

SEP 8 1976

HOUSE OF REPRESENTATIVES

SEVENTY-NINTH GENERAL ASSEMBLY

SIXTH SPECIAL SESSION

SEPTEMBER 8, 1976

ONE HUNDRED SEVENTY-NINTH LEGISLATIVE DAY

INDEX



GENERAL ASSEMBLY
STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

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1.

Doorkeeper: "All persons not entitled to House floor will please retire to the gallery."

Speaker Redmond: "The hour of 2 o'clock having arrived the House will come to order. We'll be led in prayer by the Reverend Krueger, the House Chaplain."

Reverend Krueger: "In the name of the Father, Son and the Holy Ghost. Amen. O Lord, bless this House with Thy Service this day. Amen. Oliver Wendell Holmes said 'a child's education should begin at least one hundred years before he was born'. Let us pray. Almighty God, Father of all mankind, we call upon Thee this day to be present with the Members of this House of Representatives as they are called to weigh the mighty issues before them, enlighten their minds to the needs of all. Drive far from the partisan preoccupation so that the welfare of those who need to learn is paramount in their decision. As we need quality education rounded in the fundamentals of knowledge, so let the same factors be the force for action as they deliver it. But, finally, O Lord, whatever be done may be to Thy Glory through Jesus Christ Our Lord. Amen."

Speaker Redmond: "Mr. Clerk, will you read the Proclamation?"

Clerk O'Brien: "Proclamation. The school year is now getting under way and it is increasingly apparent the school district around the state need to know how much state aid they will receive this year. To provide state aid for schools this year above the level, I've already approved, the state must have more resources. These resources will be available to the General Assembly ...enact legislation to speed up the collection of income taxes withheld and sales taxes collected by large corporations and the collection of corporation income taxes. Then, and only then, can the state afford additional money for state school aid. Only then can



formula reform be provided more equitable distribution to state school aid be implemented this year. School districts around the state are now in the critical stage of budgeting and planning for the year. If additional resources can be provided they should be provided now to end or prevent teacher's strikes in these developing financial crisis. The public schools should be kept open. The state can help if the General Assembly acts to pass the speed-up Bills which will provide the necessary additional resources. Therefore, pursuant to Article IV, Section 5-D of the Illinois Constitution of 1970, I hereby call and convene the Special Session of the 79th General Assembly to commence on September 8th 1976 at 2 o'clock p.m. for the purpose and consideration of legislation relating to (1) expediting the collection by the state paid of sales taxes; technically, retailer's occupation, service occupation, and related use taxes collected by businesses from consumers. (b) Of income taxes withheld by employers from employees; and (c) of corporate income taxes including without limitation consideration of Senate Bill 2004, 2005 and 2006. (2) Consideration of the gubernatorial action in regard to House Bill 3518 which changes the formula for distribution of aid to elementary and secondary school districts pursuant to the School Code. And (b) a new Bill introducing the substance of House Bill 3518, as amended, by the specific recommendations for change which I made with respect to that Bill. (3) Consideration of a new appropriation Bill appropriating additional funds for elementary and secondary education is necessary in light of legislative action taken in regard to the subject referred to in paragraph 1 and 2 above. If the General Assembly enacts to speed up legislation and approves the recommended changes of



3.

House Bill 3518 there will be \$50,000,000 more available to schools this year. That \$50,000,000 cannot be provided by consideration of gubernatorial action regarding Senate Bill 1712 in fiscal year 1977 appropriation for distributive aid because the appropriations enacted in that Bill cannot...are not consistent with the amount that will be necessary and available if the speed up Bills and formula revision are approved. The amount enacted for hold harmless is less than the amount needed and the amount enacted for general state aid is more than will be available. Therefore I have excluded consideration of Senate Bill 1712 from this call and have provided instead for the consideration of a supplemental appropriation Bill. Daniel Walker, Governor. September 2, 1976. Springfield, Illinois."

Speaker Redmond: "Roll Call for attendance. Representative Washburn, do you seek recognition? The House will be in order, Representative Washburn is recognized."

Washburn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Mr. Speaker, I'd like to have the record show that Representative Telcser and Representative Romie Palmer are absent due to the death of their fathers."

Speaker Redmond: "Any objection? Hearing none, the record will so show. Representative Shea."

Shea: "Would the record indicate that Representative Brandt is absent because of an illness in his family."

Speaker Redmond: "Any objections? Hearing none, the record will so show. Representative Washburn is recognized."

Washburn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I would like..."

Speaker Redmond: "House will come to order, the Chair can't even hear Representative Washburn."

Washburn: "Yes, Sir, Mr. Speaker, Ladies and Gentlemen of the



House, I'd like to ask leave of the House for a period of time to hold a Republican Conference in Room 118. I would suggest, Mr. Speaker, that...I know several Members are on their way down and have been delayed for one reason or another, that when they report to the House floor that they be advised that there is a Republican Conference underway in Room 118 and ask that they report down there. I would suggest, probably, that we reconvene around 3:30 or so?"

Speaker Redmond: "Representative Shea."

Shea: "Mr. Speaker, Mr. Minority, the Democratic Party will have a caucus at approximately 3:30 and then be back up on the floor about 4, but there is a meeting of the Democratic Leadership with our Governor at 3 o'clock."

Washburn: "Well...yes, I'm happy to hear that you say you have one with your Governor, I wasn't aware that he was anybody's Governor at this particular point."

Speaker Redmond: "He's yours, too, Representative Washburn."

Washburn: "We won't debate that issue here on the House floor at this time but I do take issue with you, Mr. Speaker. All right, let's convene the Republican Conference then at 2:30 in Room 118 and we'll be back on the House floor at 4 o'clock. And I would hope that whatever you learn, Representative Shea and Mr. Speaker, if anything, in your meeting with Mr. Walker you would at least relate some information to the Minority side of the aisle. I want you to know..."

Speaker Redmond: "We will do that, we tried to relate some information to you with respect to Salt Creek but we weren't too successful but we'll...we'll try again, Representative."

Washburn: "I'll listen a little better this time, but we are here to work and we're here to transact the state's



business and to take care of the taxpayers once again and we'll be standing by. Thank you."

Speaker Redmond: "Representative Washburn, if you will bear with the Chair we have a few organizational motions and matters to take care of and then when we finish that why we will stand in recess. Representative Hill."

Hill: "Mr. Speaker and Members of the House, I wish that kindly Gentleman on the other side of the aisle would finally come to the conclusion that his candidate doesn't take a stand on anything, at least our...at least our candidate has come out for this package whereas your candidate, no one seems to be able to find him, he wasn't in Kansas City, and I think you should look him up."

Speaker Redmond: "The House Rules prohibit using the Chambers for lectures. Mr. Clerk."

Clerk O'Brien: "House Resolution #1. Resolves that the Rules of the House of Representative of the 79th General Assembly be adopted as the Rules of this Sixth Special Session so far as the same may be applicable. That the Standing Committees of the House for the 79th General Assembly and their Membership shall constitute the Standing Committees of the House during the Sixth Special Session."

Speaker Redmond: "Representative Shea."

Shea: "Mr. Speaker, I move the adoption of House Resolution #1 of the Sixth Special Session of the 79th General Assembly."

Speaker Redmond: "Gentleman has moved the adoption of House Resolution #1. All in favor say aye; opposed, no. The ayes have it. The Resolution's adopted. Mr. Clerk."

Clerk O'Brien: "House Resolution #2. Resolves that the Journal Review Committee heretofore appointed by the



6.

Speaker pursuant to House Resolution #405 is authorized and directed to review and approve Journals of the Sixth Special Session."

Speaker Redmond: "Representative Shea."

Shea: "Mr. Speaker, I move that House Resolution #2 of the Sixth Special Session of the 79th General Assembly be adopted."

Speaker Redmond: "Gentleman has moved that House Resolution #2 be adopted. Those in favor indicate by saying aye; aye; opposed, no. The ayes have it. The Resolution is adopted. The Chair is happy to...judging from the noise volume, all 258 Members of the House are here. Mr. Clerk. Messages. Order of business and Messages, Mr. Clerk."

Clerk O'Brien: "To the Honorable Members of the House of Representatives of the 79th General Assembly. Pursuant to Article IV, Section 9-E of the Illinois Constitution of 1970, I hereby return House Bill 3518 entitled: 'An Act to Amend Sections 18-818-12 and 24-12 of the School Code, approved March 18, 1961, as amended' with my specific recommendations for change. Daniel Walker, Governor."

Speaker Redmond: "The message will be journalized. Do you have any other messages? The House will stand at ease for about five minutes and will the Republican Leadership come to the Speaker's Office? Will all the leaders please come to the Speaker's Office, Republican and Democrat? Representatives Madigan and Bradley. Shea. Representative Washburn."

Washburn: "Mr. Speaker, do you plan on this being very long in there?"

Speaker Redmond: "No. No."

Washburn: "Okay, then, just let me remind the Republican Members because there was a little misunderstanding I guess, that our conference is at 2:30 in Room 118."



Speaker Redmond: "No, the only purpose of this is to follow your suggestion that we tell you what we have in mind."

Washburn: "Apparently you don't have much if we're going to be out by 2:30."

Speaker Redmond: "...We feel that the speed that you can assimilate it indicates the high standard of intelligence."

HOUSE AT EASE

Speaker Redmond: "House will come to order. Introduction, First Reading."

Clerk O'Brien: "House Bill #1. Jaffe, et al. A Bill for an act to amend sections of the School Code. First Reading of the Bill. House Bill #2. Berman, Bradley, et al. A Bill for an act making appropriations to State Board of Education for the distribution of certain monies. First Reading of the Bill. House Bill #3. Shea, et al. A Bill for an act to amend sections of the Illinois Income Tax Act. First Reading of the Bill. House Bill #4. Shea, et al. A Bill for an act to amend sections of the Illinois Income Tax Act. First Reading of the Bill. House Bill #5. Shea, et al. A Bill for an act in relation to the filing of returns by taxpayers having a monthly tax liability for certain occupation and use taxes. First Reading of the Bill. House Bill #6. Lundy. A Bill for an act to amend sections of the School Code. First Reading of the Bill."

Speaker Redmond: "Relating to the House Bills 1 thru 5 before the Committee of the Whole. Representative Tipsword."

Tipsword: "Mr. Speaker, I have a parliamentary inquiry of the party."

Speaker Redmond: "Proceed."

Tipsword: "My parliamentary inquiry, Sir, relates to the



Governor's call and what we are called to act upon under that call. Not in regard to the five Bills that have just been placed before us because those are...this kind of matter is specifically in the call and do not relate to the matter, at least directly, I think they do indirectly to the matter I'd like to raise. My specific question goes to the item #2, I guess it is, in the call of the Governor in regard to House Bill 3518 and his Message to us on House Bill 3518. I think that presumes in this call that we have before us from the Governor a Constitutional Message. And I would like to question and...and explain to the House, if I might, why I raise this question. As to whether or not we have actually a Constitutional Message on House Bill 3518 presently before this Body, 'cause I have been examining the Constitution of the State of Illinois. It appears to me that we have a total veto; that the Governor has a total veto in that. An item veto; has a reduction veto and that's specifically referring Section E of Section 9-E of Article IV, there is what we have generously referred to as the Amendatory Veto, under which I presume at least part or perhaps all and I think all of this Message purports to relate. However, I do not find in this an Amendatory Veto and referring back to the Case of People ex rel Klinger vs Howlett of sometime ago back when a message was delivered to this Body from Governor Ogilvie. In that Bill it is discussed, apparently, 'indicta' but nevertheless because the Supreme Court felt at that time it was important, that it should discuss what an Amendatory Veto indicated it might be. Nothing in any of the language quoted from the records of the Constitutional Convention indicates there's such a thing as a conditional veto..."



Speaker Redmond: "Mr. Grotberg, for what purpose do you rise?"

Grotberg: "Generally, Mr. Speaker, I rise on behalf of three of us or four of us on this side of the aisle wondering if the Representative from Macoupin is going to go into...these very interesting details...should we be in business while the Republicans are...I'm waiting for a phone call or I'd be down, but...I don't want to ruin anybody's procedures except I would question moving along with only one party. That could be very unpleasant."

Tipsword: "I'll be glad to wait until 4 but I thought we were in Session...and I didn't...I thought the matter.."

Speaker Redmond: "I would appreciate it if you would wait until 4."

Tipsword: "It appeared to me that this was a matter that was precedent to some of the...anything else that might come then before this Body."

Speaker Redmond: "Would be appreciated if you could defer that until after the Republican caucus is finished and they have a chance to participate."

Tipsword: "If they are in caucus what are we doing now, Sir?"

Speaker Redmond: "That's a good question, that's what Representative Grotberg...we haven't recessed yet. We're about ready to recess. Representative Shea."

Shea: "Mr. Speaker, pursuant to your laying House Bills 1 through 5 before a Committee of the Whole, I have filed a motion and will ask to call it at 4 o'clock when those Bills appear on the Calendar, that the appropriate notice rule be suspended; that those Bills might be heard tomorrow in a Committee of the Whole. So I will do that at 4 o'clock upon our return. When the Clerk finishes reading the rest of the Bills, Mr. Speaker, I would then move that we will stand in recess until 4 o'clock."



Speaker Redmond: "Representative Lundy."

Lundy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, six Bills have been introduced in this Special Session which is quite a narrow one limited as to its subject matter but only five have been placed by you before the Body for consideration, Committee of the Whole. May I make a parliamentary inquiry as to the proper method for proposing to the House that all of the Bills in this Special Session which relate to the narrow issues in the Governor's Proclamation be placed before the Committee of the Whole."

Speaker Redmond: "...I wasn't aware of the fact that you did have a Bill or the subject matter of it. If you will discuss that with me before 4 o'clock it may very well be that we can include that in the..."

Lundy: "Thank you very much."

Speaker Redmond: "Representative Matijevich."

Matijevich: "Mr. Speaker, parliamentary inquiry. As I read the Constitution we're limited only to the business under the purpose of this special call. And the reason I make this inquiry, I know some Legislators that'd like to introduce Resolutions. I think that would be a tragedy with the election coming up and I make that point of inquiry, I don't think Resolutions can be offered. And I'm asking the Chair if they are going to honor Resolutions? I don't care what kind they are."

Speaker Redmond: "What Resolution were you talking about?"

Matijevich: "I don't know. I don't know what kind will be but as far as I'm concerned any of them have some political overtone and I don't think they are...ought to be introduced. Under the...if you read the Constitution only those matters within the purpose of the call can be transacted."



Speaker Redmond: "Representative Shea."

Shea: "Well, Mr. Speaker, I'm wondering if we might take that up at 4 when we get back. And I would move, now, that the House stand in recess until 4 o'clock."

Speaker Redmond: "Gentleman has moved the House stand in recess. All in favor indicate by saying aye; aye; opposed, no. The ayes have it. House stands at recess until 4 p. m. 3:30. We're in 114, aren't we, Representative Shea? 114, 3:30."

RECESS

Speaker Redmond: "House will come to order. House will come to order, Members please be in their seats. The order of business is Motions. Chair recognizes Representative Shea."

Shea: "Mr. Speaker, Ladies and Gentlemen of the House, there appears on the Calendar of the Sixth Special Session, a Motion I have with regards House Bill 1 through 5. Those Bills are the Bills to implement the Special Call for this Special Session. House Bills 1 through 5 provide for a fund...for a change in the School Aid Formula, an additional \$50,000,000 provided for school districts of this state.. And the third, fourth and fifth Bills provide for a method for the state to garner tax collection quicker from those people that collected, being paid by the people. So, Mr. Speaker, I would now move to suspend Rule 18 so that the Committee of the Whole Meeting may take place tomorrow morning at 9 o'clock. That takes a 107 votes and I would ask my colleagues on both sides of the aisle to join me in that Motion."

Speaker Redmond: "Representative Washburn."

Washburn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I rise in opposition to Representative



Shea's Motion for several reasons. There are those who think that this Special Session is unwarranted. And whether we think it's warranted or not, the business before us is of extreme importance to everyone in the State of Illinois. And it involves a great deal of money. It involves money at the...we haven't had any information as to how it's going to be spent; only about half of it. Certainly issues of these magnitudes, the Bills have not been printed I understand, only those that have been introduced earlier this afternoon. I would suspect that copies would not...I would suspect that copies would not be available to us until...to the Members until late tonight or possibly early morning. And early in the morning at 9 o'clock Representative Shea wants to hold a Committee hearing...Committee of the Whole hearing on these Bills. That doesn't make much sense to me on issues of this magnitude, such complicated issues. I would ask that the Membership oppose this Resolution. That we can go about the business of this Special Session in an orderly procedural manner which would be to have the Bills which were introduced referred to proper Committees as saw fit by the Assignment Committee. And to be heard, I believe, the first day under our Rules would probably be Tuesday afternoon. Ample notice would be given to the public, those hundreds of concerned people, so that they might appear as witnesses and state their views. Legislators themselves would have time to study the Bill and we could go about the business before us in an orderly fashion. I would suggest that a no vote would give ample opportunity for all to study and that the hearings should be good hearings if they're held next Tuesday. Certainly they couldn't be good hearings tomorrow because few would know about them and that we come back after



the Committee hearings and act on the judgment of those particular substantive meetings. So I would ask that the Membership oppose the Motion."

Speaker Redmond: "Representative Bradley."

Bradley: "Well, thank you, Mr. Speaker. And Mr. Speaker and Ladies and Gentlemen of the House, I'm certainly going to support the Motion by the Majority Leader, Mr. Shea. In response to the comments by the Minority Leader, I would like to remind he and the Members of the House that these Bills have been before us and were before us last year. 3518 is the...my understanding exactly the same Bill with one exception we will be hearing tomorrow in the Committee of the Whole. And every Member on the floor of the House is well aware of what is in those Bills, or in that particular Bill, 3518, is the same Bill. We had the accelerated tax collection Bills before us last spring in which all the Members were well aware at that time what were in those Bills. And I'm sure that all of us are fully aware of what the Bill will do insofar as funding the schools and elementary and secondary schools up and down the State of Illinois. We're simply adding more money to that...to that package. I agree with you there should be a hearing and we are going to have time to hear those Bills and people who want to come forth to testify, and I imagine we'll have some of the same people that testified pro and con on that legislation, of those pieces of legislation, before us last year will be here tomorrow morning. As far as our being knowledgeable on the legislation, let me also say that we have known for some time through the news media, if not through any other media, that it was anticipated just this matter might be called by somebody who had the authority to call a Special Session. So that each and everyone of us sitting on this floor



are very well informed on this legislation. I have not seen the legislation until it was printed this afternoon but I do know what was in 3518, what was in the accelerated tax program package and how we fund schools in elementary and secondary schools; how we budget that money and how we distributed those dollars. I simply think that to say that we need another week to take a look at them we're only prolonging something that we could get done immediately to help our schools up and down the State of Illinois so that they will be more knowledgeable how to be able to make the budget that they can live within and expect to get the dollars to fund that budget. So I urge the Members to give us a 107 votes so we can have that hearing tomorrow morning starting at 9 o'clock so we can proceed with this legislation. And I think it would be advantageous to do it that way, if we don't we may find ourselves here for two or three weeks and I'm just as anxious to get back to campaign as the rest of you. I think we can do this in five days. Let's get on with the work of the House and the work of the State of Illinois.

Thank you, Mr. Speaker."

Speaker Redmond: "Representative Duff."

Duff: "Well, Mr. Speaker...Mr. Speaker, Ladies and Gentlemen of the House, more years ago than I would care to remember my mother used to give her ten children cod liver oil and we knew it was coming and she put it in a big spoon. And in order to get it down we had to hold our noses and take it all in one big gulp because it stunk. Mr. Speaker, somebody wants to make a point of order and say cod liver oil doesn't stink. If I can proceed, Mr. Speaker, we're in a situation here where we're being asked to take a great big spoonful in one gulp while we hold our noses. We're being told that government is a static thing. I would remind in



15.

supporting the Minority Leader's statement to the Body that since last June when we voted on these Bills we have conducted the entire appropriation system, the Governor has gone through the veto process of over \$300,000,000 worth of pieces of legislation. Our fiscal situation has changed considerably in its subject to legitimate scrutiny in comparison to our present needs. Further, this Body receives some five day's notice of this meeting. The public receives no more, for sure, less in fact with an extra day for the media. The public, Ladies and Gentlemen, who we propose to represent and to whom most of us will go before on November 2nd has had no opportunity at all to comment to their present attitude on this situation. All of the rhetoric of the campaign, and in fact the gross political motivation by which we sit here by surprise today, are subject to scrutiny. In addition to that, if this Body has changed its mind by one single Member in a majority, not by party but by issue, it has a right to be heard on Amendment and in Committee. It is an insult to the Body for us to receive five day's notice. It is a total abnegation of our responsibility to the public not to allow them to come before us and comment."

Speaker Redmond: "The House will be in order. Please give the Gentleman order."

Duff: "...And I'll speak in support of the Minority Leader's protest."

Speaker Redmond: "Representative Byers."

Byers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of Representative Shea's motion to suspend Rule 18. I think that it's time that the Legislature faces up to the problem of the schools of Illinois. I think it's time that we face up to the problem of finding additional revenue. And I think



that the proposal that we are going to consider, everyone here knows what they're about and we've talked about it before. And I would urge that we put the votes on the board to move this to immediate consideration tomorrow morning at 9 o'clock."

Speaker Redmond: "Representative Campbell. Give the Gentleman order, please."

Campbell: "Mr. Speaker, I rise on a point of personal privilege. Ladies and Gentlemen of the House, I just want to tell you what a great pleasure it is to be back in this what I consider to be one of the greatest co-educational fraternities into which I've ever been initiated. And I want to take this opportunity to thank all of the Members here and all of the people in the Capitol Complex that sent me the cards and the courtesies and also their prayers. And I want to say to you now that yesterday at the doctor's office I'm about 90% home so far as the heart being healed. And...and in closing just let me say that soon as I got out of the hospital my doctor put me on a little diet and that diet was a little sex, a little golf and a little work. And I said 'why in the hell didn't I have this 20 years ago?'"

Speaker Redmond: "Representative Beaupre."

Beaupre: "Well, Mr. Speaker and Ladies and Gentlemen of the House, my observations are very much similar to Representative Bradley. These Bills that are involved in this Motion have been discussed, cussed, gone over with a finetooth comb by the House Revenue Committee, the Rules Committee. Have been debated very thoroughly on this floor. Now every newspaper in this state has editorialized in regard to the merits thereto. Now every newspaper in this state has published article after article in regard to the merits thereto. To hold off action on this matter, on this date, by not



passing this Motion is ludicrous, truly. Anyone who doesn't know what's contained in these measures must have had their head in the sand for the last six months. It isn't very often that I disagree with my colleague on the other side of the aisle, Representative Washburn, who usually uses sound thinking in regard to legislative matters. But let me suggest that the only thing that we're doing by not suspending these rules is delaying indeed what is an important issue that must be resolved in this state. And I would ask for all of you to vote to suspend the rules so that this matter might be heard tomorrow."

Speaker Redmond: "Representative Polk."

Polk: "Well, Mr. Speaker, Ladies and Gentlemen, despite the fact that the words of my good friend from Kankakee, yes, the media has come out and told us what's in these Bills but they're the only ones that seem to know. I don't think there's a Member of this General Assembly with the exception of maybe two or three that have these Bills on their desk. Now I don't know exactly what is in the Education Bill...(tape)...probably it's the ones that I'm concerned about. (tape)...For hours and hours and days put in on this so-called Jaffe Bill. And anyone that says they could...they knew what was going to be in that Jaffe Bill before it was finally placed on their desk, or after all the Amendments were placed on it, obviously did not understand the process that we're going through. It seems to me that it's rather important that we have an opportunity to have a few hours, a few hours, to actually look at this piece of legislation before we make this determination."

Speaker Redmond: "Representative Collins."

Collins: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House, I think any Motion to suspend Rules so that we can go into a Committee of the Whole to con-



sider Bills that we haven't even seen yet, tomorrow is the height of irresponsibility. And the only delay, I think, would be to delay that irresponsible approach to such important legislation. Now, I don't consider, I don't agree with those who say that we're in a great educational crisis. But if we are it's going to take more examination than the few hours that we would be given tomorrow, not only for us to consider the Bills but for witnesses from all over the state to come to testify for or...on behalf of these Bills. Let's not forget if we go in at 9 o'clock in the morning that only gives us three hours before you people have to leave to go across the street to listen to peanuts and platitudes. And then when you come back in the afternoon, if you do, you're all going into Chicago sometime tomorrow to march in a torchlight parade with the same bag of peanuts. I would suggest to you that too much peanuts may be bad for your health but it's certainly...is bad for the fiscal and economic health of the State of Illinois. This is irresponsible, it's ridiculous. I think that this motion should be resoundingly defeated."

Speaker Redmond: "Representative Ryan."

Ryan: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, one of the speakers on the other side of the aisle spoke about everybody knowing what was in these Bills. And I think probably, basically, that's true. But I do have some questions that need to be resolved and I'm not sure that a Committee of the Whole can resolve those. Mainly, as I understand it Representative Shea, this package calls for some \$95,000,000 worth of increased revenue. Would that be correct?"

Speaker Redmond: "Representative Shea, for what purpose do



you rise?"

Shea: "If I'm being asked a question, I'd like the opportunity to respond."

Speaker Redmond: "You may respond."

Shea: "Mr. Ryan, the three Bills with regard to speed up and tax collections provide the following: now a retail merchant who collects over a million dollars, or has over a million dollars, these Bills say a million, two hundred and fifty thousand dollars in sales, has a deposit with the State of Illinois that cannot be in effect put in the General Revenue Fund. These Bills would propose that that deposit be used to pay their tax obligation. And that instead of paying the money they collect from you and I and the people of this state at the end of a month, that you would pay it on a weekly basis. So that, in effect, on a one-shot basis, on a one-shot basis, the Treasury of the State of Illinois would receive an additional \$95,000,000 from the merchants of this state that the people have paid in sales tax have that \$95,000,000, \$50,000,000 if these Bills all pass would immediately be passed on for increase in state aid to the school children of this state."

Ryan: "That is my question, Mr. Shea. My second question is, what happens to the other 45,000,000? There seems to have been a long silence about the additional 45,000,000."

Shea: "The other \$45,000,000 would go into the General Revenue Fund of this state and not one penny of it could be spent other than by appropriations of this General Assembly. And being the Minority Spokesman in the House and the, the Appropriation matters, you know exactly what was appropriated by this House. And not one additional penny would be appropriated unless you had an opportunity to scrutinize it."

Ryan: "I realize that, Mr. Shea, would it be possible for the



Governor to obligate that money in any manner?"

Shea: "The only way the Governor can obligate one penny is pursuant to appropriations of this General Assembly."

Ryan: "Well, Mr. Shea, I understand that he obligated several thousand dollars in the collective bargaining agreement that he had and I don't recall having heard that before the Appropriations Committee or this House."

Shea: "You certainly did, Mr. Ryan, hear just exactly what went into those appropriations, every penny of it."

Ryan: "That was after the fact, Mr. Shea, and that's what I'm concerned about with this \$45,000,000. And you know that and I know it and I would hope that the rest of the Members of this Chamber would understand that. That that's an additional \$45,000,000. And I want to tell you..."

Speaker Redmond: "I think that...I think that Mr. Shea has answered the questions. Now bring your remarks to a close, Representative..."

Ryan: "...Thank you, Mr. Speaker. I think that we should all think about that \$45,000,000 and at least get some commitment from the Governor of the State as to what he's going to do or how he's going to obligate that \$45,000,000. Or if he is or isn't. And I think that's incumbent upon all of us to do that before we act too hastily here. I would certainly hope that you would follow the plan as offered by Representative Washburn and follow this thing through in a sane and safe manner. We're talking about a lot of money and some big problems. And I know you're all responsible enough to understand that. Thank you."

Speaker Redmond: "Representative Waddell."

Waddell: "Mr. Speaker, a question of the Sponsor."

Speaker Redmond: "Proceed."

Waddell: "How do you propose to collect the tax from out of state corporations?"



Shea: "Mr. Waddell, are you asking the motion or about the Bill?"

Waddell: "About the Bill as it relates to those corporations being treated unequally, those that we have in the State of Illinois and those from other states."

Shea: "Well, that's the purpose of my motion so that people such as yourself that are knowledgeable in the field of tax collection and finance may have an opportunity to fully ventilate those Bills. And if we have, if you will help support my motion so that we can lay those Bills before the Committee of the Whole tomorrow, we will have the experts here and I would certainly ...three of those Bills are mine...and I would stand up and certainly try to answer any questions to the satisfaction of the Membership. But that can't be done until we get a Committee hearing and with your help that Committee hearing can be tomorrow."

Waddell: "Well, Mr. Shea, my response to that is that I would rather go through the regular Committee forum so that we can have all of those people down here that have something risked in this measure."

Speaker Redmond: "Anything further? Representative Shea to close."

Shea: "Mr. Speaker and Ladies and Gentlemen of the House, there's not one Member of this Body that don't have knowledge of what these Bills contain. Almost every item within these five Bills have been before this Legislative Body within the last year. We are back in Springfield in a Special Session because the Governor of our state feels there's a crisis and an emergency within state government. That crisis and emergency is to let...and let the school districts of this state find out exactly where they stand in their financial pictures. As you remember last year this Body came back in November and worked on vetoes and



we spent a substantial amount of time, and school districts in this state didn't know exactly what dollar amounts they were going to get until sometime in December. We have an opportunity and yet an obligation to the people of this state to inform them within the shortest possible time to what those dollar amounts for education and the other needs of this state are. I've heard Members say that they've had other things to do and were here on short notice. We're here pursuant to the Constitutional notice of five days. I don't know for any Member of this House what is more important than being here in Springfield doing the people's business. Almost every Member of this Body is running for re-election. I think that all of you want to come back, or those of you that are running for re-election want to come back here, and you want to come back here and do the people's business. You have an opportunity and an obligation to get on with it and I would ask my colleagues to join me and supply the necessary 107 votes so that we may hear these Bills at the earliest possible opportunity."

Speaker Redmond: "The Gentleman has moved to suspend Rule 18 for the purpose of permitting hearing in Committee of the Whole House on Thursday, September the 9th 1976 at the hour of 9 o'clock a. m. with respect to House Bills 1 through House Bill 5. Those in favor of the Gentleman's motion vote aye; opposed vote no. Have all voted who wish? Requires a 107 votes. Representative Shea, do you seek recognition?"

Shea: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I don't understand why my colleagues across the aisle will not join with us to get on with the people's business. Yes, and Mr. Assistant Minority Leader, I'd like to hear from you, too. And why the schools in



the Sixth District don't have to find out what they're going to do financially. You opposed these Bills in the Spring Session. And I know you still oppose them but for Lord's sake give us an opportunity to hear what's in them. And give us an opportunity to vote on them. If you don't want to vote on them that's one thing but at least let the people have an opportunity to know where you stand. Don't try to delay and stand behind some procedural sham."

Speaker Redmond: "Representative Walsh to explain his vote."

Walsh: "Well, Mr. Speaker and Ladies and Gentlemen of the House, the procedural sham that the Gentleman refers to very emotionally is the rule that prevents me from being heard in a precipitous manner and provides for people throughout this state to have some notice of what is happening in their government. What we are doing in opposing the Gentleman's Motion is providing that the people may have an opportunity to vote on these five very, very important measures. Now I submit to you, Mr. Speaker, that I am far more familiar with what is happening to the schools in the Sixth District and for that matter the Seventh District which you may not recall, but it is your district, than you are. Now you may have a little edge on me on the schools in the 30 districts comprising the city of Chicago but you don't in the suburban districts, Mr. Shea."

Speaker Redmond: "Have all voted who wish?"

Walsh: "I'm not through, Mr. Speaker."

Speaker Redmond: "Oh, pardon me...."

Walsh: "I wanted to talk more about Mr. Shea and what he is doing..."

Speaker Redmond: "...You...reflection and I..."

Walsh: "Yeah, he might look, Mr. Speaker and as I recall, you folks used to have a 101 Members. I see 93 up there right this minute, so I wonder if Mr. Shea's



leadership in being able to convince some of the Members of his party (1) to attend the Special Session called by his Governor and those attending voting for the measure that he came up with I submit to you about fifteen minutes after we were supposed to convene. I suggest to you that this is wrong, Mr. Speaker, we Republicans are here to do indeed the people's business as it should be done and not rush through something in a manner that we may all very well regret."

Speaker Redmond: "Have all voted who wish? Clerk will take the record. On this question there's 95 aye and 51 no. And the Gentleman's Motion fails."

Shea: "Could I have a poll of the absentees, Mr. Speaker?"

Speaker Redmond: "Gentleman has requested a poll of the absentees. Mr. Clerk, you'll poll the absentees. I think if you'll look at the Rule you'll still say that it's timely, the request is timely. Representative Shea."

Shea: "What...do they have some objections that those Members that might be here don't want to get recorded? I will renew my motion, Mr. Speaker, for a poll of the absentees."

Speaker Redmond: "Mr. Clerk, poll the absentees. Representative Simms."

Simms: "Mr. Speaker, at the appropriate time if it would receive the sufficient number of votes, I would like to have the right to verify the ghost votes on the other side of the aisle."

Speaker Redmond: "That will be accorded you, Sir. Representative Duff."

Duff: "Mr. Speaker."

Speaker Redmond: "Representative Duff. I did...recognize..."

Duff: "Mr. Speaker, I don't...well, thank you, Mr. Speaker, I sort of intended, otherwise I might not have been called on. Mr. Speaker, I don't know what rule the



Chair referred, but referring to the rule that says after a Roll Call has been announced no Member may change his vote especially if it'd affect the outcome. I wonder if you...would have the Parliamentarian tell us under which rules you are allowing this poll of the absentees?"

Speaker Redmond: "Representative Shea."

Shea: "I've just been informed that the Republican Party in the Senate helped the Democratic Party over there with this same motion so that they could hear it tomorrow. And I'm wondering if there's some problem that the leadership on both sides of the aisle, or both sides of the rotunda, if the Republican Party can't agree?"

Speaker Redmond: "Representative Washburn."

Washburn: "First of all, I want them to know that we're not dictated to by any person or individual. And secondly, are you going to call a poll of the absentees or are you going to call...motion dead?"

Speaker Redmond: "Mr. Clerk, poll the absentees."

Clerk Selcke: "Brandt, Campbell, Capuzi, Catania..."

Speaker Redmond: "Representative Totten, for what purpose do you rise?"

Totten: "Thank you, Mr. Speaker, I'd just like to point out to the Members that Senator Regner is here and he's on the side of the House, so they're split over there."

Speaker Redmond: "He used to be here."

Clerk Selcke: "Craig, Epton, Fleck, Gaines, Giglio, Hart, Hirschfeld, Dan Houlihan, Hudson..."

Speaker Redmond: "Kane. Representative Kane, aye."

Clerk Selcke: "Kane, aye. Keller, Kucharski, McAuliffe, Palmer, Peters, Porter, Rayson..."

Speaker Redmond: "Representative Porter, no."

Clerk Selcke: "Porter, no. Rayson, Rose, Schlickman, Schneider, Schoeberlein, Skinner, Stearney, Cissy Stiehl, Telcser, Winchester."



Speaker Redmond: "96 ayes, how many nays? 52 nays. Gentleman's motion is lost. At ease for five minutes. Be at ease for fifteen minutes and the House Republicans and House...can have a caucus. Representative Matijevich."

Matijevich: "Mr. Speaker and Ladies and Gentlemen of the House, someone asked me to vote...to wait 'til 4 o'clock on that parliamentary inquiry, if we restricted on the business of this Session. I made the point of order under the Constitution that we couldn't offer a congratulatory resolution or transact any other business except for the purpose for which we have been called here by the Governor's Proclamation. And I make the point of order because I know the congratulatory resolutions are coming up there like crazy and if we're five days in Session in an election year they're going to come in like crazy again. And I'd like to make that point of order if we are bound by the Constitution, which I think they are, to limit ourselves to the purpose for which we are called here."

Speaker Redmond: "I've been advised by the Parliamentarian that if there are any objectors of any kind to any resolution that they will have to be referred to a committee. So, ruled out of order."

Matijevich: "All right, I object to all of them and I've got one that I find it hard to object to but I object to all resolutions that any business be transacted with those resolutions."

Speaker Redmond: "When, as and if that time comes, you'll be recognized. Representative Cunningham. We're at ease, but..."

Cunningham: "Mr. Speaker, inasmuch as it's the will of the House, that's been clearly signaled in this matter by the Roll Call that we just had, I respectfully move that we adjourn until the 17th of November 1976. And



if this is out of order, I ask to be recognized when it will be in order to make that motion."

Speaker Redmond: "We're getting an adjournment resolution prepared, Representative Cunningham. Representative Grotberg."

Grotberg: "Yes, Mr. Speaker, Mr. Matijevich's motion regarding motions and congratulatory resolutions, I hope it is not retroactive because I'm not going to file a resolution but just ask each of you to keep your eye on Miss Donna Grotberg at Atlantic City this coming Saturday night as the Miss North Dakota candidate, my niece. We had a little resolution, John, keep your eyes open. We'll dust it off again if we have to and probably in November for Miss America."

Speaker Redmond: "She related to you?"

Grotberg: "Yes, by a former marriage."

Speaker Redmond: "Incredible."

AT EASE

Speaker Redmond: "House will come to order. The order of business is resolutions. Representative Shea. Read the resolution."

Clerk O'Brien: "House Joint Resolution #1. Shea. Resolved by the House of Representatives of the 79th General Assembly of the State of Illinois that the Sixth Special Session thereof the Senate concurring therein that when the two Houses adjourn on Friday, September 10, 1976 they stand adjourned until Tuesday, September 14th 1976 at 12 o'clock noon."

Speaker Redmond: "Representative Shea."

Shea: "Mr. Speaker, after we will move for the adoption of the Adjournment Resolution and then I will move that the House stand adjourned until Friday at 1 o'clock which will be a perfunctory session. And then we



will know what the Senate has done with the same package of Bills that were introduced here. And at time we will adjourn at...after the perfunctory on Friday until Tuesday at noon. So, Mr. Speaker, I would now move for the adoption of the Adjournment Resolution."

Speaker Redmond: "Gentleman has moved for the adoption of the Adjournment Resolution. Those in favor say aye; aye; opposed, no. The ayes have it. Gentleman's motion carries. Representative Shea."

Shea: "Mr. Speaker, I would move that the House now stand in recess for about 15 minutes, that the Clerk be allowed to read in any Bills...you need more time Mr. Walsh? Two hours. Well..."

Speaker Redmond: "We have to have the Minority Leadership in attendance..."

Shea: "Mr. Walsh, do you want to stay the two hours?"

Speaker Redmond: "Representative Washburn will stay."

Shea: "All right. Then, that when we do adjourn today that the House stand adjourned until 1 o'clock on Friday for a perfunctory Session. So I move, Mr. Speaker, that the House now stand in recess for a period of two hours. That the Clerk be allowed to perform his ministerial duties and that the House then stand adjourned until 1 o'clock Friday for a perfunct. And when the House adjourns on Friday, adjourn until 12 o'clock noon on Tuesday, September the 14th so the Sixth Special Session of the 79th General Assembly."

Speaker Redmond: "Before I put the motion, I will set the hearing, the Committee of the Whole, for Tuesday at 2 o'clock for House Bills 1 through 5. Now you've heard the Gentleman's motion. Those in favor... Representative Walsh."

Walsh: "Mr. Speaker, why don't you set all of the Bills that will be introduced in the Sixth Special Session? There



are some to come, then you'll be treating everyone fairly."

Speaker Redmond: "I can't anticipate what's liable to happen. Some of the Bills may be beyond the purview of the call so at the present time..."

Walsh: "Mr...."

Speaker Redmond: "We will set...we will set..."

Walsh: "Mr...Mr. Speaker..."

Speaker Redmond: "...The question...we are setting the Bills, House Bills 1 through 5 at Tuesday at 2 o'clock. Representative Walsh."

Walsh: "Well, Mr. Speaker, that...that is discriminatory and wrong. Now, Mr. Speaker, there are 170..."

Speaker Redmond: "Representative Shea."

Shea: "Mr. Speaker, I object. The Gentleman knows the procedure. It's in the sole discretion of the Speaker to set Bills before a Committee of the Whole other than that they go to the Committee on Assignments and he wants to follow the rules, then let him follow them all."

Speaker Redmond: "Representative Walsh, you can get a 107 votes you can do anything...."

Walsh: "I hadn't planned on trying, Mr. Speaker, I just want to point out to you that it is not within the discretion of the Speaker to suspend the rule with respect to posting. And I submit to you that it is too late at this time to set a Bill for next Tuesday the 14th."

Speaker Redmond: "I believe that it's within the Rule 18."

Walsh: "Mr. Speaker, it is not within Rule 18, you must post the Bills by 12 o'clock noon."

Speaker Redmond: "Representative Shea."

Shea: "Mr. Speaker, you've posted the Bill, you've said when the Committee is going to be. The Gentleman knows how to file a formal protest..."

Walsh: "...The Bill hasn't been posted yet, what do you..."



Speaker Redmond: "The question is on the Gentleman's motion.

All those in favor indicate by saying aye; aye; opposed no. The ayes have it. House stands adjourned...recessed for a couple of hours then adjourn. Perfunctory Friday."

Clerk O'Brien: "Introduction of Bills. House Bill 7. Ryan.

A Bill for an act making additional appropriation to the State Board of Education. First Reading of the Bill. Introduction of Bills. House Bill #8. Walsh, Dyer. A Bill for an act to amend the School Code. First Reading of the Bill. No further Bills for introduction. Representative Gaines, you make a motion to stand adjourned now pursuant to the Adjournment Resolution? Stands adjourned."

