional Amendment 11 -- 1118 -- no -- 118 be adopted and approved. Those in favor will vote Aye, and those opposed, vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 34 Ayes, 17 Nays, 2 voting Present. SJRCA 118, having failed to receive a three-fifths constitutional majority, is declared lost. SJR 119. Senator Kustra. Read the amendment, Madam Secretary.

SECRETARY HAWKER:

Senate Joint Resolution Constitutional Amendment 1-1-9.

(Secretary reads SJRCA No. 119)

3rd Reading of the resolution.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Kustra.

SENATOR KUSTRA:

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Thank you, Mr. President and Members of the Senate. Under the Constitution, as it is now written, if the Governor vetoes a bill or if the Governor line items a bill and sends it to us, as your know, it requires a three-fifths vote in order for us to override the Governor's veto. But if on the other hand, the Governor applies his reduction veto, it only requires a simple majority. What we would be doing by this particular amendment is making the Illinois Constitution consistent. We would be requiring a three-fifths majority to override the reduction veto. In an era when there is great deal of attention on increased spending, it seems to me that it only makes sense that we would want to make it more difficult to increase spending, especially after the appropriation process has concluded during our regular Session. The Governor has a chance to balance the budget in the last analysis, and there are occasions where we want to override him. But I think we ought to require that to be a three-fifths vote, thereby tightening up spending. I would ask for a three-fifths vote on this amendment.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would rise in opposition to this proposed amendment. Let me explain why. You know, already now - and some question the authority - the Governor has become a super legislature. He doesn't worry about committees, rewrites bills, and does as he sees fit without any public input, any committee input, any chance for the General Assembly to react, but to say yes or no. Many - myself included - feel he's gone beyond constitutional grounds in several instances. As I think we know, the House even created a special Calendar - of course, they have special Calendars for everything over in the House. I think they have special Calendars

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for whatever time of day it is. But one of those special Calendars is where they feel the Governor has acted beyond the constitutional authority. You know, in fact, there is a state near us that has what they call the "scrabble rule" instead. On substantive bills, the Governor can only amend by changing letters within a word. He can only strike a letter here or there or strike a word here or there, because clearly the intent on even amendatory vetoes is to make technical corrections, and there they call it the "scrabble rule." This proposal would seem to me would be to say, "If the Governor doesn't like what we've done, he can veto it." That takes an overwhelming majority to override. But if, in fact, he seeks to adjust, the question is, while it is true that eleven and a half million people have decided who should be the Governor of the State - two hundred thousand people - each of us have decided who represents them in the "people's assembly" here in the Senate, and yes, even across the rotunda in the House. And when it comes to deciding how their taxes should be spent, we're the ones generally who catch the heat, and we should. We are the ones closer to the people, and therefore understand the impact of these items. And if the Governor wants to come and debate them in committee - in this Chamber or the other - in either of the Appropriations or Revenue Committees, he's welcome. But he should not be the super legislature as well as the Chief Executive. And to hold him and his actions unavailable to normal process, I think, elevates him beyond even his greatest dream, and takes it out of the public's right to decide what programs should in fact be funded, and at what levels. If, for example, he took money from Mental Health, and the general majority of this Body originally felt the community-based providers were entitled, and still felt that, to require then an extraordinary majority merely elevates him again beyond that which I think the people want. And if you want to just adopt his budget book, put in a Constitutional

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Amendment that says, "Governor submits his budget in March. There should not be a General Assembly. That's the law of the land." Because that's in effect what you'd be doing, and I don't think that's what the people want. I believe we should oppose it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I think previous speaker's remarks were primarily aimed at the amendatory veto, which of course has nothing to do with this proposal. I think one of the messages that I think all of us have gotten, regardless of party affiliation, is the concern the people of this State have about what is perceived, by some at least, as runaway government spending. I don't think that's an issue which is limited to any party or to either part of the State. Obviously this particular proposal would not have any impact on the current administration, so I think any discussion relating to the current administration is esoteric at best. Whoever is Governor next year - and I frankly don't have a crystal ball and can't tell you who that is; I obviously have a bias - but whoever is Governor is going to be facing, in my opinion, several years of very tight budgets. And in the final analysis, it is the Governor who is held most accountable for State finances. It certainly is the Governor who is held most accountable for tax increases. I do not think it's unreasonable to require the extraordinary majority to override a reduction veto. I think it, in the long term, is the best solution we have to holding down spending. We in the Legislature, I think, do our bit, but I think a careful examination of the record would indicate that we haven't always been as successful as we should be. If you are interested in holding down spending, I think you want to be on this roll call regardless of any partisan considerations. I think it's just basically something that needs to be done.

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PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further -- Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This one, it seems to me, is a relatively close question. Let me make just a couple of points. I was asked by some Members -- some colleagues, why the Constitutional Convention had chosen to require a three-fifths vote - an extraordinary vote for overriding an item veto - but had required only a majority vote for restoring a reduction veto. And I think the reason was very simple. It was part of the process of attempting to balance gubernatorial and legislative power. A lot of things were done in that Constitution to try to - if you will - beef up the Legislature's authority in the entire process. We reduced the number of votes required for overriding a veto from two-thirds to three-fifths and so forth. In the process, though, we gave the Governor some very extraordinary veto powers, one of which was the power to reduce, not just item veto. The reason for that was a recognition of reality; the item veto is not a terribly useful device because for the most part, appropriations come in lump sums. You either veto the entire personnel appropriation for the Department of Mental Health or you cannot do anything at all with it. And so the reduction veto was one of the - if you will - increase in power that was given to the Governor's side of the equation. By the same token, because there was a desire to maintain legislative balance, the Legislature was then given the authority to restore that reduced amount by the very same number of votes that were required to put it there in the first place, and I think that is the reason for it. The concern I have is that it seems to me that just the way the legislative process works, that having a simple majority has not really quite accomplished what perhaps some of us might have hoped, and that is why, at least on a very close question -- I know in committee I resolved

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it by voting in favor of this amendment, and I think I still will. But it is -- the reason though has to do with the -- the maintaining of balance between the Legislature and the Executive.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, Senator Kustra, to close.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. We could sit around here all afternoon debating the relative powers of the Governor and the General Assembly, and I'm sure we could all come up with good arguments as to why the Constitution ought to be rebalanced in this way or in that way. One thing I think we can all agree on, because I'll bet each and every one of us has given the speech every time we've gone home on July 1st or 2nd or 3rd - we've given that speech that in those last twenty-four hours the General Assembly spent with reckless abandon in either this area, that area or whatever area. And once we go home after those last few hours, it's the Governor who has the constitutional responsibility to get out the veto pen and correct some of those mistakes to balance that budget. And then in November, or whenever it is during veto Session, we get that last chance to make those adjustments. What I'm suggesting here is that when we make those final adjustments, there ought to be an extraordinary majority placed on us - a burden placed on us - an extraordinary burden placed on us to override what the Governor has done in attempting to balance the budget. When you cut through it all, just ask yourself a simple question. Is the passage of this Constitutional Amendment and placing it on the ballot in November before the voters going to discourage the kinds of frivolous spending which we have come all too familiar with? I think the answer to that is yes. You all know it's yes, and I ask your support.

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PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall SJRCA 119 be adopted and approved. Those in favor will vote Aye. 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, please, Madam Secretary. On that question, the Ayes are 30, the Nays, 20, 3 voting Present, and SJRCA 119, having failed to receive the three-fifths constitutional majority, is declared lost. On the Order of Constitutional Amendments 3rd Reading, SJR 151. Senator Dudycz. Read the amendment, please, Madam Secretary.

SECRETARY HAWKER:

Senate Joint Resolution Constitutional Amendment 151.

(Secretary reads SJRCA 151)

3rd Reading of the resolution.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As we all know, SJR 151 is the tax accountability amendment. What it does, basically, is four things. It -- first of all, it will give the voters of the State of Illinois this coming November the opportunity to decide next November whether they want us to be restricted on our taxing abilities. It would require that in the Illinois General Assembly, any tax increase legislation could only pass with a three-fifths vote. It also would establish that -- a Revenue Committee whose sole responsibility would be revenue legislation. The third thing it would do - it would require a public hearing with two weeks' notice before any vote can be taken on revenue legislation by the committee. And finally, it places a maximum term on that Revenue Committee by any one legislator to four consecutive years. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

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Discussion? Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I'm going to - if I might, Senator Dudycz - repeat some of the points that I have made to you previously, both in some of our outside-of-the-Chamber debates and in committee a couple of weeks ago when this was up. The main concern I have about SJRCA 151 is that it is totally misdirected, because it does not reach the issue -- the tax issue, which I think is a legitimate outcry from taxpayers around the State. That is the property tax. Not only does this amendment not deal with the property tax at all, but in my judgment, it guarantees that there will indeed be property tax increases in the future, because it ties the hands of the General Assembly to address the very issue which I think is an absolutely honest and legitimate gripe from our taxpayers, and that is property taxes. And it does that for several reasons. There are probably three things that we need to do with respect to that most burdensome, at the moment, of all taxes, the property tax. We ought to provide some relief. We should provide some reform, and we should provide replacement, and this amendment will stand in the way of accomplishing any of that objective. In addition, it seems to me that the amendment does not address the really critical part even of State legislative action. It is not taxes that are the only problem - it's spending. And yet the amendment requires a three-fifths vote - an extraordinary vote - on anything that affects the revenue of the State, but does not require an extraordinary vote on the appropriation side. As you well know, some of us had proposed amendments -- had filed amendments last week when this was pending, and under the threat of several things - one is your tantrum if we tried to amend it, because it would have added days to the process of passing it, and secondly, an announcement that indeed your side of the aisle was locked into opposing any

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amendments. We withdrew our amendments and decided, "Okay, Senator Dudycz, you can have your proposed Constitutional Amendment any way that you choose to have it. That is now your prerogative." But some of those amendments would indeed have addressed the very problems that really are major tax outcry issues. One is a three-fifths vote on State spending. Secondly, a three-fifths vote whenever the Legislature is going to authorize property tax increases on the part of local government. A three-fifths vote required by Constitution for any local government to increase its levy, and on and on. Those are the kinds of amendments that would have been proposed. At the very least, they would have addressed the issue that is indeed a very important issue. This amendment, Senator Dudycz, does not do it. It does not address property taxes. It guarantees, in my judgment, that property taxes will increase, rather than decrease. It goes in exactly the wrong direction. It is extremely too bad, because I think there should be accountability. We should be accountable also. We should have been -- we should be accountable, as a matter of fact, in terms of the mandates we impose on local governments without reimbursing them. But there also are five thousand nine hundred and seventy units of local government out there doing the work that we have asked them to do over a period of time. All of them - all of those five thousand nine hundred and seventy - have property taxing powers. Each one alone might be able to make a legitimate case for an increase, but when you accumulate them all, suddenly the taxpayer learns that there is an enormous increase in his or her tax bill, and that is a major problem of accountability. That is where we ought to put our accountability emphasis. So for all of the reasons that you are firing in exactly the wrong direction - and it's too bad, because it's going to be misleading to the taxpayers - it seems to me that this is not the right way to go.

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PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. The debate so far sounds like we're considering a bill that we're going to pass into law. It's a very interesting discussion, Senator Netsch, but that of course, as you know, is really not what we're doing here. You and I have proposed a Constitutional Amendment to do something about merit selection - selecting judges differently. That's really what we're -- we're doing here, but there's one difference between what Senator Dudycz is trying to do here and what else we've been discussing this day and also that merit selection proposal and a lot of others. At the same time that we have been in this General Assembly discussing this particular proposal to amend the Constitution and require a three-fifths vote for a tax increase, Illinoisans across this State have been circulating petitions to do the same thing. And today they have accumulated somewhere around four hundred thousand signatures. Four hundred thousand Illinoisans, Senator Netsch, who know exactly what they were signing. They knew exactly what they were doing. They were saying, "Before a State tax is passed in this State, we want an extraordinary majority." And I would suggest to you that before we rush off looking at this like some other law - looking at this like one of those other Constitutional Amendments we can beat down for partisan reasons - you better take count of those four hundred thousand people that have already signed on. What we ought to be doing here is giving the people of the State of Illinois the opportunity to decide whether they think we ought to be acting with a three-fifths majority before we increase their taxes. It's the height of folly. It's arrogance. It's gall to stand up and argue against a proposal that does not pass into law anything, but places something before the people of

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the State of Illinois this November. That's the issue right here, and that's why every Senator in this Chamber ought to be voting Aye, so the people can have the last word. Last I checked, that's the way this system works.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, let me tell you what I really kind of like about this amendment. I know we kind of get hung up over the sixty-percent provision, but what I really like about this amendment is that it, for the first time, kind of slows down some of the procedures within the Illinois General Assembly. If you all recall that stealth bomber that came over here last summer from the -- the House, when they had 1st, 2nd and 3rd Reading within two hours, and suddenly we had a brand new tax bill laying on our desks. Those things shouldn't happen. You know, if we read very carefully, our Constitution that Senator Netsch and I had a chance to participate in a number of years ago -- we went to great pains to make sure that everything was going to be read on three separate days in each House. And, hey, standing around here, we know that isn't the way it works. It hasn't been working that way at all. As a loyal member of the Revenue Committee all of the years that I served in the House and now in the Senate, I'm somewhat appalled at what I see happening within our own committee. I'd like to make you a very powerful chairman, Senator Netsch. I've watched you over the years. I know that most of time you do good work, but unfortunately, you know, nobody remembers us. It seems like the whole scheme, the whole pattern around here is to bypass the Revenue Committee. They might take a look at it. They might understand it. They might have some comments, and then maybe the doggoned thing wouldn't get out if it had to go to the Revenue Committee. Well, I think we can do

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better. I think it's incumbent upon us that we make some -- make some effort here to try to do better, and the only way we're ever going to achieve it, as I see, is to put some backbone into this whole process - return some power to the Revenue Committee - slow down the process as this says it will, for two weeks. Let's get these things out in front of the press, out in front of the people. We're all going to be winners by this. We will have better legislation, and to me it's just an easy case. This by far is the most important part of that particular Constitutional Amendment, and I hope that maybe if you don't like some other parts, you can at least vote for it, based upon what we're doing as far as the procedures -- the internal procedures of this General Assembly.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I arise in strong opposition to SJRCA 151 - I guess it is. And I guess I'd like to start with Senator Rigney's comments first, because that's the part of this amendment that is pretty much overlooked, and perhaps ought -- it ought to be. Except it really is a direct infringement on what I think are some prerogatives and rights that the Members ought to have. Under -- under this provision, should it become law, Senator Netsch could only serve as the chairman of the Revenue Committee for four years, as opposed to enjoying seniority and expertise as we currently do, and the call for a two-week notice - we didn't even have a two-week notice on SJRCA 151. I was going to bring that up in committee, but I thought better of it. I don't -- I don't know that that's - and that's really kind of pettifogging - I don't know that that's really important to anybody but us intramurally, that by Constitutional Amendment we would set the number of

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Members and the length and duration of their service. But I think in the broader scheme of things, Senator Kustra, you're being a little inconsistent, because I heard your speech about an hour ago on SJR 14, and you said on behalf of Senator Watson's proposition, that it was extremely important that we have a three-fifths vote in order to impose some policy decisions on local governments and school districts, because it will then begin, you said - the much-needed shift from the property to the income tax, and therefore you supported 14. This one, if you support, is going the other way. This is truly going the other way. Because one, it does not even attempt anything with respect to property tax directly, nor does it attempt to control, in any respect, spending, and I frankly have trouble - maybe I'm too much of a purist or an academic, having listened to Senator Netsch all these years - but it seems to me accountability belongs more with spending than it does with revenue. There are two parts to the equation. Even in your own household budget, or even in your kids allowance, you need more revenue or less spending in order to make them come out the same at the end of the month. And accountability as a concept seems to me better in conjunction with spending than it does with the revenue side, but that's -- it's a nice buzzword, and apparently is this year's election-year buzzword, and so I'm sure we'll be hearing a lot about accountability. But I would in attempt to curry some favor with the major media, like to quote -- to you from their editorials. And their editorials say -- the Chicago Tribune said, "It should be called the Fiscal Irresponsibility Amendment." The Chicago Tribune. And I applaud them for their opinion. And really, they got to the heart of the matter, and I guess as a Member of the majority party, that's why I feel so strongly about this. Because it says, very correctly, that this amendment would give the minority party - no matter who's here; forget the personalities -

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it would give a minority party a power it could not win at the ballot box, because its votes would be needed to pass tax proposals. And I suppose as a Member of the minority, and all twenty-seven of you that are over there can understand that. I understand it. I don't agree with it, obviously, but I understand it. And the Chicago Sun-Times, which I know everybody in DuPage County reads, said the proposal is counterproductive to the real need for tax reform. Taxes aggravate everyone, it goes on to say, and the anti-tax fever that's growing in northern Illinois and that we as a group are constantly feeding, is aimed at local property taxes. And this amendment amounts only to outfitting Illinois with a fiscal straightjacket. I think truly it's ill-conceived. It should not be called accountability. It does not in any respect address spending or the growth of the property tax. And Senator Kustra, if that's the road we should begin to travel - and I agree we should - this, I suggest, is going in absolutely the wrong direction, and I would ask for a No vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, Senator Dudycz, to close.

SENATOR DUDYCYZ:

Thank you, Mr. President. I'm not going to engage in some political rhetoric, but I'd like to address two issues that were brought on this -- to this Body by some of the opponents of the amendment. Spending and property taxes. You know, you could pass a thousand spending bills, Senator Rock. But if you don't have the money, then you can't write the checks. That's the spending end of it. As far as the property taxes, you know, Senator Netsch, you mentioned that we don't deal with property taxes here in the Senate. Well I beg to differ with you. Back in 1987, House Bill 2190. We authorized property tax levy to the Chicago Board of Education. Senator Rock, House Bill 3917 in 1988 - you

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sponsored it, Senator. That -- that authorized the Chicago Board of Education to levy a property tax on the homeowners of the City of Chicago. We do deal in property taxes. You can't fool the public. You can't do it anymore. Over three hundred thousand Illinoisans - between three and four hundred, as a matter of fact - have so far shown their support for the tax accountability amendment by signing these petitions. You know, it's supported by both candidates for Governor - the Republican candidate and the Democratic candidate. I'm not going to quote any Chicago media, Senator Rock; I'm just going to quote the people - four hundred thousand of them, that are saying that they're sick and tired of us passing tax increases the way we did last June 30th, when the Speaker sent over in the last couple of hours a 1.2 billion tax increase, and we still had - according to the Illinois Comptroller's Office - we still had five hundred and forty-one million dollars in the bank. That was -- that was irresponsible. The people are telling us that they want us to be responsible by requiring that we have an extraordinary majority vote before we raise any revenues. And I think every Senator in this Body ought to support it. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall SJRCA 151 be adopted and approved. Those in favor will vote Aye. 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, please, Madam Secretary. On that question, the Ayes are 32, the Nays are 16, 4 -- 4 voting Present. The amendment, having failed to receive a three-fifths constitutional majority, is declared lost.

PRESIDENT ROCK:

Senator Brookins, for what purpose do you arise?

SENATOR BROOKINS:

Mr. President, I'd like to ask for a resolution to receive --

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immediately consideration. Resolution 1003. It is congratulatory.

PRESIDENT ROCK:

All right. We haven't gotten there yet. When we get there, we'll do it. All right. The board has suddenly gone amuck here. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like the record to indicate that Cal Schuneman is home after his successful operation.

PRESIDENT ROCK:

The record will so reflect, and give him our best. All right. Ladies and Gentlemen, we're just -- we have a couple of resolutions, and then we're going to adjourn. Senator -- I know there are a couple of announcements, so if you'll just bear with me, we'll get through this as rapidly as possible. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1-0-0-3 offered by Senator Brookins.

PRESIDENT ROCK:

All right. Senator Brookins has moved to suspend the rules for the immediate consideration and adoption of Senate -- Senate Resolution 1003, a congratulatory resolution, which has to be presented, I guess, this evening. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Brookins now moves the adoption of Senate Resolution 1003. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Further resolutions?

SECRETARY HAWKER:

Senate Resolution 1004 offered by Senator Watson. It is also congratulatory.

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PRESIDENT ROCK:

Consent Calendar. All right. Announcements? Further business? Ladies and Gentlemen, we'll commence tomorrow at twelve-thirty, 'cause I suggest the same thing that happened today will happen tomorrow. There's a heavy committee schedule in the morning, and so we'll just start our business at twelve-thirty with the hope that we can break at one o'clock for the committees. Announcements or further business? Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President, point of personal privilege.

PRESIDENT ROCK:

State your point, sir.

SENATOR O'DANIEL:

In the gallery -- in your gallery there's a seventh grade from the Allendale School, along with their principal, Mr. Grover Burkett. They're the children that have no school. Their school was blown away in the tornado in 1989 in January, and they're now building a new school, and I'd like for you to help me welcome them to Springfield.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. It's a dream of every kid in Illinois to have no school, huh? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. The Judiciary Committee will meet in Room 212 in about fifteen minutes. We do have a lot of bills, so we can get out before twelve o'clock tonight if everybody can be prompt. We can start no later than three-fifteen.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

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Thank you, Mr. President. The Executive Appointment Committee will meet tomorrow morning at nine o'clock, and we've only got fourteen appointments. So I'd ask those on the committee to please be there. I happen to be on the Elementary Education Committee, and would like to get up there along with a couple of our other colleagues on that committee. So if you can be there, we'll move it very quickly and -- hopefully. Thank you very much.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Just to announce the Labor Committee will meet tomorrow at one o'clock p.m. in Room A-1. We have a light schedule, so if you get there on time, we can get you out to your other meetings.

PRESIDENT ROCK:

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President. The Agriculture and Conservation Committee will meet immediately in Room 400. Thank you.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. We'll schedule the recessed meeting of the Insurance Committee will meet at 5:00 p.m. in Room 400. We only have about four bills left, so if all those members of the committee could be there, we could be out of there in less than a half an hour.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you. The Elementary and Secondary Education Committee will meet at 9:00 a.m. - 9:00 a.m. tomorrow morning. Room 400.

PRESIDENT ROCK:

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Senator Davidson.

SENATOR DAVIDSON:

Mr. President, Members of the Senate, any of those who wish to attend the Governor's Prayer Breakfast and wish tickets in the reserved section we have, I only have three tickets left in the center section. If you want to go, I need to hear from you today or tomorrow, 'cause we release them all Thursday morning and we're already oversold.

PRESIDENT ROCK:

All right. Governor's Prayer Breakfast. Don't forget.
Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Just a correction. That is five-thirty for the Insurance Committee meeting, not five o'clock. Five-thirty. And for those Members, if you leave information with your secretaries where you are, our staff will get in contact with you, and we'll be through in less than a half hour.

PRESIDENT ROCK:

All right. Further announcements? Further business? If not, Senator Vadalabene moves that the Senate stand adjourned until Wednesday, May 2nd, at 12:30 p.m. Twelve-thirty tomorrow afternoon, Ladies and Gentlemen. Twelve-thirty. Senate stands adjourned.

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