

1.

Paul Caveny (Doorkeeper): "All persons not entitled to the House floor please retire to the Gallery. All persons not entitled to the House floor please retire to the Gallery."

Speaker Redmond: "The House will come to order; the Members please be in their seats. We'll be led in prayer by the Reverend Krueger, the House Chaplain."

Reverend Krueger: "In the name of the Father, the Son and the Holy Ghost. Amen. O Lord, bless this House to Thy service this day. Amen. 'Sopenhauer' once said, 'What men commonly call their fate is mostly their own foolishness'. Let us pray. Almighty and merciful God, who does grant unto Thy faithful people the grace to make every path of life temporal, the straight and narrow way which leadeth into eternal life. Grant that we will know that we have no strength as of ourselves to help ourselves; and, therefore, do put all our trust in Thine almighty power. May, by the assistance of Thy heavenly grace, always prevail in all things against whatsoever shall arise to fight against us. Through Jesus Christ, our Lord. Amen."

Speaker Redmond: "Representative Washburn? He smiled, that's all he said."

Washburn: "Did you call on me, Mr. Speaker?"

Speaker Redmond: "I thought you wanted recognition."

Washburn: "Is there any other business . . . preliminaries here to transact before we get to the real business at hand? I did, Mr. Speaker, want your . . . be recognized. I want to have a conference with the Republican Members in Room 118. You've got any messages or anything for the Membership?"

Speaker Redmond: "Yeah, we had a request . . . been a request that 'Toni Dorsett' be presented to address the House of Representatives. Representative Collins has made the request."

Washburn: "Well, let's leave it this way; and I hope that the loud speakers are on across the hall that the Republicans will have a conference in Room 118 at 12:15, and would you like us to return to the floor about 1 o'clock, Mr. Speaker?"

Speaker Redmond: "About 1 o'clock, yes. . . ."



Washburn: "All right, the Republicans will meet in Room 118 for the purpose of a conference at 12:15, which is about 10 minutes from now, and we would plan to return to the House in order to convene . . . reconvene the Session at 1 o'clock. So I would urge all Republicans within listening distance to come down to Room 118. Thank you, Sir . . . or 12:15 in Room 118."

Speaker Redmond: "Any objections to the Republican Conference at 12:15? Hearing no objections, why . . . you're objecting? . . . the House will stand in recess until 1 o'clock. We're going to have the Roll Call at 1 o'clock."

Paul Caveny (Doorkeeper): "All persons not entitled to the House floor please retire to the Gallery."

Speaker Redmond: "Roll Call for attendance. The House is back in Session. What've we got? House Bills, Third Reading. House Bills, Third Reading, appears House Bill 1. Representative Jaffe. The smoking lamp is on."

Jaffe: "Mr. Speaker, there are, I believe, one or two Amendments that are being prepared at this time; and I would just like to take it out of the Record for a moment because I understand that they are being printed."

Speaker Redmond: "Okay. Take that out of the Record then. House Bill 2. Representative Berman. Out of the Record. House Bill 3, Representative Beaupre."

Beaupre: "Mr. Speaker, I'd ask leave to move House Bill 3 back to Second Reading for the purpose of an Amendment."

Speaker Redmond: "Are there any objections? Hearing none, it will be returned to the order of Second Reading."

Beaupre: "Mr. Speaker . . ."

Clerk O'Brien: "Amendment #1, Kosinski, amends House Bill #3, Sixth Special Session, on page 2, line 7, by deleting 'every' and inserting in lieu, thereof, the following and so forth."

Beaupre: ". . . Mr. Speaker, and Ladies and Gentlemen of the House, this is but a technical Amendment correcting a drafting error in the Bill. It makes provisions for payment of withholding taxes within three banking days of the quarter-monthly specified



dates consistent with the language in the Bill as it . . ."

Speaker Redmond: "I understand that that's Amendment #2, Representative Beaupre."

Beaupre: ". . . I'm . . . I'm . . ."

Speaker Redmond: ". . . Representative, #1 is Representative Kosinski's Amendment. Is that correct? Representative Kosinski."

Beaupre: ". . . I'm sorry."

Speaker Redmond: "Representative Kosinski."

Kosinski: "Mr. Speaker, and Ladies and Gentlemen of the House, what occurred in the Amendment stage will ultimately be the Bill we'll vote on in Third Reading. If I could refresh your memory, when the original accelerated program was taken up by us in the past, I was at the forefront of objection because of the bureaucratic paperwork that would be imposed on business interminably. Now, this Amendment to this Bill and my other two Amendments do essentially the same thing. What they attempt to balance is the fact that we spent \$95,000,000 in the flick of an eye; but business forever has a monkey on its back. Now, I'm very conscious of the need of education. And on that basis with the intention of helping education in every way, I am concerned that these Amendments apply to these three Bills. If you'll bear with me, let me explain. No matter what your philosophical vote is on Third Reading, it is my feeling that, inasmuch as this is a temporary, emergency situation, the need of money to assist our revenue . . ."

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

Kosinski: ". . . I repeat, that inasmuch as this is a temporary need to assist education, I think we should . . . we should approach the accelerated program also on a temporary basis. What these three Amendments on these three Bills will do, in essence, is this. At the end of a three-year period, these Bills will self-destruct. Now, politically, some may be concerned as to what Governor's lap they fall into because, at that time, there will be a \$95,000,000 lag. But let me point out to my friends on both sides of the House, they would necessarily fall in the next Governor's lap, whether it be Mr. Howlett or Mr. Thompson, but into



a Governor's lap yet unknown to us. In addition, this would give three years for the Bureau of the Budget to so gear itself as to anticipate not spending that temporary loan from business of \$95,000,000, not adding it to a budget, not just spending up to the hilt; but have a reconstructed, conservative budget as both gubernatorial candidates promise us. I repeat, it's a self-destruct measure no matter what your philosophy on Third Reading. And I'm going to support the accelerated program now because of the need of education. I think we as Legislators which shows conservative consideration were we to adopt the Amendment, my Amendment, to these three Bills will in three years self-destruct. If there are any questions, I'll attempt to answer them."

Speaker Redmond: "Any discussion? Representative Beaupre."

Beaupre: "Mr. Speaker, and Ladies and Gentlemen of the House, I engaged in a good deal of discussion with the Sponsor of this Amendment in regard to what I believe is a serious attempt on his part to make the Bill better. Unfortunately, I must indicate to you that I disagree that it is, indeed, a measure which will make the Bills improved in any way. First of all, it's an illogical approach it seems to me to tell the taxpayers of this state and the citizens of this state that we're going to pass these Bills at this time in order to achieve much needed funding for our schools this year. And then, indeed, do what many of the critics of the Bills say is the net result and effect of the Bills; and that is to take that same amount of money away from future administrations. Now, originally, this Amendment in the spring talked about a self-destruct provision within a year. Representative Kosinski, I think, in an effort, a legitimate effort, to try to improve the Bills has moved that down three years . . . three years down the road. The problem, of course, is that regardless of where you put the self-destruct provision, that, indeed, this General Assembly will have to some day face the issue of whether or not we're going to resort to losing an additional \$95,000,000 in revenue to the state by allowing the self-destruct provision to affect itself."



This is the kind of legislation that poses problems for us in the future. It is really not a rational and legitimate approach, it seems to me. We're kidding the citizens of this state when we put such a self-destruct provision because you and I know that it will probably never be allowed to implement itself. The fact of the matter is these Bills are legitimate business approaches to operating State Government. There's absolutely nothing wrong with the Bills; and in particular, in the income tax Bill that we are considering now. We're talking about a payment schedule that conforms almost exactly to that of the Federal income tax. It is not an onerous burden on business. Those businesses that are affected, basically, are computerized businesses that will have little or no trouble providing those tax returns on time. I urge your defeat of this Amendment. I think by doing so we will leave the Bills in the posture in which they are valid and legitimate approaches to the operations of State Government."

Speaker Redmond: "Any further discussion? Representative Kosinski to close. Oh, Representative Friedrich, pardon me. Friedrich."

Friedrich: "Mr. Speaker and Members of the House, I usually don't agree with Mr. Kosinski. I don't believe the problem we have is of a temporary nature. I think with the ^{problem} we have is of a permanent nature, and anything temporary would not be a solution anyway. And I think that's really what this Special Session is all about, trying to solve a permanent problem with something of a temporary nature. It's kind of like a patch-work quilt; and I don't believe this is the way to do it."

Speaker Redmond: "Representative Skinner."

Skinner: "Yes, I wonder if the Sponsor of this Amendment would yield to a question?"

Speaker Redmond: "He will."

Skinner: "Mr. Sponsor, would you tell me if this is one of those litmus-paper actions in the General Assembly that will commit you to voting for an income tax increase next year?"

Kosinski: "The intention of the Sponsor of the Amendment has no concern about the problems in the next year or years."



Skinner: "That, I think, is the problem with this General Assembly."

Kosinski: "My whole thought, Sir, in terms of this was to make a more palatable acceleration of revenue without hanging this monkey on the back of business forever, essentially making this a temporary loan for business for a temporary situation, and indicating to business that we have concern for their problems through the bureaucratic paperwork they will face, that we're well aware of what their problems are, and we meet them part of the way to insure, not only funding education, but considering business in the long line."

Skinner: "Mr. Speaker, if I might address the Bill, I know the Gentleman is totally sincere; but I think that we . . . what we're meeting . . ."

Speaker Redmond: ". . . the Amendment."

Skinner: ". . . what we're meeting part of the way with this Amendment is a rather large increase in the state income tax."

Speaker Redmond: "Any further discussion? Representative Kosinski to close."

Kosinski: "Mr. Speaker, I didn't bring this on the Sponsors of this Bill at this point and time, I discussed this with them in advance. They know my intentions are for the best of education and the best of business. I have a concern for both areas of our State of Illinois. I'm concerned for education, and I'm concerned for business. And in an attempt to legislate properly, I must take both into consideration. I see no evil to a self-destruct. I can only see a strengthening of this Bill for those who wish to vote for accelerated revenue. I see no evil in this Amendment for those who are philosophically opposed to accelerated revenue. What they do on Third Reading is within their own determination; but I recommend very seriously, with a consideration to both business and education, that this Bill go to Third Reading with the self-destruct Amendments which ultimately will hurt no one. Thank you."

Speaker Redmond: "Are you ready for the question? The question is on the Gentleman's motion to adopt Amendment #1 to House Bill 3.



7.

Those in favor of the adoption of the motion . . . of the Amendment say 'aye', opposed 'no'; in the opinion of the Chair . . . a Roll Call has been requested. Those in favor vote 'aye', the opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the Record. Ewell 'no'. On this question there are 36 'aye' and 93 'no'; and the Gentleman's motion fails. Any further Amendments?"

Clerk O'Brien: "Amendment #2, Beaupre, amends House Bill 3 on page 3, line 9, by inserting after 'third' the following: 'banking'."

Speaker Redmond: "Representative Beaupre."

Beaupre: "Mr. Speaker, Ladies and Gentlemen of the House, this is the Amendment that I was referring to before. It is basically attempted . . . it is, indeed, a technical Amendment which corrects an error in the drafting, which will more clearly clarify that the dates of the tax returns . . . the dates the tax returns are due on . . . or on banking days subsequent to the due date. And I would ask for your favorable approval."

Speaker Redmond: "Any discussion? The question is on the Gentleman's motion to adopt Amendment #2. Those in favor say 'aye', 'aye', oppose 'no'; the 'ayes' have it, the Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "Third Reading. House Bill 4. Representative Byers."

Byers: "Mr. Speaker, take this Bill back to Second Reading. if there's any Amendments to be offered."

Speaker Redmond: "Any objections? Hearing none, it will be returned to the order of Second Reading. Any Amendments, Mr. Clerk?"

Clerk O'Brien: "Amendment #1, Kosinski, amends House Bill 4, Sixth Special Session, on page 1, line 26, by deleting 'if' and inserting in lieu, thereof, the following and so forth."

Speaker Redmond: "Representative Kosinski."

Kosinski: "Mr. Speaker, Ladies and Gentlemen of the House, the same argument I forwarded in the other Amendment applies to this also. The vote was overwhelming, do as you wish."

Speaker Redmond: "The Gentleman . . . do you move the adoption of the



Amendment? He doesn't move the adoption of the Amendment, I hope. Move the adoption of the Amendment. Those in favor say 'aye', opposed 'no'; the 'nos' have it, the Amendment . . . the Gentleman's motion fails. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "Third Reading. Any . . . House Bill 5. Representative Stubblefield here?"

Stubblefield: "Mr. Speaker, I would ask leave of the House to move House Bill 5 to Second Reading for the purpose of considering Amendments."

Speaker Redmond: "Any objections? Hearing none, it'll be returned to the order of Second Reading. Any Amendments, Mr. Clerk?"

Clerk O'Brien: "Amendment #1, Shea, amends House Bill 5, Sixth Special Session, on page 7, line 14, by deleting 'year' and inserting in lieu, thereof, and so forth."

Speaker Redmond: "Representative Stubblefield."

Stubblefield: "Mr. Speaker, this is an Amendment that makes some technical changes in the Bill, and I have no objection to that Amendment."

Speaker Redmond: "Any discussion? The Gentleman's moved the adoption of Amendment #1 to House Bill 5. Those in favor say 'aye', 'aye', opposed 'no'; the 'ayes' have it, the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #2, Kosinski, amends House Bill 5, Sixth Special Session, on page 6, line 29, and so forth."

Speaker Redmond: "Representative Kosinski."

Kosinski: "Mr. Speaker, and Ladies and Gentlemen of the House, while this Amendment may not have been palatable to you in the other two Bills, and it may have been questionable whether it was applicable to them, this is the Bill that makes retail occupation tax collectable four times a month. This is the legacy we're going to leave to business if we pass accelerated program, incidently, of which I approve for education; but I think it would be well within our right to put the cut off on House Bill 5, even if we disregarded it on the other Bills. And, Mr. Speaker, I move for the adoption of



this Amendment to House Bill 5."

Speaker Redmond: "The Gentleman has moved . . . Representative Stubblefield."

Stubblefield: "Mr. Speaker, I . . . Ladies and Gentlemen of the House, I think the argument in support or in opposition of this Amendment is quite similar to the arguments made on House Bill 3. However, I think there are two differences that we ought to consider. One, there has been suggestions by some of the opponents of this legislation that it would affect future fiscal years in amounts in the treasury; and, certainly, by adopting this Amendment at a time when it would self-destruct, we would then be deleting from that fiscal year a similar amount of funds as we're adding now, namely \$65,000,000. There's one additional argument that I think we ought to make in behalf of business. Included in this legislation is a provision to eliminate the deposit. And by a self-destruct, we would be instituting that deposit at the time the destruction took place and might actually create a hardship on business by forcing them then to make a new deposit. And I would urge that we reject this Amendment."

Speaker Redmond: "Any further discussion? The question is on the adoption of the Amendment. Those in favor indicate by saying 'aye', opposed 'no'; the 'nos' have it, the motion fails. Any further Amendments? No further Amendments, Third Reading. House Bill 2, Representative Berman? Are you ready on that one?"

Berman: "Thank you, Mr. Speaker. I ask for leave to return House Bill 2 to the order of Second Reading for purposes of Amendment."

Speaker Redmond: "Any objections? Hearing none, be removed . . . Representative Washburn."

Washburn: "Did you say you had an Amendment, Art'?"

Berman: "No, Sir."

Washburn: "Oh, okay, Art'."

Berman: "I'm bringing it back in case there ^{are} any. I'm not aware that there are any."

Washburn: "Okay, fine, here I was . . . none have been distributed. that was . . ."

Berman: "Oh, if there are none, then we'll let it stay at Third. Are there any . . . Mr. Clerk?"

Speaker Redmond: "There are none."

Berman: "Okay, no Amendments, then we'll allow it to stay."

Speaker Redmond: "Mr. Jaffe, House Bill 1."

Jaffe: "Mr. Speaker, I think we're still waiting for an Amendment."

Speaker Redmond: "Okay, maybe . . . do you want to bring it back to Second or do you want to leave it where it is?"

Jaffe: "Well, I'm going to want to bring it back to Second for the purpose of an Amendment, Mr. Speaker."

Speaker Redmond: "Okay. Any objection to bringing House Bill 1 back to Second Reading for the purpose of Amendment? Hearing none, it will be on the order of Second Reading."

Clerk Selcke: "This Bill has been read a second time. Amendment #1, Berman, amends House Bill 1, Sixth Special Session, on page 19 by deleting lines 32 and 33 and inserting in lieu, thereof, the following and so forth."

Speaker Redmond: "Representative Berman."

Berman: "Thank you, Mr. . . ."

Speaker Redmond: "Representative Washburn."

Washburn: "Did he indicate that he had an Amendment to this Bill?"

Speaker Redmond: "Yes, would you please give the Gentleman order; and Representative Berman, perhaps you would explain the Amendment."

Washburn: "Well, we don't have it, Bill or Mr. Speaker. It hasn't been distributed on this side of the aisle at least. No Amendment to House Bill 1."

Berman: "I just filed, Mr. Speaker, if we could just take a few moments pause and allow it to be distributed."

Speaker Redmond: "Take it out of the Record for awhile. The House will be at ease until 2 o'clock. It'll give us time to get the Amendments printed and distributed to the Members. The House will be in order. The Amendments been distributed? House Bill 1, Representative Jaffe. The Amendment's been read. Representative Berman."

Berman: "Well, thank you, Mr. Speaker, and Ladies and Gentlemen of the



House. Amendment #1 to House Bill 1 provides in this section of the revision to the School Code a policy that has been adopted by the Superintendent of the Illinois Office of Education; and that is the policy of spreading out any penalty for early school closing over a three-year period. This Bill . . . this Amendment would codify and put into our statutes that policy of . . . by the Illinois Office of Education. I believe it's a fair policy. I think that when we look at the dollar amount that's involved, such as in the closing that took place last year in . . . last spring in the City of Chicago, that the total imposition of any penalty and extract that over a one-year period can have a devastating affect on any school district. I think it's a more equitable approach, and an approach that has been followed in other districts by the Illinois Office of Education, is a phase-in over of three years. This Amendment does just that, allows the imposition or requires the imposition of . . . Cook County for early school closing over a three-year period. I move the adoption of the Amendment #1."

Speaker Redmond: "Representative Jaffe."

Jaffe: "Mr. Speaker, I rise in support of the Amendment. I think the Amendment is fair. I think it's equitable. I think we should adopt it. And I would so move."

Speaker Redmond: "Representative Polk."

Polk: "A question, Mr. Sponsor."

Speaker Redmond: "Proceed."

Polk: "Would this then give the legislative authority to the I.O.E. on they administratively already say they can do?"

Berman: "Yes, Sir."

Polk: "Then what's the purpose if they can already do it? I don't see why it's necessary to legislate it."

Berman: "They're determination is presently in question in two court cases. I believe that it's a much better policy for the Legislature to say what it means and then instead of allowing administrators to act without legislative guidelines, and there is precedent for this. I think that it's a fair approach. And I think that the



Legislature should, in fact, state that approach in this legislation."

Polk: "Well, penalties . . . presently, there's no . . . there is no penalty, is that correct?"

Berman: "I'm sorry, would you repeat that?"

Polk: "Presently, there is . . . there are no penalties. Wasn't that the court's decision, that they will not pay it back?"

Berman: "That was a decision in the lower court in Chicago yesterday. The Bill . . . the Jaffe Bill provides for a penalty. If that penalty is going to be imposed, I think the fairer way that it be imposed is over a three-year period. As a Legislature, we have supported in the past, through the introduction of House Bill 3518 in its passage, for a period of five, six, seven months the recognition that there was nothing wrong with saying to school children and parents throughout the state that the Legislature thinks that there should be a minimum school year of 176 days. That if there isn't a school year of 176 days, there should be a penalty. It was the position of the General Assembly that that penalty should be in the form of 176. This Amendment would further clarify the penalty provision by saying that if a penalty is constitutional, that it be imposed over a three-year period."

Polk: "Well, one final statement, or comment or question to you then. If this is approved, then would you want the penalty to be . . . to be spread over three years, and that penalty be \$53,000,000 as was assessed?"

Berman: "Do I want it to be?"

Polk: "Yes, is that what you were saying that if we passed this it'll be a \$53,000,000 assessment?"

Berman: "No . . . no, that's not . . ."

Polk: "How much will the assessment be?"

Berman: "If the Jaffe Bill passes with Amendment #1, the penalty, if it is found to be constitutional, would be \$30,000,000 payable over three years."

Polk: "Okay. So if we pass this, then the City of Chicago will not pay the \$53,000,000, they will only pay the \$33,000,000; and it

will be spread over three years instead of one year?"

Berman: "If the provisions of the Bill are found to be constitutional."

Polk: "Then if that is correct, then downstate then will be supporting that amount of money for Cook County, correct, or for the City of Chicago?"

Berman: "What do you mean by downstate would be supporting it?"

Polk: "Well, obviously, it will not be that much extra money to go back into the school districts' total; and . . ."

Berman: "Well, House Bill 2 addresses itself to the question of how much money is going to be available. I hope that you will join many of us, who have been working towards increasing the level of appropriations. The question here on Amendment #1 is what is the fairest way to approach a penalty for early school closing. I'm submitting to you that a spread out over three years is a fairer way than a one-year imposition. That's the only issue in Amendment #1."

Polk: "Mr. Speaker, a final statement now in relation to the Amendment.

I have to oppose the Amendment because this is not and or, this is both. This is saying, number one, if they're not going to pay the \$53,000,000, they're only going to pay \$33,000,000. It means they're going to be paying \$33,000,000 over a three-year period instead of a one-year period, which is \$10,000,000 a year. I think that if they're going to pay that assessment, they either should pay it all or pay the \$53,000,000 over a three-year period. So I would recommend and suggest that we vote against this Amendment."

Speaker Redmond: "Representative Walsh."

Walsh: "Mr. Speaker, and Ladies and Gentlemen of the House, the first question I would have ; and it's a rhetoric question, I don't expect anyone to answer it, is whether this matter comes within the Governor's call? The second question that comes to my mind is that this is a knee-jerk reaction to a situation that really does not need our attention at all. As we all, the Office of Education is collecting this penalty over a three-year period. There is precedence for this. They have collected the penalty over a

three-year period in the past. There is very little likelihood that this will change. Now, it seems to me, Mr. Speaker, that to put this in the law unnecessarily hampers the operation of the Office of Education because there can be flagrant violations of the Attendance Law, and there can be situations where districts ought to have this levied in a one-year period. I don't happen to think that's the case in Chicago at this time, I think they found themselves in a situation that they . . . was absolutely untenable. But there can be situations in the future where that is not the case. Since we solve nothing by adopting this Amendment, and may do what could be a reparable harm, I would urge that we vote 'no' on it."

Speaker Redmond: "Representative Dunn, John Dunn."

Dunn, J.: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Will the Sponsor of the Amendment yield for a question?"

Speaker Redmond: "He will."

Dunn, J.: "Can you explain what will happen in the event after the court decision is upheld by the Illinois Supreme Court and the City of Chicago does not have to pay any penalty."

Berman: "If nothing is done by the Legislature, my understanding of the impact of the decision yesterday; if the Supreme Court affirms that decision, then there will be no penalty extracted against the City of Chicago."

Dunn, J.: "And what will that do to the \$30,000,000 that is included in the calculations that are part of this package? How will that affect Chicago and the remaining districts in the State of Illinois . . . school districts?"

Berman: "Well, let me address myself to that in a hypothetical manner because we find ourselves today in a rather confusing posture. We have introduced a Bill, House Bill 3518, back in the early stages of 1976. The General Assembly passed that Bill, and in the passage of that Bill, we said that a one-percent penalty was unfair and oppressive, the state was taking away more money because of early closing, than, in fact, the state was giving to a school district. It was a punitive provision. And I think that many of us,



or a great majority of Members of the General Assembly, both Houses, recognized that a one-percent penalty was unfair. That a penalty of 176 was a fairer approach. Now, the Office of Education, when it came time to voucher the August payments to the school districts, received a legal opinion from the legal advisor to the Illinois Office of Education. And that legal opinion pointed out that in other previous applications of the penalty for early school closing that that penalty had been spread out over three years. And Doctor Cronin and the Illinois Office of Education issued vouchers applying the one-percent penalty by spreading that out over three years. He didn't apply the penalty of 176 because the Jaffe Bill, 3518, had been amendatorily vetoed by the Governor. Two losses have been filed contesting the authority of the Illinois Office of Education to spread out the penalty over three years. What I am trying to do by Amendment #1 is to codify in our statutes a procedure that has been carried out in the past. If . . . today I cannot tell you what the affect of yesterday's decision in Cook . . . the Circuit Court of Cook County will be. The parties to that suit have not decided as of my knowledge as of today whether they're going to appeal it. If there's no appeal, then the penalty, I believe, and I qualify my remarks, it's just one man's opinion, the penalty would be void in Cook County. I'm not sure if it would be void in any other county if that decision is not appealed. If it is appealed, it depends upon what the Supreme Court says in its opinion as to the impact of the penalty. Now, if we pass the Jaffe Bill, House Bill 1, and we adopt Amendment #1, I believe that what we are saying is that it was the Legislature, going back before the Dunn . . . Judge Dunn's decision, the Legislature recognized that a one-percent penalty was not fair, that a fairer penalty is 1 . . . 1.176, and that that penalty, based upon precedence, should be spread out over three years. It will still be subject, I believe, to some court's interpretations as to whether even the 1.176 penalty spread out over three years is, in fact, constitutional or not. But I think that we have an obligation to every school district in this state. We



have been called back in Special Session, many of us have worked long and hard to get, not only more money for the school children, but also to bring a degree of stability to school funding. We are here, I believe it's incumbent to us, to pass the legislation that we think is fairest, most stable and best for the school children. If we do that, I think we've committed ourselves responsibly. No one can predict what the courts are going to do on this issue."

Dunn, J.: "One final question, would your Amendment apply retroactively to the Chicago \$55,000,000 penalty in the event the opposite happens and the penalty is up . . . the penalty is upheld by the Supreme Court and it is declared a proper penalty and is not voided?"

Berman: "If the penalty was up . . . is upheld by the Supreme Court, there are still those two losses that would have to be determined. And what I'm suggesting is that we take this issue of spreading the penalty out, let's take it out of the court, and let's confirm what is a fair and reasonable approach to the imposition of a penalty, and let's state legislatively that it should be over a three-year period."

Dunn, J.: "I . . . maybe your . . . maybe I don't understand your answer, but I don't think you're answering the question. The question is, would your Amendment apply to the \$55,000,000 penalty that's at issue now or . . ."

Berman: "Yes."

Dunn, J.: ". . . would it only apply to future penalties?"

Berman: "No, Sir, it would apply just as the provision in the Jaffe Bill applies retroactively, so would the spread out of the three years."

Speaker Redmond: "Any further discussion? Representative Berman, do you desire to close?"

Berman: "Thank you, Mr. Speaker. I think it's been adequately discussed. I think it's fair. Based upon precedent, I would urge an 'aye' vote on Amendment 1."

Speaker Redmond: "The question's on the Gentleman's motion to adopt



Amendment #1 to House Bill 1. Those in favor say 'aye', 'aye', opposed 'no'. All those in favor vote 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the Record. On this question, 84 'aye', 54 'no'; the Gentleman's motion prevails, and the Amendment is adopted. Any further Amendments? We have another Amendment that is not yet printed, so we will stand at ease for 10 minutes until that gets back. The House will be back in order. Representative Ewell, a proponent of Amendment #2, is recognized."

Clerk Selcke: "Amendment #2 amends House Bill 1, Sixth Special Session, on page 13, line 34, by changing 'to transportation' and so forth."

Speaker Redmond: "Representative Ewell."

Ewell: "Mr. Speaker, in the interest of time, et cetera, I'd like to table Amendment #2."

Speaker Redmond: "Representative Schraeder. The Gentleman has moved to table Amendment #2. Any objections? Hearing none, Amendment #2 is tabled. Any further Amendments? Third Reading. The order of business is House Bills, Third Reading. Representative Berman."

Berman: "I believe . . ."

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

Berman: ". . . I thought there was one other Amendment filed."

Speaker Redmond: "What did you say?"

Berman: "Wasn't there one more Amendment filed?"

Speaker Redmond: "He tabled it."

Berman: "No, not Representative Ewell, Representative . . ."

Speaker Redmond: "The Clerk advises me that there isn't any up at the Clerk's desk."

Berman: "All right."

Speaker Redmond: "Third Reading, House Bill 1."

Clerk Selcke: "House Bill 1, an Act to amend the School Code. Third Reading of the Bill."

Speaker Redmond: "Representative Jaffe."

Jaffe: "Mr. Speaker and Members of the House, House Bill 1 is the same as House Bill 3518, except that it includes within it the Amendments that were made by the gubernatorial veto. I would keep my



remarks rather short because we had a four-hour hearing on this Bill yesterday. I think everybody knows what the Bill contains. I would just like to outline it briefly. The first thing that it contains, is that it has the three-year average daily attendance instead of the average daily attendance for this year or last year. This helps schools with declining enrollment. The second thing that it does is make the .10 cent reduction . . . Mr. Speaker, I would move to suspend the rule so that we could now hear this matter on Third Reading."

Speaker Redmond: "The Gentleman's moved to suspend Rule 35E, I believe it is, so that this matter can be heard immediately. All those . . . Representative Walsh."

Walsh: "Has the Gentleman talked with the Minority Leader about the suspension of this rule?"

Speaker Redmond: "I don't know."

Walsh: "I wonder if he could take the request out of the Record until . . ."

Speaker Redmond: "Well, let's be at recess for three minutes until we talk to Representative Washburn. Representative Shea."

Shea: "Mr. Speaker, yesterday I had talked to the Minority Leader. It was my understanding . . . so I'll make the motion, Mr. Speaker, that the appropriate rules be suspended so that House Bills 1, 2, 3, 4 and 5 may be heard immediately; and ask leave to use the Attendance Roll Call."

Speaker Redmond: "Any objections? Hearing none, the Attendance Roll Call will be used. The motion is adopted. Representative Jaffe on House Bill 1."

Jaffe: "Mr. Speaker, starting again, the elements contained in House Bill, which is really the same thing as House Bill 3518, which does include those items specified by the Governor in his amendatory veto. So what you have in the Bill now is either the use of the weighted three-year average daily attendance to help schools with declining enrollment. You also have a .10 cent reduction in the unit maximum qualifying rate. It goes down from \$3 to \$2.90. In addition to that you have a .05 cent reduction in the



19.

elementary district maximum qualifying rate, and that goes down from 195 to 190. In addition to that, you have the inclusion of the transportation tax rate for . . . operating tax rate for purposes of computing state aid. In addition, we have the hold-harmless portion of the 3518 Bill, which helps those districts and says to them that you will lose no money this year because of any changes in the formula. In addition to that, we have a change in the penalty provision; and that penalty provision is changed from 1 percent to 1.176 per each day. And that under the Amendment that was just adopted would be spread out over a three-year period. As you know, Judge Dunne, in his opinion, indicated that he thought that the present penalty was a harsh penalty. I think that under the law if we would have it in House Bill 1, I think he would find it . . . the courts would find it to be reasonable. And I think they would find that it gives the direction to the Office of Education that Judge Dunne said we would have to actually have to have. So that really is the basis for House Bill 1. I might say that we were called into Special Session because the schools are really in dire financial state. I don't think that we can afford to wait any longer, the schools need the aid, and they need the aid now. And I would urge an 'aye' vote on House Bill 1."

Speaker Redmond: "Are there any discussion? The question is, shall this Bill pass? Those in . . . Representative Washburn, pardon me."

Washburn: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. What is going on with the Roll Call, Mr. Speaker?"

Speaker Redmond: "Representative Washburn, pardon me?"

Washburn: "I don't see enough red lights up on that Roll Call yet.

We haven't taken the Roll yet, have we?"

Speaker Redmond: "Yes, we did a long time ago. There were 100 and some . . ."

Washburn: "What? . . . I thought . . ."

Speaker Redmond: "The attendance Roll Call?"

Washburn: ". . . Oh, is this the attendance Roll Call?"



Speaker Redmond: "No, we haven't . . ."

Jaffe: "No, we haven't moved to that portion yet, Mr. Speaker."

Washburn: "Well, I wanted to comment on the Bill that's before us now,
House Bill 1 . . ."

Speaker Redmond: ". . . Okay."

Washburn: ". . . and the debate hasn't been closed."

Speaker Redmond: "I asked if there was any further discussion, and I
didn't see any lights on. I apologize if your light was on, and
. . ."

Washburn: "Your apologies are accepted, Mr. Speaker."

Speaker Redmond: ". . . Representative Washburn."

Washburn: "Thank you, Sir. I stand, Mr. Speaker, in opposition to
this Bill . . ."

Speaker Redmond: "Representative Madison, for what purpose do you
arise?"

Madison: "An inquiry of the Chair, Mr. Speaker. Is the Gentleman
debating the Bill or is he explaining his vote?"

Washburn: ". . . I'm not explaining my vote because I haven't voted
. . ."

Speaker Redmond: "Apparently, I didn't see his light when it was on
and so I'm giving him the courtesy . . ."

Madison: ". . . Roll Call . . ."

Jaffe: "Mr. Speaker, why don't you dump the Roll Call."

Speaker Redmond: ". . . Dump the Roll Call. Representative Washburn."

Washburn: ". . . There's bit a little bit of confusion. Did he table
the Bill?"

Speaker Redmond: "No, I think he added your name as a Cosponsor."

Washburn: "Thank you, Mr. Speaker, that should be sure to defeat it.

And that's what I arise for is the defeat of this Bill, Mr. Speaker.
This is a Bill that we discussed earlier this year as all these
Bills are with some minor changes. We had a plan, a school aid
distribution plan, that was to run four years; and, hopefully, it
would've solved many of the problems that the state has if it
had the opportunity to run its course and prove itself. But instead
of that, they came up with the Christmas Tree Bill that favors some



21.

and has demerits for others. And in my judgment, all it has done is muddied the already muddied water. And, certainly, Mr. Speaker, I would suggest that in order to, as an environmentalist, to clean the waters a little bit that we would defeat this Bill, go through with our original project of the school formula, which we did start with all good intentions, and might be good if we let it run its course and prove itself. So I would ask, Mr. Speaker, that this Bill be defeated."

Speaker Redmond: "Representative Walsh."

Walsh: "Mr. Speaker, and Ladies and Gentlemen of the House, I, too, rise to oppose this Bill on a number of . . . for a number of reasons. First of all, Mr. Speaker, there's absolutely no reason for us to be in Session now, except for political reasons. The reason for calling this Session was for the political gain of certain persons or a person; and I resent being, as a public official and representing people, called down here for that purpose. He has made it totally political. The people on the other side attempt to make it more political. I submit to you that we will never be, as long we serve in this Legislature, under less pressure from school people than we are right now. School has started, most contracts have been negotiated, the formula has been, reluctantly in some cases, approved, but approved and accepted. Now, I submit to you, Mr. Speaker, that there's absolutely no reason to be down here. And I submit to you that if there were a reason, that we're acting precipitously. I have, for example, on my desk a printout of what purports to be the effect on various districts if this Bill passes as against what will happen if it is not. Now, I'm sure that the Bureau of the Budget and the Office of Education, whom I understand are responsible for the distribution of this printout, there's no Member's name on it as I know the rules dictate there must be in order for it to be distributed on Members' desks, but this printout in one column, the column that says 'estimated current payment' has in it figured a three-year penalty for the City of Chicago or about \$17,000,000 per year affect on this year's payment to all school district: The opposite column, the column



next to it, which purports to show the affect on all the districts of this state, if this Bill passes, has a one-year penalty of \$30,000,000 or about \$13,000,000 more. The printout shows, and I'm sure that other Members have looked at this and looked up their school district to see what affect this would have, the printout shows that if this Bill passes, Chicago loses \$7,200,000. In fact, Mr. Speaker, Chicago, of course, does not lose. The reduces the penalty from \$52,000,000 to \$30,000,000. So Chicago gains \$22,000,000. In fact, Mr. Speaker, every district in this . . . that's listed on here, which is every district in the state, shows more than it actually should. One district, for example, in Hillside, will get \$1,500 less if this Bill passes, than they would have gotten if it did not. This is a dillusion, a deceit, a lie, Mr. Speaker. And, certainly, proves beyond any question of a doubt that we ought to wait and find out what we're doing before we act on this measure."

Speaker Redmond: "Representative Reed."

Reed: "Will the Sponsor yield for a question?"

Speaker Redmond: "Indicates he will."

Reed: "Representative Jaffe, my question follows that of my Assistant Minority Leader. I'd like to know the cost to Lake County if your Bill passes based on yesterday's court decision."

Jaffe: "Well, I do not have a printout with regards to Lake County based on yesterday's court decision. So I really could not give you those figures as of this time. I am waiting for some from the I.O.E., but I have not received those figures."

Reed: "I have been advised that Lake County will lose \$1,500,000. I came down here to support your Bill; and now, based on this decision, if you do not have any figure, I don't know how I possibly could."

Speaker Redmond: "Representative Berman."

Berman: "Thank you, Mr. Speaker. I rise in support of this Bill; and let me address a remark to the preceding Speaker. This Bill to everyone outside of Chicago is very important. It is a negotiated Bill that took many hours. Chicago gave up money in order . . . Chicago has given up money in order to assist many of the downstate



districts. There are elements in this Bill of which Chicago gets no benefits. The transportation formula application is an example. Not one nickel of that goes to Chicago. The lowering of the qualifying rate for the elementary districts does not mean anything to Chicago. Now, to the preceding Speaker, you asked a question as to the effect of this Bill in relation to yesterday's decision. I don't know what this Bill will do in relation to that decision; but I will tell you this, one approach is that if the Supreme Court sustains yesterday's decision, downstate would lose \$55,000,000 prorated; which would mean in actuality about \$40,000,000 after the redistribution of that penalty. This Bill contains a provision in there for the institution of a penalty. To everyone outside of Chicago, if you don't vote for this Bill, and the Supreme Court sustains yesterday's decision, you have not acted in any way to protect your school district. Now, the courts may still say that this penalty provision is unconstitutional. And there are many people from Chicago who feel that those of us from Chicago should not support this Bill with this penalty provision. But I will tell you this, we made a commitment, we made a commitment to downstate school districts, we made for the transportation and the lowering of the qualifying rate. We made a commitment to the suburbs to eliminate the rollback. And I have said to people from Chicago that this commitment we will stand by. And it is Chicago's problem, and we will attempt any way possible to increase appropriations so that the children of the City of Chicago get a decent education. But we are not, we are not, walking away from our commitment to every school district in the state. This Bill helps every school district in the state; and if you don't vote for this Bill, and the Dunne's decision of yesterday is affirmed, you will be responsible, those of you who are outside of Chicago, in taking a path on requiring a full 176-day school year and a statement as to a reasonable penalty for early closing."

Speaker Redmond: "Representative Friedrich."

Friedrich: "Will Representative Berman respond to a question?"



Speaker Redmond: "Indicates he will."

Friedrich: "Representative Berman, your statement was full if this court does this or if the court does that. Why don't you defer this action until November when we will have known what the court did and we can act around here with a little judgment."

Berman: "I would point out to you that, as I read the Dunne decision, and I have a copy of the opinion in my hand, the question that was involved in that court case involves the provision of the law that exists prior to the passage of the Jaffe Bill. I would point out to you that, regardless of what a Supreme Court does in this case, it will not determine the validity of the Jaffe provision penalty. because, let me point out to you, under the following circumstances, let us say that the Jaffe Bill passes today. The Supreme Court, let us say the Supreme Court affirms the Dunne decision, I don't know what the passage of the Jaffe Bill means in relation to the penalty for last year. Can we impose a retroactive penalty? There's a large body of decision that says, 'We could not'. But there's also the argument that we can. Now, personally, as a Representative from Chicago, I think to a great extent that a retroactive penalty is not proper; but I do think it's our responsibility to every child in this state to say that the Legislature thinks that we should have a full 176-day minimum school year. We can't wait for the Supreme Court because the Supreme Court isn't going to tell us whether the Jaffe provision for penalty is good or bad. What the school districts want in addition to money is stability. They want to know how to operate within the framework of the dollars that we appropriate. That is what the Jaffe Bill will do subject to the courts. I can't tell you what the court is going to do, neither can you; and the appeal of the Dunne decision won't even tell us in relation to the provision that's in the Jaffe Bill."

Friedrich: "Except that you would admit we'd have one set of circumstances if the decision is upheld and another set if it isn't?"

Berman: "I think that it would be a crime to hold the school children of the entire State of Illinois hostage for another 60 days on a



question of an appeal of a case when we have said in June and July that this is a fair approach to penalties and to full school year. I'm not going to be a party to keeping every other school district hanging on a decision that may not even give us direction on what we should do regarding a full-school year."

Friedrich: "Then I'd like to make one brief statement, Mr. Speaker."

Speaker Redmond: "Proceed."

Friedrich: "If the courts decide that average daily attendance doesn't mean anything. And you can shut the schools down any time you want to and still get your money, I can tell you the courts of this state are going to be loaded with lawsuits with people who say, 'Well, if they don't have to abide by the rules in Chicago, we don't have to abide by them either'."

Speaker Redmond: "Representative Schneider."

Schneider: "Thank you, Mr. Speaker and Members of the House, nothing has changed in my judgment in relationship to this proposal. The frailties of proration are still there. The element of unpredictability, which Art' referred to wanting to eliminate, are still there. We had the predictable elements when we understood to some extent that we were going to be working within a limited budget of '1260' for education. We had only the need to adjust qualifying rates during the last Session. So I still see the problems of 3518 in this Bill as they appeared for us in June. I believe we're . . . it's getting to be a mystical experience actually; the Bill keeps coming back and forth under its own power, introduced under new numbers and different names. But, basically, the concept is the same. And I would hope that the Membership really considers not supporting the Bill, especially in light of the fact of the unlikelihood of the \$95,000,000 becoming a reality. We do have a commitment, obviously, to try to fund education. I think in the fall, November, when we come back to deal directly with the vetoes, we'll have an opportunity, possibly to reject the contents of the amendatory veto and deal with our own concept of supplemental funding for education under the present formula. So I believe we ought to defeat the Bill and try to deal



with it as we should've dealt with it, and that is in the Fall Session."

Speaker Redmond: "Representative Deuster."

Deuster: "Mr. Speaker, Ladies and Gentlemen of the House, many times we legislate in the darkness, and we legislate in the fog, and we legislate with blindfolds on, and we legislate without the facts; but to the extent that we can shed some light and bring some knowledge to our attention, we ought to do that. This is a perfect example. We have no idea. Just as we had in the case of the death penalty earlier this year. We have no idea what the Supreme Court of the State of Illinois is going to do. We have no idea whether this \$53 or \$55,000,000 is going to be given to Chicago in or out or whatever the consequences are going to be. We are legislating in the fog if we try to act at this time. I would suggest to the Members of this House, who are concerned about the way your vote is going to be interpreted by the watchers and listeners back home, that you don't have to vote 'yes' and you don't have to vote 'no'; you can vote 'present'. And I'm inclined to think that I'm going to vote 'present' on this measure; and hope that it's interpreted in this light, that there's no crisis, there's no emergency, And unlike the suggestion made by a prior Speaker, that I don't know of any school children being hostage . . . held hostage anywhere. I don't know of any emergency. and I can tell you here that I did not hear one word from one Lake County school administrator until after this Special Session was called, not one word. They didn't sense there was any emergency. They thought up in my area that they could wait until November. when we would be out of the context of a partisan, political campaign. And now besides taking it out of partisan politics, we would be taking it out of the uncertainty of the judicial process. I would suggest to each and all of you that the intelligent vote and the responsible vote will not be for this Bill, but probably a 'present' vote so that we can take this up again in the month of November, hopefully, when the Supreme Court of the State of Illinois will have adjudicated this question of whether the penalty



is constitutional and whether Chicago has got that \$55,000,000 or whether they don't have it. So I urge a 'present' vote."

Speaker Redmond: "Representative Giorgi."

Giorgi: "Mr. Speaker, I'm sure that everyone in the General Assembly is aware of the dilemma that's been facing the Rockford school system since we found we were assessing according to the state law and supported House Bill 990, which created severe shortages. Yesterday's decision, after the School Board cut almost \$7,000,000 off of a \$60,000,000 budget, yesterday's court decision cost us another \$177,000. We have laid off 187 teachers, and 180 more were lost by attrition. So we have the . . . a shortage of 350 teachers in the Rockford school system. We don't have any art, music or physical education teachers in the elementary system. Class sizes have been increased. Schools will shut down at 4 o'clock and there won't be any activity taking place in the schools after 4 o'clock. We're short of textbooks, mimeograph paper, school supplies. We've lost psychologists and and social workers. In the last two years, we've sent football teams to Bloomington in the Class IV and V Championship. This year the might Big IX Conference is dead. The five Rockford schools will not be participating because of our dire shortage. House Bill 1 means to us \$1,340,000. We can't do without it. We're in dire straits in the Rockford School District 205 and I urge support of House Bills 1 through 5."

Speaker Redmond: "Representative Bradley."

Bradley, G.: "Well, thank you, Mr. Speaker. And Mr. Speaker, and Ladies and Gentlemen of the House, I'd like to address myself to House Bill 1. Some of the people who have spoken before have addressed themselves to everything else but what is in House Bill 1. We all know, I hope, by now what's in it and how important it is . . . thank you . . . what's in House Bill and how important it is to our districts. What we should be thinking about is the effect it's going to have on the school districts in the State of Illinois. When we passed the Resource Equalizer Bill some four years ago, there wasn't anybody, and I say anybody, even the



Sponsor of the Bill, that knew what that effect was going to have on the downstate, or the Chicago schools or the suburban schools. We simply didn't know that the General Services were not going to equate assessments up and down this state equally. And that's got a great deal to do with the present formula. We try to fund our schools through that formula. The assessments are not equal up and down the state. We can't have equal funds for children up and down the State of Illinois until we have a formula that is based on equality assessments, that's based on . . . it gives the school districts, regardless of whether you're a unit district or a dual district, the opportunity to receive the maximum amount of dollars to educate their children. I can never understand how we could let a Bill go through here and say, and that's what we did with the Resource Equalizer, we said, 'You don't have to tax at a maximum rate if you're a dual district, but you'll receive the maximum amount of dollars from the state; but if you're a unit district, you have to go out and have a referendum to get up to \$3 before we'll give you the same amount of dollars that we'll give the students in the dual districts'. Now, that's what we're talking about with House Bill 1. We're attempting, we're attempting to rectify a bad piece of legislation that we adopted four years ago. This isn't the whole solution. I think we need a whole new formula. I think we need a new way to fund schools and to distribute the monies from the state. This isn't the whole answer; but it's better if we can adopt this Bill to amend the School Formula . . . we're a whole lot better with this than what we presently have. And I urge your support. Thank you."

Speaker Redmond: "Representative Skinner."

Skinner: "Mr. Speaker and Members of the General Assembly. I feel something like a member of the crew, the Santa Maria. I know the ship's going to be on the ocean this year; but I'm not quite sure where the edge of the world is and what . . . what's going to happen next year. I do know that this is going to be one of those litmus-paper votes that's going to tell us who is going to be Obligated to vote for income tax increase next year because we are



going to be promising more money to the local schools in Illinois than we can possibly have with even the most optimistic revenue estimate. If we want stability, we can just do nothing, absolutely nothing. Don't change the formula, they'll know what they're getting. They'll know that a couple of the things that the Resource Equalizer was intended to do. And let's go back and talk a little bit about history. Anybody remember a suit brought by dual school districts to change the formula? You know, in 1947 or so the State of Illinois decided they wanted fewer school districts; and because of that they decided to reward unit school districts. They were going to give them more state aid than they would give elementary and high school districts. Well, about the beginning of this decade, the dual districts got smart. They figured out it really didn't make much sense to reward . . . to subsidize local school . . . local education based on the number of school boards, rather than the number of students. So they brought a suit, and that suit was about to come to a decision in 1973, and 'gee wiz', the unit district representatives woke and figured out something was about to happen. In one year, in one year, we would have had equalization then, and the money would've gone out based on the same amount per-pupil, not for school boards. Unfortunately, the unit district people are smarter than the dual district people. The dual district people are trusting people. And in return for dropping that suit, they accepted the Resource Equalizer Formula, which after five years would give the dual districts the same amount of money per pupil that the unit districts would have. Well, I said they were too trusting and that certainly is the case because this is the third year the Resource Equalizer and all of a sudden those Representatives of the magnanimous unit districts that made that arrangement for equality after five years say, 'My gosh, we're not getting as much of the pot as we were before. Heaven's to Betsie, why can that be?' Well, I'll tell you why it is. It's because unit school district people didn't vote to raise the local tax rate for unit districts in the education fund without a referendum two



years ago. I was the only one that did that on the Revenue Committee. I vividly remember the day. There are some people sitting here today that may end up debating on the side of . . . in favor of this Bill that voted 'no' that day. But don't come crying to me if the local school . . . if the local citizens in Rockford don't think that the tax rate ought to be raised, don't come crying to me if the . . . if you can't have football in Rockford. This Bill goes back to the pre-Resource Equalizer discrimination against dual districts based on the subsidy per pupil. The qualifying rate for dual districts will be \$2.95 when you add the elementary and high school together. The qualifying rate for unit districts will be \$2.90. Now, is that equality? Is that fairness? Does anybody in this room think that is constitutional? And if there is a lawyer that thinks it's constitutional; I hope you'll volunteer his services to defend the state when the dual districts do bring suit. This does something worse than that, though, and it does it for about two high schools . . . one high school perhaps and one grade school in Representative Jaffe's district. And if you decide that instead of subsidizing real live bodies in classrooms, we're going to subsidize empty seats. Now, that's absurd, totally absurd; but it accomplishes what Chicago has been doing . . . wanting to do all the time, which is determine the number of pupils based on the enrollment, not on the attendance. So the principals can just say to the teachers, 'If some kid is bothering you, tell him to go home; tell him not to come to school, we'll get money for him anyway'. Well, that's fraudulent. But also the Bill will probably pass. The income tax will be raised next year, and when we vote for that, I'm sure the Clerk will have given me a Roll Call of this so that I can point out the ones who have a reason to vote for it."

Speaker Redmond: "Representative Davis."

Davis: "Mr. Speaker, and Ladies and Gentlemen of the House, ordinarily, I don't say anything about these Bills; but I don't know where some of us . . . what districts some of us come from when we make



a statement that there's no need for these Bills. Now, we had a four-hour hearing. We've been here twice, this is the second time we've been . . . the third day, rather, we've been here. Came into this Special Session to do something about the school problems. And this is the third day. And we say we don't need it. We've failed to do anything about it. Evidently, the people haven't been calling you like they've been calling me. Hundreds of teachers are waiting to see what we're going to do about this. School administrators are waiting to see what we're going to do about this. I don't know, sometimes I think what we do is we twist our logic to make it suit . . . I think we twist our logic simply to make it suit our prejudices. How can you say we don't need to do anything about it? When the future of our kids . . . you keep talking about a penalty on Chicago. It's not a penalty on Chicago, it's a penalty on the children in this state. Think about the children in this state and stop talking about Chicago. I think when you suggest that it's a penalty on Chicago, I think you're playing politics. This is when I think you're playing politics. Let's talk about the children. We have had a four-hour debate here on this floor yesterday. We asked all of our questions. We talked about the hold-harmless, ~~three~~ year average daily attendance. And I think that ought to be because this daily attendance has been working hardships on us and we know that there's a reduction in the school classes. In some of the schools they've closed up half of the building. Talking about the transportation tax rate, the hold-harmless and the change in the penalty from 1 percent. I think we've talked about all these things. And I'm going to say to you now, we do need these children. Just think, we do need this money for these children. What will happen if we go back, go back to our districts and say we left undone that thing which we ought to have done. We spent your money for a Special Session to do something about the school situation; but we were against relieving a penalty on Chicago no matter what it did to the school children in Chicago. I plead with you now to give us enough votes to pass this Bill and let's



go home. And then we can campaign and play all the politician we wish to play."

Speaker Redmond: "Representative Ebbesen. Representative Ebbesen."

Ebbesen: "Mr. Speaker, on the assumption that we can still explain our votes, I move the previous question."

Speaker Redmond: "The Gentleman has moved the previous question. All in favor say 'aye', opposed 'no'; the motion carries. Representative Jaffe to close."

Jaffe: "Mr. Speaker and Members of the House, I'm distressed that there's been an attempt to put political overtones into this particular Bill. We have worked long and hard to make this a bipartisan effort. I think if we look at it, the Democratic Governor and the Republican Comptroller are both for this concept; both the Democratic and Republican candidates for Governor of this state say that we should be down here today right now working on educational matters, that we shouldn't come back in November, that it is our duty and responsibility to act on these problems today. And I think that we are rightfully here. And we should rightfully act upon these particular problems. I think it would be foolhardy for us to adjourn without acting on these matters. And I think it would be contrary to a bipartisan effort which has been attempted by both sides of the aisle, including both candidates for Governor on the Democratic and Republican side. You know, let's not kid ourselves. If you look at the Bill, most districts are helped, absolutely none are hurt because of the whole harmless. Everyone knows that. We shouldn't have any distortion of facts. I want to repeat that, most districts are helped and none are hurt. They couldn't possibly be hurt because of the hold-harmless provision. Now, if we want to talk about the court proceeding yesterday, let me tell you as a suburbanite that the areas that were hurt the most were the suburban areas and the downstate areas by yesterday's court decision. This Bill is an absolute necessity for downstate, it's an absolute necessity for suburban areas, both inside and outside of Cook; and I don't know how any suburban Legislator or any downstate Legislator could



go home and say that he's doing the people's business by voting against this particular item. Let's don't be kidded, the schools are in trouble, many school districts have . . . do not have contracts. There's much school activity that's still up in the air. And most school districts are waiting for our decision down here. I don't think that we can afford to play politics, and I think that we have to pass these Bills. And I think we have to pass them today."

Speaker Redmond: "The question is, shall this Bill pass? Those in favor vote 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Representative Yourell, do you desire recognition? Have all voted who wish? Representative Yourell."

Yourell: "Mr. Speaker, I have a series of x-rays scheduled at Memorial Hospital at 3:30, and I would ask leave of the House, and I've checked with the Minority Leader, if I could be voted 'aye' on these Bills in case of a verification. I ask leave of the House."

Speaker Redmond: "Any objections? Hearing no objection . . . you objecting, Representative Skinner? . . . what did you say? . . . the Clerk will take the Record. On this question there's 119 'aye', and 40 'no' . . . Representative Porter, Representative Porter 'aye'. Representative Palmer 'present' . . . on this question there's 120 'aye' and 40 'no' . . . Representative Bradley 'aye' . . . 121 'aye' . . . the Bill having received the constitutional majority is, hereby, declared passed. Representative Jones."

Jones, J.: "Mr. Speaker, in explaining my vote, when . . . Mr. Speaker, and Ladies and Gentlemen of the House, when 3518 was before us in this Session, I was on Record as being excused because of illness and was in the hospital at that time. If I had've been here, I would've voted for 3518. And as this, House Bill 1, is essentially the same Bill that I'm casting my vote 'aye' in that accord. But there's an additional factor for Springfield 186 in a . . . the local school board put a freeze on all the salaries of the teaching staff. The Circuit Court in a strike proceeding, ruled that District 186 would have to pay the step raises irrespective of that



wage freeze. That puts a financial problem on 186 that have no recourse, unless they'd receive such aid as this. So that explains why I'm casting my vote 'aye'."

Speaker Redmond: "House Bill 1 having received the extraordinary majority is, hereby, declared passed. House Bill 2, Representative Shea . . . Shea."

Clerk Selcke: "House Bill 2, a Bill for an Act making an appropriation to the State Board of Education for dispersing of certain monies. Third Reading of the Bill."

Speaker Redmond: "Representative Shea."

Shea: "Mr. Speaker, am I to understand Representative Yourell does have leave of the House to vote 'aye' on the next four Bills while he's at the hospital? Is there objection?"

Speaker Redmond: "Representative Washburn."

Washburn: "Well, Mr. Speaker, Representative Yourell says he does have an appointment, and surely I believe him; but I think we can grant him leave to vote on the two Bills that . . . this package of school Bills here, that one issue. And, hopefully, if he could be back for the final three Bills, why he'll be able to vote him 'present'. But, certainly, would grant him permission to be . . . 1 and 2, 2 now, which pertains directly to the school . . . the issue of schools."

Speaker Redmond: "Just so that we have no misunderstanding, that he has leave with respect to House Bill 2, is that correct?"

Washburn: "Certainly."

Speaker Redmond: "And that there are objections to him being given leave to vote affirmatively on House Bills 3, 4 and 5, is that correct?"

Washburn: "I think that's fair."

Speaker Redmond: "And the objector, was that Representative Skinner?
. . ."

Washburn: "Washburn, Skinner . . ."

Speaker Redmond: ". . . Okay, Representative Shea."

Shea: "Mr. Speaker, how many votes of this House would it take to suspend what rule so that Representative Yourell may cast an 'aye'"



vote on House Bills 3, 4 and 5 while he's in the hospital?"

Speaker Redmond: "Representative Yourell."

Yourell: "Well, I do want to thank the loyal opposition for their negative response to this request, and I want to indicate to that opposition that I have at all times been amenable to the requests of other Members of the House in a like situation. And I will at this time cancel my appointment at the hospital and be delighted to be here to vote 'yes' on all the other Bills."

Speaker Redmond: "Representative Matijevich."

Matijevich: "Mr. Speaker, I might tell Representative Yourell that under the rules as long as he comes back before we adjourn, and I'm sure all of us would give consent then, he is present on the Roll Call, and then he can be recorded."

Speaker Redmond: "I'm not too sure that that's a good procedure in the light of . . . Representative Choate."

Choate: "I just wanted to point out to my good . . . I just wanted to point out to my good friend, the Minority Leader, that Buz' Yourell should get up and chidingly thank you for nothing because you gave him the permission to vote on House Bill 2 and he's here and not the permission to vote on the subsequent Bills."

Speaker Redmond: "Representative Matijevich."

Matijevich: "Mr. Speaker, I think somebody doubted what I said, so I'll read the rule, 'After a Roll Call is completely recorded, any Member who is recorded as 'present' on the Roll Call for attendance, but who has not voted on the question, may, by unanimous leave of the House, and before adjournment of the Legislative Day have his name shown in the Journal as voting 'yea', 'nay' or 'present' as long as his vote does not change the result as previously announced . . .'"

Speaker Redmond: "What if there's 106 votes?"

Matijevich: ". . . What?"

Speaker Redmond: "What if there's 106 votes?"

Matijevich: "Well, then it's a different key."

Speaker Redmond: "That's why I said I thought it was dangerous. House Bill 2, Representative Berman."



Berman: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 2 is an appropriation of \$50,000,000 to fund an additional amount of money for the distributive School Aid Formula. The \$50,000,000 is divided into two portions; \$25,000,000 is to fund the provisions of House Bill 1 that we just passed in the form of the hold-harmless. Let me point out to many of you who were distressed with House Bill 1 and House Bill 3518 this \$25,000,000 in House Bill 2 is the portion that says that no school district shall receive less money as a result of the passage of House Bill 1 than they would've received if House Bill 1 had not passed. Now, that's very important. It's in keeping with the General Assembly that when we make changes in the School Aid Formula that we try not to hurt any school districts, that we try to move forward and to add money to the distributive formula. That is part \$25,000,000 of this \$50,000,000 appropriation. The other part of it, the other \$25,000,000 is an increase in the appropriation to the schools throughout the State of Illinois. Every school district will share in it. I urge your support of House Bill 2 for \$50,000,000 more dollars for the children of the State of Illinois."

Speaker Shea: "Is there further discussion? The Gentleman from Macon, Mr. Dunn."

Dunn, J.: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

Speaker Shea: "He indicates he will, Sir."

Dunn, J.: "Representative Berman, I have a question. I think the whole purpose for being here is to see if this Body is willing to provide additional funds to be used at least in part for educational purposes. And I don't really see how we can appropriate ahead of the decision about whether we will approve the funding of this appropriation. So I would ask the Sponsor of this Bill to take this Bill out of the Record and hold it until after a decision has been reached upon the later Bills in the series which address themselves to the tax speedup question."

Speaker Shea: "Mr. Berman."



Berman: "Thank you, Mr. Speaker. Let me comment . . . my response is this. This amount of money is less than the General Assembly approved in the closing days of the Regular Session. Many of us looked at increasing this appropriation. I think it is a compromised amount. I, personally, have indicated and have pledged my support to the tax acceleration package and I intend to vote for . . . 'aye' on House Bills 3, 4 and 5. I believe that the Governor has indicated a . . . in his opinion that 3, 4 and 5 are necessary in order to pass House Bill 2. I think that they are all good Bills. I can say that as far as my vote is concerned, and I hope yours and 107 others, that are commitment is for the school children. I believe that they can afford this amount of money. I think that House Bills 3, 4 and 5 are further assurance of that fact. I think that we should proceed; and it's been handled . . . I don't think we ought to allow the obstructionists to dictate the needs of our . . . of the school children. I hope that we'll have 107 votes. I think we've analyzed it. I think there's sufficient money with or without the others. I'm going to support the others. And I hope we'll all support House Bill 2."

Speaker Shea: "Is there further discussion? The Gentleman from Cook, Mr. Dunn, are you through? Turn Mr. Dunn from Macon on, please?"

Dunn, J.: "May I address myself to the Bill?"

Speaker Shea: "Proceed, Sir."

Dunn, J.: "I would just like to comment then in view of Representative's Berman unwillingness to reverse the order of procedure here that I'd like to remind the people in the . . . in the room that as we vote on this Bill, you're really casting your lot with regard to the rest of the package. Because if you approve this piece of legislation without a source of funds for the \$50,000,000 that are appropriated, you're going to look pretty foolish back home. So if you're prepared to vote for the tax speedup package, it's fine to vote for this piece of legislation. But if you're not prepared to vote for the tax speedup package, you'd better be mighty cautious about your vote on this particular Bill at this time."



Speaker Shea: "The Gentleman from Cook, Mr. Miller."

Miller: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Shea: "He indicates he will, Sir."

Miller: "Thank you. Representative Berman, I'd like to ask you to review your explanation of the first \$25,000,000 allotment in this Bill."

Berman: "The hold-harmless?"

Miller: "Yes. Is it correct that you stated that this would ease the burden upon those school districts that will be financially solvent this year, but will be adversely effected in the following fiscal year by the provisions of House Bill 1?"

Berman: "I'm not sure. Let me explain what I said, and I'll be glad to answer any other questions. \$25,000,000 of House Bill 2 is to cover and is appropriated to those school districts who would lose funds as a result of the provisions of the . . . of House Bill 1."

Miller: "And that would hold true for this fiscal year, correct?"

Berman: "That's right. Only this fiscal year."

Miller: "All right. And then in the following fiscal year, aren't you then saying that these same school districts that will benefit by this \$25,000,000 will have a decrease by \$25,000,000?"

Berman: "No, I didn't say that. I'm saying that next year for fiscal '77, we will come back and I'd hope that we will respond to the needs of those school districts as we've tried to respond to the needs of every other school district."

Miller: "Well, I can appreciate your concern on what we might do the following year; but what you are saying to me then, Art', and to others here who might have schools in their districts that are going to suffer the following year, you're asking us to vote for a Bill that will give us a one-year hold-harmless for \$25,000,000 in the following year without any further action. They are going to have a decrease of \$25,000,000, isn't that correct?"

Berman: "No."

Miller: "Well, where . . . we only have a one-year hold-harmless, what happens the second year?"



Berman: "That depends upon what the General Assembly does in the appropriation process next year."

Miller: "We . . . all right . . . what you're saying is as of now if we approve this, we're going to hold them harmless for one year and we're sticking it in their gut for \$25,000,000 in the following year."

Berman: "No, Sir, you're presuming that we will not respond to their needs next year; and I take issue with that. The General Assembly has been very responsive, dramatically responsive, in increasing school aid for each of the last number of years, three or four years. I don't think that next year should change. But I cannot appropriate for F.Y. '77. We're talking about appropriation for F.Y. '76, that's . . . I'm sorry, I cannot appropriate now for F.Y. '78. This is for F.Y. '77. This is what we are addressing ourselves to now."

Miller: "All right, so we did vote on House Bill 1 that set up the formula that will stick it in their ear one year from now to the \$200 . . . \$25,000,000. And I oppose the Bill, Mr. Speaker and Members of the House, it's going to detrimentally work to the disadvantage of dual school districts, particularly high school districts in the suburban and downstate area, unless the General Assembly comes back one year from now and continues to put that money for it. And there's no assurance that there will be that money put for it. Where's the money going to come from? Is it going to coming from a tax increase. Are those people who voted for House Bill 1 also going to vote for a tax increase next year? You ought to make your commitment today. If you're voting for that Bill today, you ought to make a commitment to your . . . the people that you expect to vote for you in November that you're going to tell them that you're going to vote for a tax increase, too, to make this workable. This is not workable, this is not a solution to the problem. It's a sham upon the people of the State of Illinois. I urge your 'no' vote."

Speaker Shea: "The Gentleman from Christian, Mr. Tipsword."

Tipsword: "Would the Sponsor yield for a question, please?"

Speaker Shea: "He indicates he will, Sir."



Tipsword: "Representative Berman, just to be sure that I understand this correctly. Now, as I . . . this Bill includes two separate \$25,000,000 appropriations, does it not?"

Berman: "Yes, Sir."

Tipsword: "And one of those is for the hold-harmless and one of those is for general distribution under the new formula."

Berman: "Correct."

Tipsword: "Now, in regard to the opinion that was handed down yesterday, that opinion, am I correct, upon the and would not change anything in regard to the hold-harmless money?"

Berman: "Yes, that's my understanding."

Tipsword: "Now, it might, if that opinion holds up, it might have an affect upon the monies that are available for distribution generally under the formula?"

Berman: "Correct."

Tipsword: "Not this \$25,000,000, but the other monies that would otherwise be in the pot, is that correct?"

Berman: "That's right, it won't affect the hold-harmless provisions, it would affect the distribution of the distributive fund."

Tipsword: "The distributive fund. Consequently, shouldn't this figure perhaps be raised for the \$25,000,000 for distributive funds?"

Berman: "Well, my response is raised to what?"

Tipsword: "Well, that's the question. I'm wondering if maybe we're not presumptuous in moving upon that particular provision at this time. Shouldn't we wait to see what the Supreme Court does to know whether we ought to add money to this, or shouldn't we go ahead now and add money on the basis that it might be upheld by the Supreme Court? We know there's another \$40 to \$45,000,000 apparently available some place out of the accelerated funds should those Bills pass."

Berman: "Well, my response to that, Representative Tipsword, is that I hope that we have sufficient votes to pass this additional \$50,000,000 for the schools. Two months from now we will be back here, November 17th. I think that there are going to be other issues



41.

directly connected with education that we will address ourselves to on November 17th. The special education reduction vetoes is one example. The needs of other areas of human services is another area that we will address ourselves to. I would hope that we could commit ourselves and indicate to the school districts that, yes, they have this \$50,000,000 that we're going to vote for them today and November 17th, hopefully, the Supreme Court will have ruled on the penalty. We will have a better, clearer view of the financial condition of the state. And we can try to do even more. But I think it's incumbent upon us today to do what is at least within the realm of reasonableness and practicality; and, that is, to support the \$50,000,000 that we have before us."

Tipsword: "Then do I understand you from that last answer to mean then that when we come back in November, if by that time the Supreme court has upheld the opinion that was handed down yesterday, you would be willing to help try to pass additional appropriation legislation to cover what would be diminished from the distributive funds available?"

Berman: "Well, Rollie, I can only say that my record has been one of fighting for more dollars for our schools for the past eight years; and I don't anticipate changing that between now and November 17th."

Tipsword: "I thank you very much; and I certainly hope that then if this does pass at this time, that we'll keep in mind that we might have to substitute some additional monies when we come back in November. I think perhaps actually from what the Governor has told us there is some \$40 to \$45,000,000 additional funds. And it appears to me that we really ought to be adding it in here now because we know the schools need them and . . . need the money and need that money vitally. And I just regret that we're only appropriating \$50,000,000 out of that apparent accelerated fund that will be coming available to us. I . . . Certainly, it's something that we should be doing and it would certainly give some assurances to the people of the state as to what is actually happening with that other \$40 to . . ."

Speaker Shea: "Will you bring your remarks to a close, Sir? Oh, Mr.



Berman to close."

Berman: "Thank you, Mr. Speaker. I ask an affirmative vote for \$50,000,000 more for the school children of the State of Illinois."

Speaker Shea: "The question is, shall House Bill 2 of the Sixth Special Session pass? All those in favor will vote 'aye', those opposed will vote 'nay' . . . Shea 'aye' . . . Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the Record, Mr. Clerk. On this question there are 121 'ayes', 39 'nays', 2 Members voting 'present'. House Bill 2 having received a two . . . or 60 percent constitutional vote is, hereby, declared passed. On the order of House Bills, Third Reading, appears House Bill 3. The Gentleman from Kankakee, Mr. Beaupre."

Beaupre: "House Bill 3, a Bill for an Act to amend Sections of the Illinois Income Tax Act. Third Reading of the Bill."

Speaker Shea: "The Gentleman from Kankakee, Mr. Beaupre."

Beaupre: "Mr. Speaker, and Ladies and Gentlemen of the House, these Bills have been discussed a great deal; but I do think that it's worth our effort to explain to the People of the State of Illinois and the taxpayers of this state exactly what posture they're in in that the issues involving the passage of these Bills have changed numerous times since they were originally introduced. You have before you House Bill 3, and we'll be considering House Bills 4 and 5 of the Sixth Special Session. A portion of the cash flow management initiative recommended in the Governor's budget message for fiscal year 1977. At the time the cash flow initiatives were first recommended, we in Illinois had just emerged from a serious cash flow crisis caused in part by a combination of inflation, driving the costs of State Government up and recessionary trends in the economy placing restraints on state revenues. That economic phenomena operating against the backdrop of prior statutory law passed during more tranquil economic times requiring state payouts, such as the \$180,000,000 one-time payment for special education and transportation to our common school during the month of September, drew down the General Revenue Fund cash balance from a previously considered safe balance



of over \$300,000,000 to near insolvency in one month. The administration in the Governor subsequent budgetary message recommended strong affirmative action, a speedup of tax collection, and corresponding statutory changes designed to spread the impact of state-aid payments over four quarters of the current and subsequent fiscal years. The plan was a nonpartisan one. It was recommended by the Bureau of the Budget, the Department of Revenue, the Illinois Office of Education and Republican Comptroller Lindberg as a part of his multi-point program to avoid the state tax increase. A portion of the program was, indeed, enacted by this General Assembly this spring, the portion dealing with state expenditures, spreading out special education and transportation reimbursements on a quarterly pay schedule. A vital portion was not, namely, the so-called tax speedup Bills. Leaving us some \$95,000,000 short of fiscal '77 budgetary goals. As a result, we in Illinois do not have sufficient funds to implement the recent changes designed to improve the equity of state aid funding to our common schools mandated by this General Assembly and to fund the aid formula at a level anticipated by this Body. It was inevitable that eventually our failure to effectively deal with the state cash flow problem would create adverse affects on our schools state-wide. With over 41 percent of state expenditures going to education. All budgetary projections showing a slim balance in the General Revenue Fund during the period of September through January when state expenditures traditionally exceed revenue. Those same projections also show something else, that unless this General Assembly or some future administration chooses to change direction in terms of priority, a state rate tax increase is not necessary in the foreseeable future given the employment of the tax management initiative contained in these Bills. Each of us does, indeed, have a great deal at stake. Our home school districts are in dire need of funds. We have by passing House Bill 1 provided the necessary mechanism for those funds to flow to the school districts. The question is whether or not we are, indeed, going to make those funds available through these



cash management initiatives. House Bill 3, basically, deals with the income tax and the speedup of the reporting of corporate profit taxes. The provisions are well-known to all of us; and with that in mind, I would ask your favorable support of House Bill 3."

Speaker Shea: "The Minority Leader, Mr. Washburn."

Washburn: "Well, thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I arise again today as I did last June, when these Bills were introduced, in opposition to them. They were bad Bills last June as evident by the fact that, I think, less than one-third of the people of this Body supported them then. They're bad Bills now and even worse than they were in June in lieu of the court order that was issued just yesterday, which has been discussed to some extent here today. When the majority of Republicans on this side of the aisle took a stand in opposition to these Bills earlier this year, it was said by some that our opposition was politically motivated. Well, I think that that assumption can be erased now because of the statements that were made yesterday by our great candidate for Governor, Jim Thompson. We opposed these Bills in June, and we oppose them now because our conscience told us to oppose them. I will admit that I think we're here now in this Special Session of political motivation on the part of the administration; and I would suspect that the political motivation were behind many of the 'yes' votes that might go up on the board for these Bills. It's a patchwork, a temporary . . . a so-called temporary cure; and I put that in quotes for the fiscal dilemma that some say we are in right now. I say to you that the passage of these Bills will do nothing more than complicate and compound a fiscal crisis that some predict for next year. I see no other way to alleviate that dilemma that will be created by the passage of these Bills if they do pass other than a tax increase. And I would suggest that if this Session were not politically motivated, if those that called the Session and those that support it were sincere in their efforts, they would've come up with some permanent plans, some long-range

plan to alleviate the situation, not just for the moment, one that would compound it for next year. I stand before you, I ask my Republican colleagues to vote 'no' on these proposals, and I ask the Members of the other side of the aisle, who believe as we do that politics should not be a factor tax appropriations, tax accelerations, tax plans and school funding, to join us in voting 'no' and kill these Bills once and for all. And perhaps in November and in next January, when they come back into Session, a permanent solution to the problem can be found. Thank you very much."

Speaker Shea: "The Gentleman from Kankakee, Mr. Beaupre, to close."

Beaupre: "Well, Mr. Speaker, and Ladies and Gentlemen of the House . . ."

Speaker Shea: "Oh, Mr. Beaupre, I didn't see Mr. Cunningham's light on over there. Mr. Cunningham."

Cunningham: "Mr. Speaker, and Ladies and Gentlemen of the House, when the discerning voters of the 54th District elected me as their Representative, they said that I should at all times wear no one's collar except my own, and that I should stay honest and listen only to them and my conscience in all matters that came before the House. And I have never willfully, knowingly violated those instructions from the fine people of the 54th District. And that's the reason that I'm going to be voting 'no' on all this package of Bills. They're quite as bad as they were last June. And the reason they're bad is that they're anti-business, they're anti-industry in the grand tradition of this House of Representatives. For some reason a majority of you think that you've got to strangle business and industry to justify your being down here. Now, I'm not going to talk to you about the demise of the goose or of the golden egg; but I am going to say to you that I think that grand old bird is about to give its last squawk in the State of Illinois unless there is a marvelous change of heart by the people that sit here in the House of Representatives. Logically, this Bill should've been more closely coupled with the Workmen's Compensation Act, that infamous package that you passed about 15 or 16 months ago. Then you could've had the one-



two effect that is even a more disastrous lick against industry throughout this state. This emergency that you're talking about here, that's supposed to be the justification for us meeting in this Special Session, will be with us long, long, long after the speedup funds have been squandered. It is the problem that we're going to have to meet and grapple with in the months and years that lie ahead. All of the witnesses said that yesterday. Not a single witness on that stand said it was a solution. It's a patchwork proposition, a 'stop-gap' gesture to postpone the day of reckoning that's coming. It has called for the political banity of one man, and one man only, the lame duck Governor of the State of Illinois. It is his last 'hoo-rah', but it is rather ironic that the 1978 gubernatorial campaign should begin before the 1976 gubernatorial campaign has been decided. And it's a great tribute, it's a great tribute to that man on the second floor that he can hold up a hoop and have most of you jumping through it like trained seals and even having, Ladies and Gentlemen, and even having both gubernatorial candidates jumping through that hoop in tandem as you will. Now, I want to say to you if you reject it last . . . if you rejected it last June, the vote was decisive; if you change your vote now, the voters back in your district might just conclude that you don't represent your own will, but someone else is pulling the string. And, traditionally, that type of approach has not been too attractive to the electorate. I proudly wear the retractable endorsement of the organized teachers in my district. And you'll pardon me while I speak through this microphone to them. I want to say to the teachers back in the 54th District, you need to remember what's been pointed out here loudly and clearly by Doctor Cronin, by Director Schaeffer and everybody else who said anything about it; if you leave the formula alone, there's lots of money, there's enough money to have about a 98 percent payment of all. There's no danger whatever of the Supreme Court affirming that decision that was entered yesterday. It was the traditional case of a Chicago judge riding to the rescue of Chicago schools. There was . . .



analogy was quite plain about it. If a judge in Mattoon, where they paid a penalty last year, identical to this penalty, without any whim or whatever, in that instance, if he had lead the rescue of the Mattoon schools the Chicago press would've had him before the inquiry board before the . . . before the Clerk would've had a chance to stamp the order."

Speaker Shea: "Would you bring your remarks to a close, Sir?"

Cunningham: "So you be assured . . . hell, I know, he doesn't please you . . . but you be assured in this particular case . . . you be assured in this case, the Supreme Court will save us from that. Your responsibility is to save your constituents from a tax increase. Proudly vote 'no'."

Speaker Shea: "I've been informed that they're ready to print that for your news release. The Gentleman from Kane, Mr. Grotberg."

Grotberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill. And in doing that, I can only express my own philosophy in my own district. I have within the last 10 days had at my own expense run in all the newspapers of our district a poll. And the last question, number 9 on that poll, is what do you think the main issue is in the State of Illinois? And I so far have 237 responses, and over 200 of them say, 'curb state spending'. And I do not know how in good conscience one can curb state spending and vote for the last three . . . two Bills and this one and still face your constituents. I would remind this Body and some of the people who may be listening somewhere in the State of Illinois that it was I who offered several Bills to curb school spending and make some of it optional rather than mandatory. That old cliché about mandatory programs. I was laughed out of Committee, I was laughed off the floor of the House, I was chastised by every member of the teaching profession for even introducing the subject. Now comes the time we have to buy it all back, Mr. Speaker. And I refuse to turn that fast. I may be a long-range chameleon from time to time, but I just cannot swing around that fast and face my constituents and what I have tried to do on behalf of the



people of Illinois and the taxpayers of Illinois. So I would encourage this Body to start now killing this kind of a Bill so that we will make inoperative those last ones that you all had to go green on to save your skins. Thank you very much."

Speaker Shea: "The Gentleman from Cook, Mr. Maragos."

Maragos: "Mr. Speaker and Members of the House, I think we should clear the air and some of the smoke screen that has been emitted in the last . . . by the previous two Speakers as to the affect of House Bill 3. Many of us remember at the last Session we had a similar Bill, which was defeated. However, during the testimony of those . . . for those Bills before the Revenue Committee of the House, and these Bills are sponsored by the same Sponsor, it was testified by the representatives of industry and business that as long as these Bills . . . this Bill was amended to correspond with the payments made by these merchants and by these industry leaders and which those other than they made to the Federal Government that they would not have any objection per se. No one likes to pay taxes. These Bills . . . this Bill does not in any way raise any taxes. All it says that it will speed up the process by which the withholding tax shall be paid to correspond with what we do with the Federal Government. In fact, in the long-run it might save some money of the businessmen by having them pay the same day, both their state and their federal taxes, which is being withheld from the public. So the public is not being hurt in one way on this. The employees are already paid their share to withholding tax because it's been taken out of the payroll. And all we're saying to the employer, pay your taxes on time; and, thereby giving the school children of the State of Illinois an opportunity to get their education as is planned by the formulas and by the educators. Thank you."

Speaker Shea: "The Gentleman from Kankakee, Mr. Beaupre, to close."

Beaupre: "Mr. Speaker, Ladies and Gentlemen of the House, as I pointed out in the beginning, the issues involving this particular Bill have, indeed, changed since this spring. And in addressing you, I will ignore the political speeches that have been made and the



upcoming election campaign; but I want to talk to those of you out here who are, indeed, statesmen in this General Assembly. The issues involved today are whether or not we are, indeed, going to fund that school Bill that we just passed a few minutes ago, whether or not we are, indeed, going to have the money available to put into the Common School Fund and achieve the equity that many of us fought so hard to get in the Spring Session, which was . . . which is contained in House Bill 1. No longer really are we talking about whether or not we're going to have to raise taxes. The Minority Leader referred to the inevitability of a tax increase. Let me suggest to you that if you look at Republican Comptroller Lindberg's cash flow projection or those of the Bureau of the Budget that there's no question that we are going to be down to near a zero balance. In fact, those projections show that since we did pass a portion of the cash management flow initiative, that, indeed, we are going to be in a situation or a posture whereby there will be approximately \$155,000,000 at the end of this fiscal year. The issue is not . . . does not involve whether or not we're going to be faced with a tax increase. We have dealt with that this spring by passing a portion of the cash flow management initiative. The issue is whether or not we are going to provide these funds for the school districts of this state this year. That's what has happened. Let me also suggest to you that we're talking about asking the businessman of this state, yes, indeed, those large businesses which are primarily on computers to submit to the State of Illinois income taxes withheld at the same time that they do to the Federal Government. This is no onerous burden on business, this is money that is due the State of Illinois and it can be paid at the same time that it is paid to the Federal Government. Why should we lag behind the Federal Government in the collection of our taxes. That's what we're talking about in this Bill. It will provide \$30,000,000 of that much-needed money to fully fund those equitable increases that we passed in House Bill 1. And I would ask for your favorable support."



Speaker Shea: "The question is, shall House Bill 3 pass? All those in favor will vote 'aye', those opposed will vote 'nay'. Shea 'aye'. The Gentleman from Union, Mr. Choate."

Choate: "Well, Mr. Speaker, Ladies and Gentlemen of the House, when we came to this abbreviated Session, I certainly had not planned on rising on the floor of this House and explaining my vote and talking about any of the legislation that is before us in this Special Session of the General Assembly. I think that everyone in this House and anyone that has read the record of the votes on similar legislation presented in the last Session of the Regular Session of the General Assembly is aware of how I voted. And I think it behooves me today to get up and explain my vote because I'm going to vote just exactly opposite of the way that I have voted on similar legislation in the last Session. And let me tell you why I'm going to vote for this series of Bills. The scare tactics in this time of the year in a campaign year of insinuating at least to the general public and the taxpayers of the State of Illinois, that their taxes are going to be raised if this series of Bills is passed is a horrendous mistake by those of you who are doing it simply because the taxpayers of the State of Illinois today is more knowledgeable than ever before in the history of our state. And they know that these Bills in no way increase taxes. They know that those of you who intimate at least that a tax increase might be forthcoming is running for election and if you do this you must be scared. Now, the Minority Leader brought the name of his candidate for Governor into the debate of these Bills. Well, let me tell you about my candidate for Governor. He supports this legislation, he supports it because he is an administrator that has a heart and a conscience and the ability to look towards the education of the youths of the State of Illinois. He is an administrator that joins with responsible Members of this Legislature in attempting to uphold the provisions of the Constitution that says, 'We shall provide equality education for the school children of the State of Illinois'. Mr. Speaker, if there's anything to do with revenue being lost, or increased or



decreased as far as this series of Bills is concerned, the only thing that it does is brings the revenue to the State of Illinois on time, time to provide an education and prohibit in some instances businesses in the State of Illinois from drawing interests on revenue that should rightfully be in the State Treasury.

Mr. Speaker, I ask the Members of this General Assembly to be responsible, be responsible in carrying out the mandates of the Constitution, being responsible to yourself and the youths of this state, being responsible to the affect that we do . . . afford an opportunity for a higher education and education, period, for the youths of this state. I vote 'aye', Mr. Speaker."

Speaker Shea: "Have all voted who wish? Have all voted who wish?"

The Gentleman from Cook, Mr. Porter, to explain his vote."

Porter: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, I don't think there's a Member who doesn't know why I voted for House Bill 1 and House Bill 2. The elimination of the rollback provision that those Bills contain is contained only there, and there is probably no other chance that we of the suburban Legislators and no other chance that we will have to have that concept placed on the Governor's desk and signed. It has been held captive, as you know, by namely the Chicago public school interests; and it has been . . . will be held captive in the future if we do not get it on the Governor's desk and get it signed now. Frankly, I'm against this Bill, I'm against the stupid gimmickries that it contains, I'm against the fiscal irresponsibility that it represents; but I don't know any other way to get this concept before the Governor and getting him to sign it and to support this Bill. I think what will happen, if we can put the \$30,000,000 alone on the Governor's desk, is that he will be forced to reduction veto . . . the other \$20,000,000 contained in House Bill 2, he will be forced to sign the hold-harmless provision that's contained in House Bill 1. And that will be enough to get his signature on the Bill. So I will hold my 'nos', and I will support this Bill even though that I know it's wrong because I want that elimination of the rollback held captive no longer. I will vote



against House Bill 5. I don't think the extra money is needed.

It will give me great pleasure to do that. I do vote 'aye'."

Speaker Shea: "Have all voted who wish? Have all voted who wish?"

Take the Record, Mr. Clerk. On this question there are 115

'ayes' and 49 'nays'; the Gentleman from Grundy, the Minority

Leader, requests a verification. The Gentleman from Kankakee,

Mr. Beaupre, asks for a poll of the absentees. Poll the absentees,

Mr. Clerk."

Clerk O'Brien: "Brandt, Craig, Epton, Hirschfeld, Mahar, Schlickman,

Stearney, C. M. Stiehl."

Speaker Shea: "Would you please read the 'aye' votes? Verify the

'aye' votes."

Clerk O'Brien: "Anderson . . ."

Speaker Shea: "Mr. Deuster, you wanted to be recorded . . . Anderson

'no' . . ."

Clerk O'Brien: ". . . Anderson 'aye' to 'no'. E. M. Barnes, J. M. Barnes,

Beaupre, Berman, Birchler, Bluthardt, Boyle, Gerald Bradley,

Brinkmeier, Brummet, Byers, Caldwell, Capparelli, Capuzi, Chapman,

Choate, Darrow, Davis, DiPrima, Domico, Downs, John Junn, Ewell,

Farley, Fleck, Flinn, Gaines, Garmisa, Getty, Giglio, Giorgi,

Greiman, Hanahan, Hill, Holwinski, Ian Houlihan, Jim Houlihan,

Huff, Jacobs, Jaffe, Emil Jones, J. D. Jones, Kane, Katz, Kelly,

Kempiners, Kornowicz, Kosinski, Kozubowski, Kucharski, Laurino,

Lechowicz, Leon, Leverenz, Londrigan, Lucco, Lundy, Madigan,

Madison, Mann, Maragos, Marovitz, Matijevich, McAuliffe, McAvoy,

McCourt, McGrew, McLendon, McMaster, McPartlin, Merlo, Molloy,

Mudd, Mugalian, Mulcahey, Nardulli, Neff, Patrick, Peters, Pierce,

Porter, Pouncey, Randolph, Rayson, Reed, Riccolo, Richmond, Rigney,

Rose, Sangmeister, Satterthwaite, Schisler, Schneider, Schoeberlein,

Sevcik, Sharp, Shea, E. G. Steele, Stone, Stubblefield, Taylor,

Terzich, Tip sword, Van Duynes, Vitek, Wall, Washington, White,

Willer, Williams, Wolf, Younge, Yourell; Mr. Speaker."

Speaker Shea: "All right, will the Members please be in their seats?"

Will the Members please be in their seats? Proceed, Mr. Washburn."

Washburn: "Representative Capparelli?"



Speaker Shea: "Representative Capparelli is at his seat, Sir."

Washburn: "Representative Garmisa?"

Speaker Shea: "Representative Garmisa? Is Representative Garmisa in the . . . on the floor? Take him off the Roll Call."

Washburn: "Representative Giglio?"

Speaker Shea: "Representative Giglio? Is Representative Giglio here? Take him off the Roll Call. Return Mr. Garmisa to the Roll Call."

Washburn: "Representative Neff?"

Speaker Shea: "Representative Neff? How is he recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Shea: "Take him off the Roll Call."

Washburn: "Representative Pierce?"

Speaker Shea: "Representative Pierce is in his seat."

Washburn: "Representative Wolf?"

Speaker Shea: "Representative Wolf? How is he recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Shea: "Take him off the Roll Call."

Washburn: "Representative Younge?"

Speaker Shea: "Representative Younge? How is she recorded?"

Clerk O'Brien: "The Lady is recorded as voting 'aye'."

Speaker Shea: "Take her off the Roll Call."

Washburn: "Mr. Speaker, would you ask the Clerk what the count is?"

Speaker Shea: "What is . . . we started with what, Mr. Clerk?"

Clerk O'Brien: "115 'ayes' and 49 'nays'."

Speaker Shea: "And how many have you taken off, Sir?"

Clerk O'Brien: "5 have been removed, 4 of them removed, one has changed his vote."

Washburn: "Representative Jones?"

Speaker Shea: "Representative J. David Jones is in his seat."

Washburn: "Emil Jones?"

Speaker Shea: "Emil Jones? He's sitting by Mr. Madison there."

Washburn: "I . . ."

Speaker Shea: "Between Mr. Schoeberlein and Mr. Madison."

Washburn: "I believe that's the extent of my call."

Speaker Shea: "Is there any other questions of the affirmative Roll Call,



Sir?"

Washburn: "That completes it. Thank you, Mr. Speaker."

Speaker Shea: "All right. What's the tally, Mr. Clerk? 100 . . . Mr. Giglio has returned, put him back on the Roll Call . . . on this question there are 111 'ayes', 50 'nays'; House Bill 3 having received the 60 percent constitutional majority is, hereby, declared passed. House Bills, Third Reading; House Bill 4."

Clerk O'Brien: "House Bill 4, a Bill for an Act to amend Sections of the Illinois Income Tax Act. Third Reading of the Bill."

Speaker Shea: "The Gentleman from Madison, Mr. Byers."

Byers: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 4 is simply a measure . . . a housekeeping measure to implement House Bill 3; and it provides that if an employer shall fail to pay the tax due on the . . . there's a 5 percent penalty. And that's all that this Bill does."

Speaker Shea: "The Gentleman moves for the passage of House Bill 4."

Is there debate? On the question, the Lady from Lake, Miss. Geo-Karis

Geo-Karis: "Mr. Speaker, will the Gentleman yield for a question?"

Speaker Shea: "He indicates he will."

Byers: "Yes."

Geo-Karis: "Do you say that there is a penalty?"

Byers: "Yes, Ma'am."

Geo-Karis: "And how much is the penalty?"

Byers: "5 percent of the unpaid balance."

Geo-Karis: "And you said that's all there is to it, right?"

Byers: "Yes, Ma'am."

Geo-Karis: "Mr. Speaker, I'd like to speak on the Bill. Mr. Speaker, we've had enough businesses leaving this state. We have enough jobs going away. And I think now is not the time to penalize the companies. And, therefore, I speak against this Bill."

Speaker Shea: "All those in favor will vote 'aye', those opposed will vote 'nay'. Have all voted who wish? Have all voted who wish? The Gentleman from Madison, Mr. Byers, to explain his vote."

Byers: "Mr. Speaker, this Bill is simply a Bill to implement the last



Bill that we've passed. It doesn't cost anybody any money as long as they pay their taxes on time; and it's a Bill that will actually raise no money. It does put an penalty in for people that do not pay their taxes; and we have to have some type of enforcement in the Withholding Tax Law, and that's what this particular Bill does, is add that in there. So I would ask for a favorable vote on taxes that are due the State of Illinois so that we do not have a . . . if taxes aren't paid, this will at least assure a method of assessing a penalty to those people."

Speaker Shea: "The Gentleman from Kankakee, Mr. Beaupre, to explain his vote."

Beaupre: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, I don't understand the logic of what we see on the board. House Bill 3 just passed with 111 votes. This Bill merely as indicated by the Sponsor im . . . provides the enforcement provision to implement House Bill 3. It deals only with the income tax portion and the speed up of corporate profit taxes. It is, indeed, necessary if the other Bill is going to be a worthwhile Bill for the state. I can't understand why if you favor House Bill 3 that you wouldn't put the necessary votes up there to enforce House Bill 3. It's really very foolhardy to pass up the legislation with no teeth and no enforcement provision. That's what we're talking about here. The issue has really already been decided on the prior Roll Call; and it's something that must be done in order for that Bill to be effective."

Speaker Shea: "Have all voted who wish? Have all voted who wish? The Gentleman from Moultrie, Mr. Stone, to explain his vote."

Stone: "Mr. Speaker, Ladies and Gentlemen, apparently, some of us are not paying attention. Either that or I am unable to comprehend the vote on this Bill. Now, maybe it's a little bit of both; but it seems to me that here you are saying to the people of the State of Illinois, 'If you don't want to abide by the law, that's perfectly all right, there's no penalty for it'. Those sincere and honest people who pay their taxes do what they're supposed to do according to the law have no advantage. You can fail to meet

your obligation when it's due. There's no penalty. And so, therefore, we're going to automatically penalize those who do not do what they should do and reward those who . . . you're going to penalize those that do what they should and reward those that do not do what they should. And it would seem to me that we should have at least half a dozen more good votes on this Bill."

Speaker Shea: "The Gentleman from Cook, Mr. Bluthardt, to explain his vote."

Bluthardt: "That's pretty difficult to do, Mr. Speaker. Some of the people back here think I fell on my head by the way I'm voting or stayed out too late last night and get home and bed to sleep by 10:30. Now, what bothers me with this Bill . . . I, frankly, don't know what the Federal penalty is for late payment; and I'd like to be able to compare the proposed 5 percent late payment penalty here with the Federal penalty to make it consistent. Is this the same amount or is it greater or less than the Federal penalty?"

Speaker Shea: "Mr. Byers, do you want to respond?"

Byers: "Mr. Speaker, I don't know. I think there are some people in here that run bookkeeping services that might know maybe the answer to that. I don't know what the Federal penalty is. I always pay my taxes on time."

Speaker Shea: "One of the fortunate ones. Have all voted who wish? Have all voted . . . Mr. Collins, to explain his vote."

Collins: "Well, Mr. Speaker, I was just going to say there are some of us here down in front who also are wondering about Mr. Bluthardt."

Speaker Shea: "Have all voted who wish? Take the Record, Mr. Clerk. The Gentleman from Madison, Mr. Byers, requests a poll of the absentees."

Clerk O'Brien: "Brandt, Craig, Epton, Fleck, Hirschfeld, Mahar, Schlickman, Stearney and C. M. Stiehl."

Speaker Shea: "Mr. Kelly."

Kelly: "Mr. Speaker, may I have leave of the House to be recorded as 'yes' on this vote."

Speaker Shea: "I think you are recorded as 'yes', aren't you?"



Kelly: "I'll verify it as 'yes'."

Speaker Shea: "All right. Have all voted who wish? On . . . have you polled all the absentees, Mr. Clerk?"

Clerk O'Brien: "Yes."

Speaker Shea: "All right, on this question there are 106 'ayes', 55 'nays', 7 Members voting 'present'; House Bill 4 . . . Mr. Fleck, for what purpose do you seek recognition, Mr. Fleck?"

Fleck: "I don't know who I'm joining in the tank right now, but I might as well vote 'aye'."

Speaker Shea: "The Gentleman, Mr. Fleck, votes 'aye'. Now, Mr. Washburn is going to ask for a poll . . . or I mean, ask for a verification. No verification, Mr. . . . you with . . . all right, the Minority Leader . . ."

Washburn: "It frightens me that you can read my mind, Representative Shea."

Speaker Shea: ". . . I don't understand it . . . the Minority Leader requests a verification of the affirmative vote. Proceed, Mr. Clerk. Will the Members please be in their seats?"

Clerk O'Brien: "E. M. Barnes, J. M. Barnes, Beatty, Beaupre, Berman, Birchler, Boyle, Gerald Bradley, Brinkmeier, Brummet, Byers, Caldwell, Capparelli, Capuzi, Chapman, Choate, Darrow, Davis, DiPrima, Domico, Downs, Ewell, Farley, Fleck, Flinn, Garmisa, Getty, Giglio, Giorgi, Greiman, Hanahan, Hill, Holewinski, Dan Houlihan, Jim Houlihan, Huff, Jacobs, Jaffe, Emil Jones, Kane, Katz, Kelly, Kornowicz, Kosinski, Kozubowski, Kucharski, Laurino, Lechowicz, Leon, Leverenz, Londrigan, Lucco, Luft, Lundy, Madigan, Madison, Mann, Maragos, Marovitz, Matijevich, McAuliffe, McAvoy, McClain, McCourt, McGrew, McLendon, McPartlin, Merlo, Molloy, Mudd, Mugalian, Mucahey, Nardulli, O'Daniel, Patrick, Pierce, Pouncey, Randolph, Rayson, Riccolo, Richmond, Sangmeister, Satterthwaite, Schisler, Schneider, Schraeder, Sevcik, Sharp, Shea, Stone, Stubblefield, Taylor, Terzich, Tipword, Tuerk, Van Duynes, Vitek, Von Boeckman, Wall, Washington, White, Willer, Williams, Wolf, Younge, Yourell; Mr. Speaker."

Speaker Shea: "We're starting off with 107 votes. Mr. Washburn, is



there any questions?"

Washburn: "Thank you. Representative Younge?"

Speaker Shea: "How is Miss Younge recorded?"

Clerk O'Brien: "The Lady is recorded as voting 'aye'."

Speaker Shea: "Take her off the Roll Call."

Washburn: "Representative Wolf?"

Speaker Shea: "How is he recorded? Wolf."

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Shea: "Remove him from the Roll Call."

Washburn: "Representative Farley?"

Speaker Shea: "Representative Farley? Is Representative Farley here?
How is he recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Shea: "Take him off the Roll Call."

Washburn: "Representative Willer?"

Speaker Shea: "Representative Willer? Representative Willer? How
is she recorded?"

Clerk O'Brien: "The Lady is recorded as voting 'aye'."

Speaker Shea: "Miss Willer is in the back. And return Mr. Farley to
the Roll Call. He just is in the center aisle."

Washburn: "Thank you, Mr. Speaker. No more questions."

Speaker Shea: "Will the Members please be in their seats? Mr. Clerk,
give me the Record, please. On this question there are 105 'ayes'
. . . Mr. Hart, for which purpose do you seek recognition? . . .
105 'ayes' . . . on this question there are 105 'ayes' and 59 . . .
55 'nays' . . . 55 'nays' . . . Mr. Lechowicz, for what purpose
do you seek recognition?"

Lechowicz: "Well, as long as it's been the practice, I'd like to
verify the negative."

Speaker Shea: "On this question there are 105 'ayes' and 55 'nays';
House Bill 4 of the Sixth Special Session having received the
constitutional majority is, hereby, declared passed. Mr. Walsh,
for which purpose do you seek recognition, Sir?"

Walsh: "Will, now, Mr. Speaker, is that Bill coming back to be amended
so that there'll be an effective date in it of sometime after



July 1, 1977?"

Speaker Shea: "I think the Bill has an effective date in it, and it reads, 'This Bill will become effective when it', what does it say? October the 1st?"

Walsh: "October the 1st, what year?"

Speaker Shea: "This Bill having received less than 60 percent of the vote, but having received more than a constitutional majority, in my opinion, Sir, will become effective July 1, 1977."

Walsh: "Mr. Speaker, now, it does not become effective July 1, 1977 without the Bill specifically saying that it becomes effective on that date. I submit to you that the Bill will have to be amended in order to become effective July 1, 1977."

Speaker Shea: "Well, I'll tell you what, Mr. Walsh, I don't think that you and I should debate the issue. The Record is clear what took place in the House. The Bill has an effective date on it. This Bill passed with more than 89 votes, and less than 107; and I'm sure that those people that engage in the legalistics of when that Bill becomes law know. Mr. Duff, for which purpose do you arise?"

Duff: "Mr. Speaker, in several occasions since 1973 the Speaker has made rulings that if a Bill receives more than 89 and less than 107, it would be effective on the subsequent July 1st. However, and incidently, Mr. Speaker, a number of us have protested the constitutionality that each time; but in this . . . in each of those instances. . . ."

Speaker Shea: "Mr. Duff, please . . . for what purpose do you arise, Mr. Stone?"

Stone: "Mr. Speaker, I arise to raise a point of order."

Speaker Shea: "Yes, Sir, what's your point?"

Stone: "My point simply is, Mr. Speaker, that you very clearly stated what went on here, and if you are wrong, then this will be corrected in a place other than this. And I think that we are not here to hear oratory on what someone here thinks the effective date of this Bill will be, should be or ought to be."

Speaker Shea: "All right, now, Mr. Duff, will you bring your remarks



to a close, Sir?"

Duff: ". . . Mr. Speaker, I don't know what it is that causes Representative Stone to be a yo-yo whenever I get on the microphone; but he needs to get up and down fast. I would like to complete my point. I listened patiently to him . . ."

Speaker Shea: "Mr. Duff, Mr. Duff, please . . ."

Duff: ". . . All right, Mr. Speaker, I was confining myself to the subject . . ."

Speaker Shea: ". . . Mr. Duff . . . now, will the Members please be in their seats?"

Duff: ". . . thank you, Mr. Speaker. Mr. Speaker, the point . . ."

Speaker Shea: "Mr. Duff, please. Mr. Stone, for what purpose do you arise, again, Sir?"

Stone: "A point of order, Mr. Speaker."

Speaker Shea: "Yes, Sir."

Stone: "Mr. Speaker, I reiterate my point of order, and I insist that the Chair rule upon it and that Mr. Duff sit down on his 'duff' so that people have to be called names without cause here in this Special Session. I think it's ridiculous that the Gentleman would stand up. I have as much right to get up as he does on this floor; and I hope to the Lord that when I do get up I say more than he usually does. And I insist that the Chair rule upon my point of order."

Speaker Shea: "Mr. Duff, will you confine your remarks to the debate at hand?"

Duff: "I will, Mr. Speaker, I promise not to cast the first stone. I would suggest, Mr. Speaker, referring the Chair to Rule 39(B), 'If 89 Members, or fewer than 107, vote affirmatively for a Bill on Third Reading after June 30th, where the Bill specifies an effective date earlier than the following July 1st, the Bill shall not be declared passed; and the Sponsor shall have the right to have the Bill automatically reconsidered and returned to the order of Second Reading for an Amendment to remove the earlier effective date. The Amendment if offered shall be printed and placed on the desks of the Members before the Bill is



taken up again on the order of Third Reading.' Now, Mr. Speaker, it's very clear and unequivocal; and the point that I tried to make before I was interrupted so politely was that in all of the previous rulings of the Chair on the point, it has been when the Bill said that it would be effective upon becoming law. In this instance we have a Bill with an effective date specifically written into it; and I would commend to the Chair the rule which I just read. And if Mr. Stone can improve on the rule, I would be delighted to hear further from him."

Speaker Shea: "Well, Mr. Duff, those are the new rules and you're absolutely correct, you and Mr. Walsh; it used to be under the old rules that you could do it the way I suggested it was done. We will give the Sponsor an opportunity to take the Bill back. The posture of the Bill was the earlier effective date is that it receive less than the 107 votes to require it at the present posture, then it's got 105 votes. And the Chair recognizes the Lady from St. Clair, Miss Younge, who wishes to be recorded 'aye'. Yes. Mr. Walsh."

Walsh: "Mr. Speaker, I object to the Lady being added to this Roll Call. The Roll Call has been taken . . ."

Speaker Shea: "Sir, . . . with me . . . Mr. Walsh . . ."

Walsh: ". . . and you have announced it, and . . ."

Speaker Shea: ". . . Mr. Walsh, you put me in the posture where I couldn't announce it. At the present time . . ."

Walsh: ". . . No, no, you did announce it, Mr. Speaker . . ."

Speaker Shea: ". . . Mr. Walsh, at the present time . . ."

Walsh: ". . . you did, indeed, announce it . . ."

Speaker Shea: ". . . it's got 105 votes on it. Miss Younge wishes to be recorded as 'aye'. It now has 106. Mr. Byers, do you wish to make a motion?"

Byers: "Yes, I would like to move to have this Bill reconsidered."

Speaker Shea: "You are making a motion to return it to Second Reading and to return it to Second Reading, is that right, Sir?"

Byers: "Right. Yes."

Speaker Shea: "And under the rules, you have an absolute right to do



that. Under the rule that Mr. Duff read. Mr. Gaines, you wish to change your vote from 'no' to . . . from 'present' to 'aye'. All right, at the present time then we have 107 votes. Mr. Washburn, the Minority Leader."

Washburn: "Well, thank you, Mr. Speaker. As long as the Roll Call is still being taken, I want to continue with my verification of the Roll Call."

Speaker Shea: "All right, now, we're at the posture of 100 . . . Mr. Byers withdraws his motion. The Minority Leader wishes to continue with the verification of the Roll Call. Proceed, Sir."

Washburn: "Representative Kelly?"

Speaker Shea: "Representative Kelly had leave of the House . . . would the House please be in order and the Members in their seats? We're on a verification. The Minority Leader has requested a verification of Mr. Kelly. Now, I remember, Mr. Minority Leader, Mr. Kelly asking to be verified."

Washburn: "You're right . . ."

Speaker Shea: "Mr. Walsh, you're out of order, I'm addressing the Minority Leader. Now, Mr. Minority Leader . . ."

Washburn: ". . . you've . . . at this point."

Speaker Shea: ". . . Are you saying then, Sir, that leave was not given?"

Washburn: "Yeah, I heard objections, Mr. Speaker."

Speaker Shea: "Okay, then we're in the posture where we will take Mr. Kelly off the Roll Call. Are there further questions, Mr. Minority Leader?"

Washburn: "No, Sir."

Speaker Shea: "We have 106 now. For what purpose do you arise, Mr. Meyer?"

Meyer: "A point of order, Mr. Speaker. Did you, in fact, announce that this Bill was on Second Reading?"

Speaker Shea: "No, Sir."

Meyer: "You did not announce it?"

Speaker Shea: "No, Sir."

Meyer: "Well, I question that, but the . . ."



Speaker Shea: "Mr. Byers requested it, then the Minority Leader wanted a verification, and Mr. Byers removed his request. Mr. Bradley . . ."

Meyer: ". . . Thank you . . ."

Speaker Shea: ". . . for which purpose do you arise?"

Bradley, G.: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, to try to shed some light on the . . . Mr. Kelly in requesting . . . and you know, and I know and the Minority Leader knows that we have consistently in this . . . have in this Session allowed a Member to be verified and leave the chambers. Now, we have done that consistently. Now, Mr. Kelly left here assuming he was recorded as voting 'aye'. And now all of a sudden when it gets down to that, it's the one vote that will pass this Bill, now you're saying somebody, but nobody knows who, who objected. You did not object or Mr. Kelly would've stayed here. I don't think that he would've left this chamber if he had not been verified. And we've done that time after time on verifications. I think the posture of the Minority Party in this situation is not very good in light of what we have done in the past. We've tried to be consistent with the rulings, we've tried to be consistent . . . I think if you would give us a minute or two to inform Mr. Kelly that you have changed your mind and somebody objected, maybe we can get him back. But I think we ought to find out who objected to it, and who was recorded, Mr. Speaker, with you as having objected to Mr. Kelly not being verified. I think we ought to know that."

Speaker Shea: "Mr. Bradley, it's my understanding that the Minority Leader informs me that he objected. I have known the Minority Leader for a number of years, I know him to be an honest and honorable man, and if he tells me he objected, I will take his word for it."

Bradley, G.: "Well, I certainly will too, Sir."

Speaker Shea: "Mr. Madison, for which purpose do you seek recognition? All right, the posture of the Bill is . . . will you give me the numbers again, Mr. Clerk? All right, at this point there are 106



'ayes', 55 'nays'; and the Gentleman from Madison, Mr. Byers, asks that this Bill be taken back to the order of Second Reading for a different effective date clause. He has an absolute right under the rules to do that. Take it back to the order of Second Reading. House Bills, Third Reading. House Bill 4 is on the order of Second Reading. House Bills, Third Reading, appears House Bill 5 of the Sixth Special Session. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 5, a Bill for an Act in relation to the filing of returns by taxpayers having a monthly tax liability of certain occupation and use taxes. Third Reading of the Bill."

Speaker Shea: "All right, Mr. Totten, did you seek recognition, Sir?"

Totten: "Well, Mr. Speaker, I did. An inquiry to the Chair as to the posture of what would be the language of the Amendment on House Bill 4."

Speaker Shea: "Mr. Totten, your question is, what effective will we put on by Amendment?"

Totten: "If the . . . well, I wanted to know while we were still on House Bill 4 if the Bill, when it goes back on Third Reading, receives 107 votes. I wanted to object to it going back to Second Reading because the language of the Amendment can be in one of two ways."

Speaker Shea: "Well, the . . . what the Gentleman puts on in the Amendment we will see when we get back there. We're at Second Reading on that Bill; and we have now gone to House Bill 5."

Totten: "Well, I had my light on to seek recognition while you were on House Bill 4."

Speaker Shea: "Well, at the time that he seeks to amend it, Sir, I certainly recognize you."

Totten: "Thank you."

Speaker Shea: "Mr. Madison, for which purpose do you arise, Sir?"

Madison: "Mr. Speaker, it appears to me that if you have quoted the rules correctly and the Speaker has an automatic right, then I would think an objection to this being back to Second Reading is out of order."



Speaker Shea: "There is no objection to it being taken back, Sir.

House Bill 5, has that been read a third time?"

Clerk O'Brien: "This Bill has been read."

Speaker Shea: "The Gentleman from Winnebago, Mr. Stubblefield."

Stubblefield: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I'll try to be brief in presenting this Bill, inasmuch as we listened to a considerable amount of testimony when we were in Session as a Committee of the Whole. And I think the expert witnesses who appeared before us are much more able to explain the contents of this Bill and the affects of this Bill than perhaps I would be. But I do want to call your attention to about four provisions of the Bill that I think all of us ought to be reminded of. The Bill as amended is different than the Bill which you considered in May-June of last year. And in that it allows retailers to credit their deposits currently collected and maintained by the Department of Revenue against the liability that is due the state on November for October sales; and the deposit system as established in October, 1975 will thus be eliminated. Two, a retailer whose average monthly liability exceeds \$5,000, all of those who are \$5,000 or less are eliminated from the coverage of this Bill; but retailers whose average monthly liability exceeds \$5,000 will remit to the Department of Revenue four times monthly an amount equal to one-fourth of their average monthly liability for the preceding four complete calendar quarters. They eliminate the highest month and the lowest month and so the averages really of the 10 remaining months. And the end of the month, the retailer will file a return and then remit the balance of that amount due for the prior month's liability. The retailer who has difficulty in compiling the required information by the end of the current month is given an additional month to file his return, and that's automatic. Now, as provided in the Governor's original proposal, and this has not changed, the amended Bill provides that the larger retailers will not be, and I emphasize, they will not be required to pay more sales tax to the state than what they have collected. It is possible in



certain most sales months that a retailers actual liability may not exceed his average monthly liability for the preceding four quarters. And in those cases, the retailer, if he suspects that, may pay without penalty his actual liability or he will receive a credit memorandum if he decides to take that option to be applied against the next month. But we feel that this will occur in very few cases. Now, the Department of Revenue has indicated that there will be no administrative difficulties in converting to administering this legislation, and the amount of expense in going to this program is minimal. In considering this Bill, as Sponsor of the Bill when it was heard before the Revenue Committee, the Illinois Retailer's . . . Retail Merchant's Association raised an objection to the one point that has now been eliminated, and that is the deposit. They said that if we could amend the Bill to allow them to no longer be required to make that one-month deposit that they would withdraw opposition. In negotiating with them in drawing the present Bill, that condition has been met. And I understand that they are no longer actively opposing the Bill. I will tell you that as Sponsor of this legislation there has been wide publicity that I was the Chief Sponsor in my district, and I have had not one single call from a retailer who objects to the provisions of this Bill. We're talking about \$65,000,000; we're talking about funding school programs. As has been said on this floor, I come from Rockford, where we have cut back drastically. All of our athletic programs have been eliminated. There's been a layoff of a considerable number of teachers, some of which are tenured. And we need this legislation especially in our area. And I believe it is true throughout the state. The Governor has committed that any portion of the accelerated revenue collected will be in the Treasury for the use of the next Governor whoever he should be. I think that additional amount is certainly an accommodation to those who have to pay the bills that will greatly alleviate some of the cash flow problems that have been experienced. It will give us a little bit of a cushion. And, certainly, there would be the possibility



in November of considering some additional benefits through our schools which may be necessary because of the court ruling. And I would ask for a favorable vote on this measure. Let's do the responsible thing. Someone said it's another slap at business. If the choice is such, let's make sure we don't slap at our school children."

Speaker Redmond: "Representative Palmer."

Palmer: "I have some questions, if the Sponsor would yield. Approximately how many taxpayers in Illinois will the affect?"

Stubblefield: "I believe, Representative Palmer, that that question was answered yesterday in the Committee Meeting of a Whole; and I'm not sure of the exact amount; but it is a very small minority of all of the taxpayers in the state. And someone may have that figured accurately, I didn't mark it down."

Palmer: "Was there any testimony as to the expense to the businesses or to those taxpayers who would be required to file under the provisions of this Bill?"

Stubblefield: "The . . ."

Palmer: "How many additional people will they have to put on?"

Stubblefield: ". . . Well, I suppose that depends on how many people it would take to divide your total tax by four and make out three additional checks."

Palmer: "All right, I call your attention to page 11, beginning at line 4, 'If any such payment is not made at the time required by this Section, then the taxpayers' 2 percent vendor's discount shall be reduced by 2 percent'. Perhaps you can explain this language in common language so that at least I can understand it because I don't understand it like it is. Under what circumstances would this come into play; and if so, what is a . . . what would the taxpayer . . . what could be his understanding of it? What would be a common understanding of it?"

Stubblefield: "What is the lines that you're referring to, Representative?"

Palmer: "Beginning on line 4 on page 11, 'If any such payment is not made . . .', I assume that that is still in the Bill."

Stubblefield: "Yes, Sir, I have it now. And what is your question again?"



Palmer: "What does it mean? What is the practical application of this language?"

Stubblefield: "Under the current law, the taxpayer pays 98 percent of what he collects from the consumer. Now, if the payment is not made on time, then the difference is reduced by 2 percent of a penalty, as I understand it, it's 2 percent of the 2 percent, which is four-tenths of 1 percent."

Palmer: "Well, my question is one as to the language. And law should be written so that people of common understanding at least can understand it. I don't understand the language. . . ."

Stubblefield: "Then lawyers . . . then lawyers . . ."

Palmer: ". . . practical application."

Stubblefield: ". . . then lawyers would be out of business and we wouldn't need the courts, Sir."

Palmer: "Well, it's not the courts, it's for the Legislature to decide these things and to write it up in such a way that it can be understandable. I don't know what this means; and I would like somebody at some point, if they will, to try to explain what this means. And, Mr. Speaker, we've gotten into a situation, not only in Illinois, but, apparently in the Congress as well where they write out, not only Congressional Acts, but rules and regulations of some of those agencies that defies common understanding by anybody, even the experts. And these things themselves cause the problems for, not only problems for the people involved, Internal Revenue Services is a real good example, but also a lot of expense to lawyers, to accountants and to other people in trying to conform to something that is written either by Congress, the State Legislatures or by some department. I should like somebody at some point to try to explain what that language means."

Speaker Redmond: "Representative Lauer. Lauer. Oh, pardon me, Representative Stubblefield."

Stubblefield: "Mr. Speaker, a representative of the Revenue Department is here and to add a little more to clarification for Representative Palmer's question. He tells me that the language means that it will be the 2 percent that he does not pay . . . the 2 percent



deduction that he's allowed under the law will not be allowed for the money that he has not paid on time. It does affect the penalty for money which he has already paid; but only the money that he has failed to pay on time. And it should also be pointed out that there will be no penalty at all as long as he pays the amount of his liability. If he has reason to believe that he . . . one-fourth of his deposit is more than his actual liability, he can pay the actual amount, and he is not penalized as long as he does that."

Speaker Redmond: "Representative Lauer."

Lauer: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. It seems to me that we are faced here with another one of those situations where we take a direct slap at the business community. We talk about the lack of jobs, we talk about the lack of tax revenue so that we find our . . . we find our schools in an economic bind. We find ourselves in an economic bind because we do not have the available monies to fully fund the schools. Why is that? Simply because the economic climate, the business climate in this state is so poor that we're driving businesses out of the state. How in heaven's name and any kind of sensibility can you expect to increase tax revenue when you are making it virtually impossible to attract business to this state? This is simply another one of those . . . a tax to have the business community again foot the bill for accounting, for collection of taxes by the . . . for the state, and for which they get no compensation. It is one of those situations, Mr. Speaker, whereby we are once again taking a slap at the business community and saying whether you like it or not lump it. Even though we outlawed slavery with the 13th Amendment to the Federal Constitution, this is one of those situations again where the State of Illinois and its Legislature is attempting to reimpose involuntary servitude. You have a situation where you would quadruple the amount of paperwork that is involved in local businesses collecting the state's revenue; but we don't want to pay them anything for it, except increase cost business. That's



what we're saying, except increase costs. But recognize that that's just one of the problems of coming to Illinois to do business. It's no wonder we lose business, it's no wonder we lose revenue; and then we cry down here and wring our hands that we cannot fully fund education. I think it's time for the Members of this House to wake up and smell the coffee."

Speaker Redmond: "Representative Madison."

Madison: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Mr. Speaker, I had not planned to address this Body regarding this Bill; but I'm just getting a little sick and tired of hearing the same old polITICAL speeches about this Legislature taking a slap at business. The fact of the matter is, Mr. Speaker, that whether or not there were a need for an accelerated payments to fund schools, that I just don't think, and I have problems with the taxpayers of this state subsidizing the cash flow of big business. And in effect, that is what is happening. And we're getting Legislators who are screaming that we're slapping business; and the only thing we're saying is to them . . . to the businesses is that the tax dollars of the people of the State of Illinois be remitted to the state coffers at a quicker rate. Now, the previous Speaker talked about ~~increased~~ cost to bookkeeping without any benefits derived from businesses. Well, the fact is there is a benefit derived. At the present time, under the existing legislation, and even under this new legislation the businesses will get a windfall of 2 percent of the taxpayers dollars and the only request that is made is that they make the payments on time. It means that the state, in effect, gets 98 percent of the money that's collected from the taxpayers. Now, if that is a slap at business, then I as an accountant with a business background must evidently not understand business when you tell us . . . when you tell a businessman that we're no longer going to subsidize your cash flow, and if you need a subsidy, you're going to have to borrow money from the bank at a much cheaper rate like every . . . at a higher rate like everybody else. That's not a slap at business, Mr. Speaker, that's good



GENERAL ASSEMBLY

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HOUSE OF REPRESENTATIVES

business."

Speaker Redmond: "Representative Porter."

Porter: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, I think we've done many irresponsible things today; and, unhappily, I was a part of them. I think in my case, at least, for some good reasons. I would urge the Members of the House to put no more on the Governor's desk than is absolutely necessary to get him to sign House Bill 1 and if necessary to reduction veto House Bill 2 to \$30,000,000. This is \$65,000,000 additional. It seems to me that House Bill 3 contained at least some small measure of sense by putting the state on the same system for withholding as Federal law. But this Bill is pure gimmickry, pure rape. It squeezes the well-dry and more so. It has been said here that businessmen do not actively oppose this Bill; believe me they do. It will commit us to a funding level where we have no long-term revenue support. There is only \$50,000,000 in any case that will go to the schools. And of the \$65,000,000 that this Bill would bring to the Treasury on a one-time basis, only 30 percent of that \$65,000,000 would go to the schools, the rest will go into the Governor's Revenue . . . General Revenue Fund. Why let the terrible Governor of this state build up a Treasury and look good on leaving office? I can't see the purpose of it. Now, there are enough dollars on House Bill 3 to hold every district of the state harmless. So that every school district will have the same support this year as they had last year and some more and still get the benefit of House Bill 1 in the revenue, excuse me, the formula changes that are contained in that Bill. It seems to me that the Governor of this state will be hard put not to sign House Bills 1, 2 and 3 without House Bill 5. I see no necessity for this Bill at all. It's pure gimmickry. And it should be defeated; and I would urge all of the Members to vote 'no' on this piece of legislation. It has really very little to do with the schools of this state."

Speaker Bradley, G.: "The Minority Leader, the Gentleman from Grundy, Mr. Washburn."



Washburn: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I heard someone say that this was a slap at business and someone said it wasn't a slap at business. In my judgment, it's a slap at business and every taxpayer in the State of Illinois because its passage is going to demand an increase . . . require an increase in taxes next year. Now, House Bill 3 was a bad piece of legislation. House Bill 4 was a terrible piece of legislation. And House Bill 5 is absolutely horrible. The only encouraging point is that the vote fell off from House Bill 3 to House Bill 4. So we're beginning to realize that we're going from bad to worse in this chamber today. And I would hope that on House Bill 5 we have a great many red lights and a very few green lights. And we can show colors here at the end of this Session. Thank you very much."

Speaker Bradley, G.: "The Gentleman from Kankakee, Mr. Beaupre."

Beaupre: "Mr. Speaker, and Ladies and Gentlemen of the House, sometimes in the course of debate, we lose sight of what really is the fundamental issues. The issue is, indeed, whether or not we are going to be able to fund schools and to fund the new formula that we just passed a few minutes ago. Those who opposed this tax acceleration collection legislation in the springtime continually in their testimony before the Revenue Committee and before this House and also in the Senate said that the other alternative was, indeed, to cut expenditures, cut expenditures in State Government and we pointed out at that time that some 41 percent of the State General Revenue Fund goes to education, that some 31 percent goes to public aid, something that we have little or no control over. Leaving some 28 percent for the running of all elements of State Government in this state, including this General Assembly. Well, we took your approach. If you look at the budgetary process as it now stands, including the actions of this General Assembly and the actions of the Governor, but for education, but for public aid, but for corrections and the Department of Children and Family Services, we have cut the budget 6 percent, 6 percent in all other areas of State Government, actions of this General Assembly and



actions of the Governor. Well, we cut those funds out, we cut expenditures like you said; and there isn't enough money to fully fund the formula the way this General Assembly has dictated it should be funded. And as a result, we have school districts, such as Rockford, that will not have the kinds of special education program and the kinds of supplemental education programs that those children deserve. We have school districts throughout the state that find the pinch of funding as a result of not being able to do what this General Assembly has advocated that we do. It all depends on whether these Bills pass. And you know it and I know it; and it's not a matter of what we're doing to do business. The fact is that the businesses that are affected, are huge businesses, huge retailers in this state that collect over \$5,000 a month. Most of them are on computers. Most of them will find that it really isn't very difficult to submit those taxes, which are state money, to the state in a more accelerated way. That's the issue, it's the issue of whether we're going to have money to fund that school aid formula that you just passed and let's not try to escape it by throwing up a smoke screen."

Speaker Bradley, G.: "The Gentleman from Marion, Mr. Friedrich."

Friedrich: "Mr. Speaker and Members of the House, we're getting involved in the business of just trying to kid ourselves here. This is no . . . to make a simplified comparison if a working man gets paid on the 15th and 30th and suddenly he asks for and gets the right to be paid on the 10th and 25th; that first pay period he only goes 10 days, and boy it's great. But I'll tell you, it's 15 long days 'till the next pay period and from then on. This is a one-shot deal, which does not bring in more revenue. It is not a permanent solution to our problems, it's just borrowing some money in advance trying to speed up the collection for one-shot only. And I can tell you you'll live to regret this."

Speaker Bradley, G.: "The Gentleman from Lake, Mr. Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, when I arrived here yesterday for the Committee of the Whole, I had a copy of some questions that the Republican gubernatorial candidate



had polled to the Governor. I think there were 88 questions. Here we really have only two questions. One, is will the Legislature provide increased aid for schools? And two, can we provide increased aid for education without increasing taxes? We in the House at least have already answered 'yes' to the first question by our vote on House Bills 1 and 2. To answer the second question 'no' now would really be irresponsible and we ought to then have voted against the first two measures. We can only now vote for this accelerated tax package to really be responsible. Now, I've heard yesterday also in testimony some say that the accelerated tax program is only a stop-gap measure. And they've said we need some solution that is long term. I felt like getting up and saying, 'Oh, you're the one that's for a tax increase, put it on your record, go to the voters. Tell them you're for a tax increase'. What we are providing now is a vehicle to accelerate tax payments so that we don't need a tax increase. And I think that if you ask every taxpayer in the State of Illinois that we are trying to use this mechanism, it's their tax dollars, they are making the purchases at these retail establishments. I think they in unison would say 'Yes, let's do it this way. It's responsible, we don't want a tax increase. You can provide monies for schools'. You know, in some of our counties we've done the same thing with real estate taxes. We've accelerated tax billings to provide more money for schools so that we didn't need a tax increase at the local levels. The taxpayers have bought it. They're the individual taxpayers. And now we are saying the same thing to business. And it is our money, it's the taxpayers' money. And what you're really doing is what Representative Madison said. You're transferring the cash flow that business is taking advantage and improving the cash flow of the State of Illinois. I heartily command and recommend an 'aye' vote."

Speaker Bradley, G.: "The Gentleman from Kane, Mr. Waddell."

Waddell: "Mr. Speaker, I move the previous question."

Speaker Bradley, G.: "Pardon me, Mr. Waddell, did you move the previous



question? Well, in all fairness, we only have one more Gentleman that would like to be heard on the . . . if you'll hold that motion and let the . . . Mr. Miller indicated . . . when we're all through, we don't need the motion then. Mr. Stubblefield, do you wish to close, Sir?"

Stubblefield: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. The discussion has been interesting. We have debated the issues of this Bill . . ."

Speaker Bradley, G.: "Just a minute, Mr. Stubblefield. Mr. Kosinski, for what purpose do you arise?"

Kosinski: "Mr. Speaker, may I, respectfully, point out that my light was flashing for a question of the Sponsor."

Speaker Bradley, G.: "Well, in that case, then we're going to have to go back to Mr. Waddell . . . has moved the previous question. All those in favor of the Gentleman's motion will say 'aye', opposed will say 'no'; the 'ayes' have it, the previous question prevails. I'm sorry, Mr. Kosinski. The Gentleman, Mr. Stubblefield, to close."

Stubblefield: ". . . Mr. Speaker, Ladies and Gentlemen of the House, we have debated this Bill on two occasions. It's been an interesting debate. Some interesting issues have been raised. It's beyond me to understand how responsible individuals can suggest that a businessman has the right to hold money that consumers have already paid to him that belong to the state. It is hard for me to understand that the requiring of him to pay that money to the State of Illinois in the most expeditious manner possible is an imposition upon him and that it would drive business out of the state. There's 25 states that won't drive them to because there's 25 states that's already requiring a more strict payment procedure than we are requiring in Illinois. Now, I think the real questions are these, who does the money belong to? The money belongs to the State of Illinois. It has been paid by the consumer. It is not anything that will hurt the taxpayer. The individual consumer is the taxpayer. The businessman is only the collector. It has been suggested that he gets nothing for his



trouble. Well, he gets 2 percent of every dollar he collects, which is pretty good pay. And when you're talking about businesses that collect in excess of \$5,000, 2 percent of that minimal amount is not peanuts for making out the report. Now, we have already acted on the school Bills. We have provided the money. I thought I was voting responsibly in voting for the money with the thought that after that I would vote to provide the money. I just hope that each Representative had that same thought in mind as they cast the votes to provide the money for the school children of these . . . of this state. The school districts are in real trouble. The money will not be there. The Bills are in jeopardy unless this Bill also passes. And I would urge a favorable vote. And thank you for your consideration."

Speaker Pradley, G.: "The question is or . . . shall House Bill 5 pass? All those in favor will signify by voting 'aye', opposed by voting 'nay'. The Gentleman from Cook, Mr. Miller, to explain his vote. The Gentleman from Kane, Mr. Grotberg, to explain his 'no' vote."

Grotberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In explaining my 'no' vote, I was sitting here reminded of when I first came to the City of Chicago from the farm in North Dakota many years ago as a boy of about 19 years of age. And I was broke, stone broke. I didn't have room rent. I went out to West Madison Street to those daily labor camps, and many of you are familiar with them. And the reason I went out there was so I could get paid every day. At night when I got home I had my money. I'm reminded now that the State of Illinois and the condition of Illinois is almost to that basis. We're on a weekly basis in Illinois. I would submit by the time we come back here in January, we'll be on a daily remittal of everything that we can skim from the people. It seems unreasonable to me that when I was sworn in here four years ago with a half a billion dollars in the Treasury that all of a sudden we come down to where we have to pass the skimmer every Sunday morning to every business and industry in the State of Illinois. Maybe



it's something sacred about it. Maybe we should swear him into a church because that's exactly what we're doing. I don't see how anyone with rightful conscience can put the State of Illinois in a weekly cash flow position when we could just as well come back later on and do it right."

Speaker Bradley, G.: "The Chair would like to verify Mr. Kelly, and now we have 107 votes . . . oh, all right, well, the Gentleman from Cook, Mr. Ewell, then to explain his vote."

Ewell: "Mr. Speaker, and Ladies and Gentlemen, any attempt to aid the school children of Illinois is born of some form of compromise. It's born of a deal. Whether the deal is good, bad or indifferent, it's still born of a particular deal. This is an integral part and parcel of what the Governor told us we must have if we are to aid the school children of Illinois. Now, perhaps there are those of us who believe that we are shell artists and we can switch the peas around and deceive the people. But I should like to point out to you that the Governor has many options. He can either veto this Bill outright, that is, this formula that we have just passed, and tell the schools the Legislature has done nothing for you, which we have not. Or he can sit on it, and he can sit on it for a full 90 days. Now, I suggest to you that any of you who can read a Calendar will know that 90 days from the time that this Bill gets to the Governor's desk will put it some time late in December. And I suggest to you that if he simply allows it to become law at that late date, the very first thing that will greet us, those of us who return, will be deficit spending, a need for money to finance the schools that we've already voted and the first issue of business will be a tax increase by those Members who return to this Body. I suggest we're being irresponsible. We're saying we can outshell the shell game; and I say that you cannot morally, legally. You're obligated to vote for the entire package. And you can't bomb your conscience by simply saying to the people, 'I voted for the schools, but I refuse to give the schools the money'. I say to you again, and I'll stand here to remind you in January that the egg is now upon the face of those of



us who return. And it will become our obligation to fund the schools with a Treasury with a zero or a deficit balance. And whoever is elected Governor will have that problem along with us. I appeal to you, to your sense of fairness, to your sense of decency, to your sense of obligations to the school children of Illinois to support the package, to support the deal and let's do something for the school children of the State of Illinois."

Speaker Bradley, G.: "The Gentleman from DeKalb, Mr. Ebbesen, to explain his vote."

Ebbesen: "Yes, Mr. Speaker, in explaining my 'no' vote, I wasn't going to say anything, but I was prompted by what the Sponsor of the legislation had to say by being responsible Legislators and allowing business people to hold the taxes that the people have already paid. And I'd just like to point out if we're going to get into that concept, perhaps we should determine some legislation here in the immediate future when we talk about taxes that have already been paid, you take the . . . personal property taxes on corporations in the County of Cook. Now, that's a part of the business operation, and it's always reflected in the end product or the service that those corporations demand for that product or that service. So it's reflected in the cost to the taxpayers of this state, the consumers, who purchase the products, buy the services, pay for the services, have paid that corporate personal property taxes. And yet we find extended in the County of Cook \$350 to \$300,000,000 annually with only a 50 percent collection. So if we're going to be consistent, let's have some legislation in the immediate future which would some day mandate, hopefully, that we get these taxes to the tune of \$500,000,000 or \$750,000,000 of delinquent, I remind you, delinquent corporate personal property taxes in the County of Cook and the City of Chicago. In fact, if we collect those, generate some of that money and put it into the school systems, we wouldn't be having a Special Session here at this particular time of the year. The schools would be adequately funded in the City of Chicago and the County of Cook. And I also would like to remind you of one more



thing, a separation of church and state, where there's one thing that we pass the plate once a week in church and let's keep it that way and not get government into that kind of position. For that reason, I vote 'no'."

Speaker Bradley, G.: "The Gentleman from Lake, Mr. Deuster. The Gentleman from Cook, Mr. Miller, to explain his vote. Have all voted who wish? Have all voted . . . the Gentleman from Cook, the Majority Leader, Mr. Shea."

Shea: "Mr. Speaker, Ladies and Gentlemen of the House, if we were in a Regular Session, this Bill would be passed. We need your help on the other side of the aisle. We need the 107 votes because we've got to either have the money to fund the Bill for the extra money for education. Where are the people that voted for the 120 votes that were up there that said, 'Yes, I want to help.'? Where are those people that were up there? A lot of them are up there, but where are the rest? You can't say 'Yes, I voted to fund the schools', and then you don't have the courage to get up and say, 'Here's the method of doing it'. I don't understand it. Your candidate for Governor says he supported those proposals. Won't the Members in the General Assembly support their candidate? Where are the votes to get up there and get them? I don't understand it, Gentlemen. He says he can cooperate and work, but I'd like to see 107 votes up there because without your help the program can't pass. And if it fails, it lays on the back of your party."

Speaker Bradley, G.: "Have all voted who wish? Have all voted who wish? The Clerk will take the Record. The Gentleman from Winnebago, Mr. Stubblefield."

Stubblefield: "Poll the absentees."

Speaker Bradley, G.: "There's been a request that we poll the absentees. And the Clerk will poll the absentees."

Clerk O'Brien: "Brandt, Craig, Epton, Hirschfeld, Luft, Mahar, Schlickman, Stearney and C. M. Stiehl."

Speaker Bradley, G.: "On this question we have 100 . . . for what purpose does the Gentleman from Cook, Mr. McAuliffe, arise?"



McAuliffe: "Change me from 'no' to 'aye'."

Speaker Bradley, G.: "Change the Gentleman from 'no' to 'aye'. The Gentleman from Winnebago, Mr. Stubblefield, for what purpose do you arise, Sir?"

Stubblefield: "What is the posture of the Bill now? How many votes do we have?"

Speaker Bradley, G.: "Just a minute. We have 103 'ayes' and 16 'nays'."

Stubblefield: "May I put it on Postponed Consideration and bring it back to Second Reading for an Amendment?"

Speaker Bradley, G.: "Do you want it postponed or do you want to have . . . are you asking leave to take it back to Second Reading and put at the same posture with House Bill 4? Does he have leave? He's entitled . . . the Bill is returned to Second Reading. Now, Mr. Totten, for what purpose do you arise, Sir?"

Totten: "An inquiry of the Chair, Mr. Speaker. I want to pursue what we did on House Bill 4 while we're on House Bill 5. If the amendatory language goes on there on House Bill 5 to change the effective date, and that Bill then receives 107 votes, what will be the effective date of the Bill? My question might be better put, does he have to change it to a date specific?"

Speaker Bradley, G.: "I understand they're going to remove that date: and then if it gets 89 votes, it will be declared passed and will become effective then in July 1, '77."

Totten: "Okay, if it gets 107, it will still be effective July 1, '77, is that correct?"

Speaker Bradley, G.: "In the opinion of the Chair, that's what I understand. The Gentleman from Peoria, Mr. Mudd."

Mudd: "Mr. Speaker, I'd like to pursue that a little further. What if the Bill was amended and no effective date at all appeared on that Bill? Then what would happen . . ."

Speaker Bradley, G.: "I . . . state your question."

Mudd: ". . . If no effective date whatsoever was on the Bill, then if it got 107 votes, what would the effective date be?"

Speaker Bradley, G.: "July 1, '77 if there's no effective date on the Bill."



Mudd: "Okay, but there doesn't have to be one on it either way."

Speaker Bradley, G.: "There doesn't have to be one on."

Mudd: "So we don't know which way . . ."

Speaker Bradley, G.: "if there is no effective date, then it becomes effective July 1, '77."

Mudd: ". . . Okay, it could be worded . . . another Amendment could be worded that it could contain either effective date, isn't that true?"

Speaker Bradley, G.: "Well, let's don't anticipate another Amendment until we see that Amendment, Sir. The Gentleman from Cook, Mr. Lundy."

Lundy: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Pursuing the same inquiry one step further. If the Bill were amended so that the effective date provision were to read that the Bill become effective immediately upon becoming law, and were then passed . . . and the Bill was then passed with the required three-fifths majority in each House, when would it become effective?"

Speaker Bradley, G.: "The Gentleman from Lake, Mr. Matijevich, for what purpose do you arise?"

Matijevich: "A point of order, Mr. Speaker."

Speaker Bradley, G.: "State your point."

Matijevich: "All of these questions are premature. And I think they're all out of order."

Speaker Bradley, G.: "I think your point is well taken. When it gets to that point, we'll make the ruling. Now, let's return to . . . what purpose does the Gentleman from Cook, Mr. Madison, arise?"

Madison: "Thank you, Mr. Speaker. Mr. Speaker, are you now going to return to the order of Second Reading?"

Speaker Bradley, G.: "We're going to return to House Bill 4, Second Reading, and that's the posture that it's in right now. Yes, Sir."

Madison: "May I be recognized . . ."

Speaker Bradley, G.: "Well, let's let the Sponsor of the Bill be recognized first for his Amendment."

Madison: ". . . well, it has nothing to do with the Bill itself, Mr. . . ."



Speaker Bradley, G.: "You want to be recognized now? For what purpose, Sir?"

Madison: ". . . Yes, Sir . . . for the purpose of making a parliamentary inquiry relative to House Bill 4."

Speaker Bradley, G.: "Hold your inquiry for a minute until . . ."

Madison: "It's very important, Mr. Speaker."

Speaker Bradley, G.: ". . . Well, we don't even have the Bill on Second Reading yet, Sir, we haven't gotten to that Bill."

Madison: "Mr. Speaker, if you answer my parliamentary inquiry, we may not have to go that Bill."

Speaker Bradley, G.: "What's your inquiry, Sir?"

Madison: "Mr. Speaker, I was here at the time that the announcement was made on House Bill 4 relative to it receiving 106 votes. I was also here at the time that the inquiry came up relative to Representative Kelly's request for a verification. At that time, it was indicated by the Minority Leader that he objected to leave being granted, and I agree with that posture; he did, in fact, object. But the fact of the matter is, Mr. Speaker, that at the point and time that he objected, Mr. Kelly then stayed here until the Minority Leader called three or four names for verification, and then indicated that he had no further names. At that point, Mr. Kelly, having every reason to believe that since the Minority Leader had no more names to call for verification that he was, in fact, verified. And for that reason, Mr. Speaker, I object to his being removed from the Roll Call. The affect of this is to disenfranchise his constituents from him being able to vote on that Bill when he had a legitimate reason to believe that he was verified at the point that the Minority Leader said, 'I have no more questions'."

Speaker Bradley, G.: "I believe the only problem that you have with your inquiry, Sir, is that you're late in making that point.

"If Mr. . . ."

Madison: "Mr. Speaker, I rose to make that point at the time that the inquiry came up and the Speaker who was in the Chair then said the Bill is on the posture of Second Reading. And so now I'll take the



Speaker Bradley, G.: ". . . If you'll recall . . ."

Madison: ". . . oppor . . . Mr. Speaker, there is no inopportune time for a man to be recorded on a Bill when he has a legitimate right to be recorded."

Speaker Bradley, G.: ". . . Well, the only problem is, Sir, that that Bill is not before us right now, and we . . . we are not going . . ."

Madison: "Mr. Speaker, if you rule the way that you should rule then this Bill would not . . ."

Speaker Bradley, G.: ". . . Sir, you asked for an inquiry of the Chair, and the Chair has ruled that you are not timely with your inquiry. Now, I can't make it anymore explicit than that. There's nobody . . . I got up and talked on that same objection, Sir. The Gentleman from Cook, Mr. Palmer."

Palmer: "A parliamentary inquiry, Mr. Speaker."

Speaker Bradley, G.: "Yes, Sir."

Palmer: "Did the Chair formerly announce the vote on House Bill 5?"

Speaker Bradley, G.: "No, Sir. The Gentleman be . . . the Gentleman asked that it be returned to House . . . to the posture of Second Reading, and we granted him that request, Sir. We did not announce a Roll Call on that Bill."

Palmer: "Another parliamentary inquiry. Is it proper during the course of the proceeding of taking a vote that a request be made and the Chair accede to such a request that a Bill be returned to Second Reading for purposes of an Amendment automatically? Now, I remind . . ."

Speaker Bradley, G.: "No, it wasn't automatic, Sir . . . we . . ."

Palmer: ". . . I remind the Speaker that the . . . that we historically have at least insofar as I know in the time that we've been here, let it go to Postponed Consideration, at which time then a . . . it was brought back to Second for purposes of an Amendment; but I do not remember at any time during the time that I've been here where a vote is being taken that a . . . the Chair has acceded to a request, nor a request having been made, that a Bill be returned to Second for purposes of an Amendment."



Speaker Bradley, G.: ". . . Well, I think it's happened before, and I think that it would be useless for me to announce that the Bill was up or down or lost. If I announced it was lost, it would've been lost and we could not return the Bill to Second Reading. The Gentleman requested that it be returned to Second Reading, and I granted that request using the . . . it was done . . . we did exactly the same thing with House Bill 4. I could've announced the Roll; but not announced whether it was passed or failed. I don't see whether we would've accomplished anything by being in that particular posture.

Palmer: "The question . . ."

Speaker Bradley, G.: "But what we're doing now is allowing the Gentleman . . . giving him the same . . . granting the same request that was made by the Gentleman with House Bill 4; and I think if you would refer to 39(B), I think you would find out that we're in pretty good shape with that ruling. Correct, Mr. Walsh?"

Walsh: "All right, Mr. Speaker, that's precisely the point I wanted to make, that these Bills have been put on Second Reading according to House Rule 39(B), that is correct, right."

Speaker Bradley, G.: "Thank you. Thank you. I was waiting for Mr. Matijevich to bring that point up, but we'll go along with your point. Now, if we could go ahead and get back to House Bill 4 on Second Reading and recognizing . . . well, let's do this. Mr. Byers, are you prepared to go ahead with Amendment # what to this Bill?"

Byers: "1."

Speaker Bradley, G.: "Amendment #1 to House Bill 4."

Byers: "Mr. Speaker . . ."

Speaker Bradley, G.: "Just a minute, the Gentleman from Cook, Mr. Madison, on a point of order. State your point, Sir."

Madison: "Mr. Speaker, my point of order is this, this Bill is illegally on Second Reading. This Bill should not be on Second Reading because it received the prerequisite 107 votes. Our rules are quite clear that this Bill can go back to Second Reading automatically



if it receives 89 but less than 107."

Speaker Bradley, G.: "The Gentleman from . . ."

Madison: "This Bill received 107 votes, Mr. Speaker. Mr. Kelly was illegally removed from the Roll Call. And I object . . ."

Speaker Bradley, G.: ". . . the Gentleman from . . ."

Madison: ". . . to the procedure by which this Bill was taken back to Second. This Bill should be put back on Third and declared passed."

Speaker Bradley, G.: ". . . I've already ruled on that. The Gentleman from Lake, Mr. Matijevich."

Matijevich: "Yes, Mr. Speaker, I was going to say that you have ruled so his only alternative is to file a dissent in the record."

Speaker Bradley, G.: "All right, now, back to Mr. Byers on House Bill 4, Amendment # . . . 2."

Clerk O'Brien: "Amendment #2, Byers, amends House Bill 4 of the Sixth Special Session on page 3 by deleting lines 7 and 8."

Speaker Bradley, G.: "Mr. Collins makes a . . . objects that it is not on his desk, is that correct, Sir? Let's check and see where we are with it."

Unknown: "It hasn't been distributed yet."

Unknown: "Mr. Speaker . . ."

Speaker Bradley, G.: "We can do two things. We can go ahead and him explain the Amendment where . . . or we can just hold the House at ease for five minutes while the printers . . . it's in the process, I understand, of being printed. Whichever you Gentlemen wish to do. Would it be permissible for Mr. Byers to explain the Amendment or do you want to wait? Do you want to . . . Mr. Walsh indicates one thing, Mr. Collins another. So I think we should stand at ease until the . . . for five minutes until the Amendment is distributed. So the House will stand at ease for five minutes. Until the five minutes has elapsed, we will do a little cleanup work and Agreed Resolutions. The Gentleman from Winnebago, Mr. Giorgi."

Clerk O'Brien: "House Resolution #3, Von Boeckman. Resolution #4, Schoeberlein; 5, Schoeberlein. 6, Madigan; 7, Madigan. 10, DiPrima,



11, DiPrima. 12, Kornowicz. 13, Geo-Karis; 14, Geo-Karis.
16, Klosak. 17, Kornowicz; 18, Kornowicz. 20, McClain. 21,
Madigan. 22, Leinenweber."

Speaker Bradley, G.: "The Gentleman from Winnebago, Mr. Giorgi."

Giorgi: "Mr. Speaker, House Resolution 3 by Von Boeckman notes the 50th Wedding Anniversary of Mr. and Mrs. Fred Eertmoed. House Resolution 4 by Schoeberlein recognizes the election of Mrs. Elaine Murphy of the American Legion Auxiliary for '76-'77. House Resolution 5 by Schoeberlein tells that Miss Stannie Olso has served the people of Kane County for more than fifty years. House Resolution 6 by Madigan, Beatty and Kucharski records that Sister Mary Stephanies Balchunas is celebrating her Golden Anniversary. House Resolution #7 by Madigan, Beatty and Kucharski singles out Mr. Chris Dineff of Summit, Illinois, as 'Citizen of the Month'. House Resolution #10 by DiPrima gives the result of the election of Eugene Corum as State Commander of the Illinois Department of Illinois of the American Legion. House Resolution 11 by DiPrima signifies the election of Russel L. Bryant as State Commander of the Department of Illinois Disabled War Veterans. House Resolution 12 by Kornowicz shares the news of the 25th Wedding Anniversary of Mr. and Mrs. Ed Roche of Chicago. House Resolution 13 by Geo-Karis records the 80th Anniversary of St. Bartholomew's Lithuanian Church in Waukegan. House Resolution 14 by Geo-Karis reports that Judge LaVerne A. Dixon is retiring after more than 13 years as Circuit Judge. House Resolution 16 by Klosak denotes the 50 years of service to the Holy Name Society has rendered St. Mary's parish of Cicero. House Resolution 17 by Kornowicz commemorizes the the 25th Anniversary of Reverend Chris G. Selimos as the priest and 15 years of pastor of the Holy Cross in Summit. House Resolution 18, Kornowicz, congratulates Ray and 'Ginnie' Podlasek on their Silver Wedding Anniversary. House Resolution 20, McClain, commends Bill Gravitt for his act of bravery in saving a cow's life. House Resolution 21 by Madigan honors Charles and Jesse William's on their 55th Wedding Anniversary. And House Resolution 22 by Leinenweber salutes Welton



Stedt for this contribution to the youth of Illinois and joined by Sangmeister and Van Dyne. I move the adoption of all the Agreed Resolutions."

Speaker Bradley, G.: "All in favor of the Agreed Resolutions say 'aye', opposed 'no'; the 'ayes' have it, the Agreed Resolutions are adopted. Two Death Resolutions to adopt."

Clerk O'Brien: "House Resolution 9, Boyle; and House Resolution 19, Leinenweber."

Speaker Bradley, G.: "All in favor of the Death Resolutions say 'aye', opposed 'nay'; the 'ayes' have it, the Resolutions are adopted. The House will come to order and the Members will be in their seats. The Gentleman from Madison, Mr. Byers, on Amendment #2 to House Bill 4."

Byers: "Thank you, Mr. Speaker. House Bill 4 has been amended, and by deleting lines 7 and 8. And this removes the effective date of October 1, 1976, and would, in fact, make the Bill effective July 1, 1977. I move for the passage of Amendment #2 to House Bill 4 . . . adoption."

Speaker Bradley, G.: "The Gentleman from Cook, Mr. Totten. Oh, pardon me, Mr. Totten, could you hold it. The Gentleman from Grundy, Mr. Washburn."

Washburn: "Thank you, Mr. Speaker. I guess that the . . . I didn't . . . couldn't hear the Sponsor of the Amendment, the comments. So I wanted to make sure that everyone knows what the results will be when we act upon this Amendment that deletes the effective date. Now, my question, Mr. Speaker, probably will be a two-part question. Supposing the Amendment is adopted, and placed on the Bill, and the Bill, say, it received 89 votes. The Bill would be declared dead?"

Speaker Bradley, G.: "If it only receives 80 votes, the Bill will fail; yes, Sir."

Washburn: "All right, supposing the Bill received 92 votes, Mr. Speaker, when would it become effective?"

Speaker Bradley, G.: "July 1, '77."

Washburn: "Thank you, Sir. And supposing it received 127 votes . . ."



Speaker Bradley, G.: "July 1, '77, according to the statutes I have in my hand here, Chapter . . . 31."

Washburn: ". . . Thank you, Mr. Speaker. I think that was a question on everyone's mind in the House."

Speaker Bradley, G.: "I hope it's very clear now that the effective date will be July 1, 1977, if the Bill receives 89 or more votes. I think that would be the way . . ."

Washburn: "Any number of votes 89 or above?"

Speaker Bradley, G.: "Yes, Sir."

Washburn: "Thank you."

Speaker Bradley, G.: "All right, the Gentleman moves for the adoption of Amendment #2 to House Bill 4. All those in favor will say 'aye', opposed 'no'; the 'ayes', in the opinion of the Chair, the 'ayes' have it, and the Amendment's adopted. For what purpose does the Gentleman from Cook, Mr. Duff, arise?"

Duff: "Mr. Speaker, if this Amendment fails, the Bill is effectively dead. And I think it's worth a Roll Call."

Speaker Bradley, G.: "I've already declared that the Amendment was adopted, Mr. Duff . . . you wouldn't want me to go back on my . . ."

Duff: "I was trying to be recognized. I was trying to be recognized at that time, Mr. Speaker. I think you'll agree that your comment was a little bit fast."

Speaker Bradley, G.: ". . . I think I've . . . you're a little late with you request and I've already placed it on Third Reading. All right, the Bill has been read a third time. The Gentleman from Madison, Mr. Byers, on House Bill 4."

Byers: "Thank you, Mr. Speaker. I would move for the adoption of House Bill 4. And this Bill is the one we were talking about previously. One of the Members had a question about the Federal penalty. The Federal penalty for failure to pay your taxes timely is also 5 percent, which will coincide with the . . . to make the Federal law coincide with the state law of the 5 percent tax due on the 90 percent. I move for the passage of this Bill."

Speaker Bradley, G.: "Discussion? The Gentleman from Cook, Mr. Walsh, do you wish to be heard on this Bill?"



Walsh: "Well, only to say, Mr. Speaker, that this Amendment changing the effective date; and, in effect, making this Bill effective July 1, 1977, points out the absurdity of this Special Session. We are here in extraordinary Session passing a Bill which becomes effective after the next Session of the Legislature is convened, elected and has probably 5,000 Bills to act on. I suggest that this is ridiculous. The Bill should not get 89 votes. We should defeat it. If you can't see that it's patently ridiculous, then perhaps you ought to vote 'aye'; but it certainly is."

Speaker Bradley, G.: "The Gentleman from Marion, Mr. Friedrich."

Friedrich: "I'd like to ask . . . I'd like to ask the Sponsor a question."

Speaker Bradley, G.: "He indicates he'll yield."

Friedrich: "If, Representative Byers, with this Amendment and with the explanation of the Speaker, there apparently is no urgency to pass this Bill, would you consider putting it on Postponed Consideration. We could pick it up in November or January."

Byers: "I would just as soon, Representative Friedrich, vote it up or down today."

Speaker Bradley, G.: "Do you wish to close, Mr. Byers?"

Byers: "Yes. Thank you, Mr. Speaker. I move for the passage of House Bill 4 as amended."

Speaker Bradley, G.: "The question is, shall House Bill 4 pass? All those in favor will signify by voting 'aye', opposed by voting 'no'. The Gentleman from Logan, Mr. Lauer, to explain his vote."

Lauer: "Not to explain my vote, Mr. Speaker, but to make a parliamentary inquiry."

Speaker Bradley, G.: "State your inquiry, Sir."

Lauer: "If this Bill passes now with 89 votes, and the Governor passes an amendatory veto that puts in an immediate effective date, and that amendatory veto was sustained with 89 votes, would that make that Bill . . . would that make this Bill effective before July 1 of 1977?"

Speaker Bradley, G.: "No."

Lauer: "Thank you."

Speaker Bradley, G.: "I say 'no' in the opinion of the Chair. Have all



voted who wish? Have all voted who wish? The Clerk will take the Record. On this question there are 103 'ayes', 52 'nays', 5 voting 'present'; and this Bill having received the constitutional majority is, hereby, declared passed. House Bills, Second Reading. Gene Hoffman, for what purpose . . . Gene Hoffman wishes to be recorded as voting 'no'. House Bills, Second . . . Mr. Tuerk wishes to be recorded as voting 'aye'. All right, anybody else? Mrs. Reed."

Reed: "Would you record me 'present', please?"

Speaker Bradley, G.: "Mrs. Reed wishes to be recorded as voting 'present'.

Mr. O'Daniel wishes to be recorded as voting 'aye', O'Daniel.

Anybody else? All right. House Bills, Second Reading, House Bill 5."

Clerk O'Brien: "House Bill . . . Amendment #3, Stubblefield, amends House Bill 5, Sixth Special Session, by deleting all of Section 3."

Speaker Bradley, G.: "The Gentleman from Winnebago, Mr. Stubblefield, on Amendment #3 to House Bill 5."

Stubblefield: "Mr. Speaker, this is an Amendment that is necessary and in lieu of the fact that it's not getting the extraordinary majority to make the Bill effective upon becoming law, and that's all it does. And I would ask that the Amendment be adopted."

Speaker Bradley, G.: "The Gentleman from Grundy, Mr. Washburn, on an inquiry."

Washburn: "Just a second. Yeah, thanks, Jerry, I do want to be recognized."

Speaker Bradley, G.: "The question is on the adoption of Amendment #3 to House Bill . . . the Gentleman from Cook, Mr. Walsh."

Walsh: "The Amendment was just dropped on my desk. I'm sure there are many people who do not have it. We have certainly not had an opportunity to check it against the Bill. Could you hold it for just a moment?"

Speaker Bradley, G.: "Hold it . . . we'll hold it for just a moment. They're coming back, the Amendment. The Gentleman from Grundy, Mr. Washburn."

Washburn: "Thank you, Mr. Speaker. One question before . . . I asked you



the same questions I did on House Bill 4 for the record. I note that the Amendment that was just distributed deletes all of Section 3. And Section 3, the Section is spelled out, which we assume would be Section 3 on page 16, rather than Section 3 on page 1. I think maybe it would clarify the matter if he could alter the Amendment on its face to read Section 3, page 61, it would be a little more . . . or page 16, it would be a little more clear."

Speaker Bradley, G.: "The Gentleman from Winnebago, Mr. Stubblefield."

Stubblefield: ". . . deletes Section 3 spelled out, S-E-T-T-I-O-N, the one on page 1 is S-E-C., abbreviated."

Speaker Bradley, G.: "That's on . . . Mr. Washburn, on page 16, and that is the effective date, and that strikes the effective date, it strikes the whole Section. Is that all right with you, Sir? It strikes the effective date of November 1, 1976."

Washburn: "All right, all right, Mr. Speaker. Now, if Amendment #3 to House Bill 3 . . . if Amendment #3, which deletes Section 3 on page 16 of House Bill 05 is adopted, and the Bill goes to Third Reading as amended by Amendment #3, which deletes Section 3 on page 16, if that Bill on Third Reading is amended receives 60 votes, what would be the status of the Bill?"

Speaker Bradley, G.: "We would have to declare that the Bill was lost at that time."

Washburn: "Thank you, sure. All right, supposing it received 89 votes . . . supposing it received 89 votes."

Speaker Bradley, G.: "Again, we would have to be consistent and say the Bill was . . . we would declare it passed and the effective date would be July 1 of 1977."

Washburn: "Supposing it received 107 or more votes, Mr. Speaker, what would be the effective date of the Bill?"

Speaker Bradley, G.: "Effective . . . we would declare it passed, the effective date would be July 1, 1977."

Washburn: "Thank you very much."

Speaker Bradley, G.: "Mr. Palmer, the Gentleman from Cook."

Palmer: "A parliamentary inquiry."



Speaker Bradley, G.: "Yes, Sir."

Palmer: "Amendment #3 purports . . . it states this, Amendment #3 amends House Bill 005, Sixth Special Session, by deleting all of Section 3. I call the attention to the Chair that on page 1 of House Bill 005 there is a Section 3. Also on page 16 on line 28, they have some words, Section 3. Now, the question is whether or not this Amendment is in proper form."

Speaker Bradley, G.: "I think that that is a standard drafting procedure, Mr. Palmer; and I think what we're . . . the Section we're referring to is on Section spelled out S-E-C-T-I-O-N on page 16, Section 3, of the Bill, not of the Retailer Occupation Act. And that's what the S-E-C on page 1 is referring to to that part of the Retailer's Occupational Act. And the Amendment #3 is striking Section 3 of page 16."

Palmer: "Well, I . . . you know, you can't determine that by reading the Amendment. And that's . . . if it's the ruling of the Chair that this Amendment is in proper form, so be it; but there are two Sections 3's in here."

Speaker Bradley, G.: "No, I think we only have one Section 3 of this Act, and that's on page 16. And that is the effective date, Mr. Palmer. Now, the Gentleman moves for the adoption of Amendment #3 to House Bill 5. All those in favor will say 'aye', opposed 'no'; the 'ayes' have it, the Amendment's adopted. Third Reading. The Gentleman from Winnebago, Mr. Stubblefield, on House Bill #5. Having been read a third time, we will go to Mr. Stubblefield."

Stubblefield: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Now, that we have amended the Bill to delete any mention of an effective date for all of the reasons that we discussed about an hour ago, I would now move that the Bill be passed and I would urge an 'aye' vote."

Speaker Bradley, G.: "Discussion? The question is, shall House Bill 5 pass? All those in favor will signify by voting 'aye', opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? We want to give everybody a chance to get on the switch and . . . Have all voted who wish?"



The Clerk will take the Record. On this question there are 99 'ayes', 60 'nays', 4 voting 'present'; this Bill having received the constitutional... pardon me . . . Mr. Speaker wishes to be recorded as voting 'aye' . . . this Bill having received the constitutional majority is, hereby, declared passed. The Gentleman from Cook, the Majority Leader, Mr. Shea."

Shea: "Mr. Speaker, I've talked to Senator Rock, who's talked to the Senate Leaders, and he informs me that the Senate will be in Session on Thursday, Friday and Saturday to consider these Bills. So now, Mr. Speaker, I would move that the House stand adjourned until the hour of 11 o'clock of this week."

Speaker Bradley, G.: "The Gentleman from Cook, Mr. Walsh."

Walsh: "Mr. Speaker, Mr. Speaker, I don't have a much better alternative to offer, but I might suggest this to the Majority Leader. That since the Senate is going to act on these Bills on Saturday, and if they act in such a way that it is not necessary for us to come down here on Saturday, then there will not be time for us to be called and told to stay home. Wouldn't it better if we came down on Sunday and considered the Senate action if necessary?"

Speaker Bradley, G.: "The Gentleman from Cook, Mr. Shea."

Shea: "Mr. Assistant Minority Leader, we've been down here for two weeks on this Special Session. I am not a candidate seeking reelection. And I can come down Saturday, Sunday, Monday or Tuesday; but in an order we cannot get any accommodations next week. I know we may have a religious problem."

Walsh: "Mr. Speaker . . ."

Speaker Bradley, G.: "Mr. Shea is not through yet."

Shea: "The question has been risen . . . have come up about mileage checks and I'm sure that that can be worked out."

Speaker Bradley, G.: "The Gentleman has moved that the House stand adjourned until 11 o'clock Saturday. All in favor of the Gentleman's motion say 'aye', oppose 'no'; the 'ayes' have it, the House is adjourned."

