

79th GENERAL ASSEMBLY

SIXTH SPECIAL SESSION

SEPTEMBER 18, 1976

1. PRESIDENT:

2. The hour of nine having arrived, the Senate will come  
3. to order. Will our guests in the gallery please stand as we  
4. have prayer by Reverend Robert T. McDill, First Presbyterian  
5. Church, Taylorville, Illinois.

6. REVEREND MCDILL:

7. In Luke 2:52, we read, "and Jesus increased in wisdom  
8. and in stature and in favor with God and man." Let us  
9. pray. Our Heavenly Father, help us, as leaders of this  
10. Senate to grow in wisdom in our deliberations, help us  
11. to increase in stature as we seek to carry out and stand  
12. for what is true and right, and above all, be with our Senators,  
13. that they may be in favor with Thee first, oh God, before  
14. they seek the favor of mankind. This prayer we ask in the name  
15. of Christ Jesus. Amen.

16. PRESIDENT:

17. Reading of the Journal. Senator Johns.

18. SENATOR JOHNS:

19. Good morning, Mr. President. I move that reading and  
20. approval of the Journals of Friday, September the 10th, 1976,  
21. Tuesday, September the 14th, 1976, Thursday, September the  
22. 16th, 1976, and Friday, September the 17th, 1976, be postponed  
23. pending arrival of the printed Journals.

24. PRESIDENT:

25. You heard the motion. All in favor say Aye. Opposed  
26. Nay. The Ayes have it. The motion carries. The Chair has  
27. an announcement. It's obvious that we aren't ready to start  
28. because we do not have enough members to start, hence there will be  
29. a caucus of Democrats in the President's Office in five minutes  
30. and we will return at the call of the Chair, hopefully about  
31. nine-thirty. The Senate is...will come to order.

32. Pursuant to the agreement made yesterday, we will be taking House  
33. Bills which are now on 3rd reading back to the order of 2nd reading

1. for the purpose of amendment. And the first bill to be  
2. called will be House Bill 5, Senator Netsch. Pardon me,  
3. House Bill 4, Senator Bruce.

4. SENATOR BRUCE:

5. Yes, Mr. President. With leave of the Body, I'd like  
6. to have leave to return House Bill 4 to the order of 2nd  
7. reading for the purpose of an amendment.

8. PRESIDENT:

9. Is leave granted? Leave is granted. Senator Bruce.

10. SENATOR BRUCE:

11. Thank you, Mr. President. On the Secretary's Desk  
12. is Amendment No. 1 to Senate Bill 4. As you may recall,  
13. Senate Bill 4 deals with the underpayment of withholding  
14. taxes and the House passed it in the forms different from what  
15. the Senate Bill 4 that we have considered in the past, in that  
16. they failed to add an effective date of October 1st, 1976  
17. and that is what the amendment as proposed would do, would add  
18. an effective date so that the collection occurs this year.  
19. As passed by the House, the bill would not be effective until July  
20. 1st, of 1977. And so, with that brief explanation, I would  
21. also indicate to the membership that the amendment has not  
22. been distributed. I had a conversation with the Minority  
23. Leader and he indicated that the content of the amendment  
24. was such that it could be explained. It just puts in an effective  
25. date of October 1st, 1976.

26. PRESIDENT:

27. Any further discussion on the amendment? Senator Bruce  
28. moves the adoption of Amendment No. 1 to House Bill 4.  
29. All in favor say Aye. Opposed Nay. The Ayes have it. The...  
30. Amendment No. 1 is adopted. Any further amendments? 3rd  
31. reading. House Bill 5, Senator Netsch.

32. SENATOR NETSCH:

33. Thank you, Mr. President. There is an amendment on the  
34. Secretary's Desk to House Bill 5. It was distributed yesterday.

1. The amendment does...

2. PRESIDENT:

3. Just a moment. You're first asking leave to return the bill

4. to the order of 2nd reading...

5. SENATOR NETSCH:

6. I beg your pardon. Yes, would...I...

7. PRESIDENT:

8. Is leave granted? Leave is...

9. SENATOR NETSCH:

10. ...seek leave to return the bill...

11. PRESIDENT:

12. ...granted.

13. SENATOR NETSCH:

14. ...to the order of 2nd reading for purposes of an amendment.

15. PRESIDENT:

16. Leave is granted. The bill...House Bill 5 is now on the

17. order of 2nd reading. Senator Netsch is recognized.

18. SENATOR NETSCH:

19. Thank you, Mr. President. The amendment also deals

20. with the matter of effective date and it is, I believe,

21. in form identical to the one that Senator Bruce just offered

22. to House Bill 4. It makes the immediate...or it makes the effective

23. date of House Bill 5, which is the sales tax speedup, November

24. 1, 1976. The bill passed the House without an immediate effective

25. date. This is critical to its participation in the additional

26. school funding that the money be...or that the speedup

27. begin immediately and take place this fall. I offer Amendment

28. No. 1 to House Bill 5.

29. PRESIDENT:

30. Any discussion? Senator Nimrod.

31. SENATOR NIMROD:

32. Mr. President, this was not on that. I was on the phone on...when

33. you called, and you said you were going to discuss...consider House Bill

1. first and I noticed you went to 4. I had an amendment for 4  
2. and so when it came out here, why you had already moved it  
3. and I would like to know if I can have the courtesy of getting  
4. that bill back to 2nd reading when we get back to it.

5. PRESIDENT:

6. Senator Bruce, what is your reaction to the request?

7. SENATOR BRUCE:

8. Well, I...as I understand our agreement yesterday, Mr.  
9. President, we agreed to return the bills to the order of 2nd  
10. reading for any amendments and if Senator Nimrod was off the  
11. Floor, perhaps we should return it to that order. I would have  
12. no objection.

13. PRESIDENT:

14. Senator Nimrod, he's indicated an affirmative posture  
15. toward it. Let's finish 5 and then we'll get back to it. All  
16. right. Any further discussion on the motion to...on the Amendment  
17. No. 1 to House Bill 5? Yes Sir. Senator Harris.

18. SENATOR HARRIS:

19. Yes, I have a question of Senator Netsch.

20. PRESIDENT:

21. She indicates she'll yield.

22. SENATOR HARRIS:

23. Senator Netsch, House Bill 2, I believe is the appropriation  
24. to the Office of Education, is it not?

25. PRESIDENT:

26. Senator Netsch.

27. SENATOR NETSCH:

28. I believe that is correct.

29. PRESIDENT:

30. Senator Harris.

31. SENATOR HARRIS:

32. Would it be your intention then, if this bill...if this  
33. amendment is adopted, would it be your intention to increase the

1. figure in House Bill 2, a corresponding sixty - five million dollars  
2. increase?

3. PRESIDENT:

4. Senator Netsch.

5. SENATOR NETSCH:

6. I have no such intention.

7. PRESIDENT:

8. Senator Harris.

9. SENATOR HARRIS:

10. Yes, all right. Thank you, Mr. President. Then, I want  
11. to make clear my position with respect to Senator Netsch's  
12. amendment to House Bill 5. And as I understand her amendment,  
13. it would make the acceleration of the payment of the Retailers'  
14. Occupation Tax effective immediately. The bill as it came to us  
15. from the House is effective July 1, 1977. To the extent that  
16. the Democratic membership will join us in spreading the  
17. increased revenue availability directly to education, we will be  
18. willing to engage in dialogue about other revenue acceleration.  
19. The present posture that we are in is this, with respect to the  
20. legislation from the House before us, the House provided for thirty  
21. million dollars of immediate revenue increase availability. But  
22. they appropriated fifty million dollars to the Office of Education.  
23. That's a...that's a negative or a deficit of twenty million dollars.  
24. The posture of this side of the aisle is one of responsibility.  
25. We will, not to amend, but there are sufficient votes here if you  
26. will join us, to provide for thirty million dollars of revenue  
27. acceleration under the provisions of the Income Tax Act and  
28. allocate that thirty million dollars thus produced to...to  
29. education in a fashion that we think is more meaningful and  
30. generally equitable to the entire State of Illinois. We'll  
31. get to that question, of course, when we take up House Bill  
32. 1. But, since your response is, Senator Netsch, that you have  
33. no intention to increase the appropriation provided for in

1. House Bill 2 consistent when the...with the increased wind-  
2. fall product of revenue availability that would result from  
3. the immediate passage of House Bill 5, I would urge, then,  
4. this side of the aisle to resist the adoption of Senator  
5. Netsch's amendment, which is Amendment No. 1 to House Bill 5.  
6. Thank you, Mr. President.

7. PRESIDENT:

8. Any further discussion? Senator Fawell.

9. SENATOR FAWELL:

10. I...I'd like to put a question to Senator Netsch also, because  
11. I think much of what Senator Harris has said, I would agree  
12. with. I realize that we have the chicken and the egg syndrome  
13. here, quite a bit as to which bill is the foundation for the other,  
14. I gather is quite a question but I, frankly, would be willing to  
15. see House Bill 2, I believe, is the appropriation bill amended  
16. so that the full ninety-five million of acceleration that we've  
17. been talking about can go to education, and when we start  
18. talking about amending House Bill 5, I think we have to address  
19. ourselves to that, because it's aimed at, I gather, restoring  
20. effective immediately the full acceleration of ninety-five  
21. million. Senator Netsch, what do you plan to do? Are you  
22. ...are you aiming at increasing that appropriation so that  
23. we...so that we can do what we ought to do, I think, for education  
24. in general in Illinois? If the money is available, I think it  
25. ought to be earmarked there.

26. PRESIDENT:

27. Senator Netsch.

28. SENATOR NETSCH:

29. My response, Senator Fawell, is the same as it was to Senator  
30. Harris. I have no such intention. I do not plan to offer  
31. an amendment to the other bill. House Bill 5 is my responsibility.  
32. I know what I want done with it. I know why it is essential. What...  
33. whatever the amount of the appropriation of House Bill 2 is, and that

1. is the extent of my participation in the amendatory process.  
2. If someone else chooses to offer that amendment, that is their  
3. concern. And I...I think this is also responsive to the question  
4. that you just asked me. One thing that should be very clear  
5. about all of this is that the...the critical need for both  
6. House Bill 5 and House Bill 4 is not just the amount of additional  
7. revenue resources that they make available during this fiscal  
8. year, but because they also relate to the intra-monthly cash  
9. flow. If we are going to appropriate an additional thirty million  
10. or fifty million or ninety-five million, all of that is above  
11. and beyond any of the immediate revenue plans on which the State  
12. is operating. If we are to absorb any additional appropriation  
13. for education, we have got to address ourselves, not just to  
14. having the additional revenue available, but to when it comes  
15. into the State Treasury, because any additional appropriation  
16. for education adds onto that huge monthly payment that must  
17. be made to the Office of Education from the State Treasury and  
18. part of the difficulty in the State's financial picture during  
19. this last year and a half has been that it is always touch  
20. and go, particularly during the months from October to March  
21. whether it can meet that payment. If we add on thirty, fifty,  
22. or ninety-five million, we are probably going to make it impossible  
23. to meet that monthly payment unless we have these acceleration  
24. bills which provide not only the additional revenue, but bring  
25. it in during the course of the month so that we are able to  
26. meet that obligation.

27. PRESIDENT:

28. Senator Fawell.

29. SENATOR FAWELL:

30. What you say makes some sense, but I don't...it isn't  
31. consistent with your usual position of being able to express  
32. how you feel on the whole question. And I'm a little bit dis-  
33. appointed in that regard because the vital question is, you are

1. preparing the foundation for the acceleration of revenues  
2. to the tune of ninety-five million, I am sure, and therefore,  
3. the...the more vital question is, what are we going to do with  
4. that money before we make a decision that we're going to accelerate  
5. to that degree. Are we or you, if you speak only for yourself,  
6. do you plan, then, to support, assuming that there will be  
7. an amendment for the full ninety-five million to go to education...  
8. that I would plan to present that, do you...would you plan to  
9. support that? Do you think that is what we should do with the  
10. money that we're talking about accelerating?

11. PRESIDENT:

12. Senator Netsch.

13. SENATOR NETSCH:

14. I don't think I'm under any obligation to answer that  
15. question, Senator Fawell, but I will. No, I will not  
16. support that amendment.

17. PRESIDENT:

18. Senator Graham...no, that's... Any further discussion?  
19. Senator Glass.

20. SENATOR GLASS:

21. Just one further question, if I might, of Senator Netsch,  
22. Mr. President. Senator Netsch, the...the House, as you know,  
23. approved the bill in the...in the condition it now stands  
24. and that calls for this sales tax acceleration to be effective  
25. next July 1st. The need for funding the changes in the School  
26. Aid Formula is estimated, as far as the Governor's amendatory  
27. veto is concerned, to be around fifty million dollars. The...the  
28. income tax acceleration, which has already passed in the House  
29. effective immediately, would produce at least thirty million  
30. and from all indications: I...I get, probably more than that,  
31. very likely almost enough to...to fund the changes the Governor  
32. has asked for and I...based on that, I suggest to you that  
33. the objective you are seeking would be accomplished by leaving



1. the effective date next year as it now stands and then would simply  
2. ask why you feel, based on that, that it's necessary to move  
3. that date up?

4. PRESIDENT:

5. Senator Netsch.

6. SENATOR NETSCH:

7. Well, I think my answer is the same as that which I gave  
8. to Senator Fawell, Senator Glass. There are two things  
9. involved. One is the amount of the additional revenue that is  
-10. realized by these bills and the other has to do with the timing  
11. of that revenue flow and both are equally critical. I think I  
12. should add one...and I explained why before, I'd be happy  
13. to repeat that, but I think I...I did explain that in some detail  
14. before. I would add one additional thing and perhaps this ought  
15. to be said very openly and very bluntly, there is no one in  
16. this room, I believe, who does not realize that if we pass  
17. additional school aid without the revenue resources to back  
18. that up, that additional school aid will probably never see  
19. the light of day. It will never get out of the Governor's  
20. Office. I think that has been made very clear from the call  
21. for this Special Session and from all of the discussion that has  
22. taken place. If you really want some additional aid for schools  
23. right now, that they can know the exact amount of, count on,  
24. and use now to even out their problems during this next school  
25. year, then your obligation is to support not just House Bills  
26. 1 and 2, the formula changes and the additional appropriation,  
27. but the other three bills which are an absolutely inseparable  
28. and critical part of that package. That is the only way we  
29. are going to get the formula changes and the additional school  
30. aid right now and I think we all are very clear about it and  
31. if not, I think we should be very clear about it.

32. PRESIDENT:

33. Senator Glass.

1. Well, without unduly dragging this out, Mr. President,  
2. I...I certainly don't agree with Senator Netsch that the only  
3. way we're going to get the school aid now is to...is to move  
4. up this date. I think that's simply not the case. I think  
5. it bears repeating that the income tax acceleration would  
6. produce at least thirty million but probably more like forty  
7. or forty-five million additional revenue this fiscal year,  
8. therefore, there certainly is no need to pass both of these  
9. laws effective this year and...and we don't know what the House  
10. is going to do, they've already indicated their intention to pass  
11. this effective next year and so I think this is a bad amendment  
12. and I would urge opposition.

13. PRESIDENT:

14. Senator Netsch has moved for the adoption of Amendment No.  
15. 1 to House Bill 5. All in favor say Aye. Opposed Nay.  
16. A roll call is requested. On the question of the adoption of  
17. Amendment No. 1 to House Bill 5? Those in favor will vote  
18. Aye. Opposed will vote Nay. The voting is open. Have all  
19. voted who wish? Take the record. On that question the Ayes  
20. are 29, the Nays are 25 with none Voting Present. Amendment No.  
21. 1 is adopted. Any further amendments?

22. SECRETARY:

23. No further amendments.

24. PRESIDENT:

25. 3rd reading. House Bill 1, Senator Brady.

26. SENATOR BRADY:

27. Yes, Mr. President. I would like to recall House Bill 1  
28. for the purpose of an amendment.

29. PRESIDENT:

30. Is leave granted? Leave is granted. House Bill 1 is  
31. now on the order of 2nd reading. Senator Brady is recognized.

32. SENATOR BRADY:

33. Yes, Mr. President and fellow members. This amendment would

1 strike that part of House Bill 1 which deals with the spreading  
2 a Chicago penalty over a three year period. As most of you  
3 know, I'm sure, the question of whether the penalty may be  
4 spread is now pending before the courts. I want to make...

5 PRESIDENT:

6 For what purpose does Senator Harris arise?

7 SENATOR HARRIS:

8 Well, a procedural question, Mr. President. It was my  
9 understanding that we were going to deal with the revenue  
10 considerations first and then the appropriation considerations  
11 and then school formula change considerations. Was that not  
12 the conclusion of our discussion yesterday?

13 PRESIDENT:

14 We had a discussion yesterday. I said we were going to  
15 deal with the revenue matters first. The Chair is going to call,  
16 and if you want to make a notation, we called House Bill 4  
17 for an amendment and then House Bill 5 for amendment. The  
18 order will be the next bill for amendment is House Bill 1,  
19 followed by House Bill 2 for an amendment. And...

20 SENATOR HARRIS:

21 Well,...

22 PRESIDENT:

23 ...then we will go, then we will go, then to House Bill 5, 4, 1 for  
24 calling...for...for a vote and 2 and 3 will be held until we have some  
25 expression from the House. That is the order that we plan to  
26 follow.

27 SENATOR HARRIS:

28 Well, that...that is not the order that we'd discussed  
29 yesterday, is it, and that I thought we had an understanding on then, is  
30 it?

31 PRESIDENT:

32 Well, we did have a partial understanding yesterday. I have  
33 had...

34 SENATOR HARRIS:

35 Well, now...

1. PRESIDENT:  
2. ...the occasion to reexamine it.

3. SENATOR HARRIS:  
4. ...now, Mr. President, you used the word partial. I...I...  
5. I'm just...

6. PRESIDENT:  
7. Well, I understood a part of it and you understood a part of it.

8. SENATOR HARRIS:  
9. Well, Mr. President, it is not a matter about which, I think,  
10. we ought to engage in levity and I'm very serious about it. I'm  
11. disturbed. You've got the gavel.

12. PRESIDENT:  
13. Senator Brady.

14. SENATOR BRADY:  
15. Yes, thank you, Mr. President.

16. PRESIDENT:  
17. Senator Nimrod, for what purpose do you arise?

18. SENATOR NIMROD:  
19. Yeah, Mr. President, you had talked to Senator Bruce  
20. about bringing Senate Bill 4 back and...

21. PRESIDENT:  
22. Senator Brady, do you mind if we take this one out of  
23. the record for a moment and go back to House Bill 4 for the  
24. purpose of the amendment to be offered by Senator Nimrod?  
25. Is leave granted? Leave is granted. Now, we...leave is granted  
26. to bring House Bill 4 back from the order of 3rd reading  
27. to the order of 2nd reading for the purpose of Senator Nimrod  
28. offering an amendment. Senator Nimrod.

29. SENATOR NIMROD:  
30. Yeah, Mr. President, this amendment is the same as  
31. Senator Bruce. It deals with the effective date except...

32. PRESIDENT:  
33. This is Amendment No. 2, now, please. Would you, thank you.

1. SENATOR NIMROD:

2. Yeah. And...and what this does is, originally it planned  
3. on having this...the bill so it takes place October 1st is the way is  
4. now.. It had...it had a July 1st date before, but there are  
5. only twelve days to go till October 1st. You're going to start  
6. making employers pay penalties on something that they don't  
7. even have a chance to get a notice out to know what they're  
8. doing. No, what my amendment simply does is changes that  
9. October 1st date to November the 1st so there's at least  
10. thirty days here to transact some business and to notify  
11. people of this particular penalty that will be enforced upon them  
12. as a result of this bill.

13. PRESIDENT:

14. Senator Bruce.

15. SENATOR BRUCE:

16. Well, thank you, Mr. President. I rise in opposition  
17. to the amendment, first of all because it comes very late  
18. in the day in which we've had these bills under consideration  
19. since June of this year. I've had a chance to just converse  
20. very briefly concerning the amendment. I think that there  
21. are two things that ought to be made clear about the penalty.  
22. The penalty is only five percent of the amount of the underpayment.  
23. It is the difference between what the employer should have paid  
24. versus what he actually did pay. So, the five percent penalty  
25. is not on the total amount due is only on the difference that was  
26. not paid. Additionally, no penalty is extracted from any...any  
27. person who has, in fact, paid ninety percent of his claim.  
28. So, we're only talking about a maximum ten percent difference  
29. and a five percent penalty on a ten percent difference.  
30. Additionally, a penalty can be had against someone who fails to  
31. pay only if it is due to reasonable cause and...and is due to  
32. willful neglect and...and if it cannot show a reasonable cause.  
33. It is my understanding under the rules and regulations presently

1. existing with the Department, that they have the power to waive  
2. these and if they cannot get the process inaugurated between  
3. now and...and October the 1st, I'm certain that they would.  
4. So, at this late day, I would rather not amend the bill. The  
5. procedure would be to proceed as we are with an October 1st  
6. effective date. If they can show a reasonable cause for not  
7. filing timely there will be no penalty, if a penalty would be  
8. extracted, it would only be on the difference between the...  
9. the amount of the underpayment.

10. PRESIDENT:

11. Senator Graham.

12. SENATOR GRAHAM:

13. Mr. President, I would like to suggest to the gentleman  
14. from Olney, that the amendment proposed by Senator Nimrod  
15. is not any later in the day than the amendment that was just  
16. put on. And to further suggest that probably some of the fears  
17. existing with result to departmental regulations and rules and  
18. may or may not be imposed upon people who may or may not  
19. be late, I think the past performance of the departments who  
20. have been doing that, have indicated to the people that will be  
21. affected, that they don't want any part of any more bureaucracy  
22. in establishment of what they're going to do with their business  
23. and that's what we're dealing with right now.

24. PRESIDENT:

25. Senator Rock.

26. SENATOR ROCK:

27. Question of the sponsor. Is...is it...am I to understand  
28. that it...upon the adoption of Amendment No. 2, this...this  
29. and the subsequent bills will have his wholehearted support?

30. PRESIDENT:

31. Senator Nimrod.

32. SENATOR NIMROD:

33. We're dealing...we're dealing with this bill and certainly  
34. this bill has my wholehearted support.

1. PRESIDENT:

2. Further discussion? Senator Bruce.

3. SENATOR BRUCE:

4. Just to respond to Senator Graham, and the reason why  
5. the difference between the October 1st and November 1st is that  
6. the compromise that was worked out with the Retail Merchants'  
7. Association on giving credit for the deposit they've  
8. already made, they are one month in advance anyway and that  
9. is why we can go one month beyond, so it is...it does have a  
10. differential impact. The sales tax collections under the 1969  
11. Act and 1973 revisions allows them the five thousand monthly  
12. advance payment and that's why we give them the credit and that  
13. was the reason for the objection and that is the reason the  
14. objection has been removed.

15. PRESIDENT:

16. Any further discussion? Senator Graham.

17. SENATOR GRAHAM:

18. Then, Senator Bruce, since you have such a dialogue with  
19. the Illinois Retail Merchants, are they supporting the bill  
20. if and when you put this amendment on?

21. PRESIDENT:

22. Senator Bruce.

23. SENATOR BRUCE:

24. It's not...it is not my amendment. It was Senator Nimrod's  
25. amendment.

26. PRESIDENT:

27. Senator Graham.

28. SENATOR GRAHAM:

29. All right, will they be supporting the bill in its current form,  
30. then?

31. PRESIDENT:

32. Senator Bruce.

33. SENATOR GRAHAM:

34. Without...with or without the Nimrod amendment?

1. PRESIDENT:

2. Senator Bruce.

3. SENATOR BRUCE:

4. I made no comment about the support of this bill. It was  
5. a question of why the difference between five and four and the  
6. reason is that five is the bill that they have shown a great  
7. deal of interest in with regard to sales tax and that's why  
8. five is November the 1st and four and three are...are October  
9. the 1st.

10. PRESIDENT:

11. Senator Graham.

12. SENATOR GRAHAM:

13. Before we get all tanglefooted in using the philosophies  
14. loosely with regard to the Illinois Retail Merchants, I have,  
15. I believe, a feeling that they removed their opposition, if they  
16. got the right kind of consideration on the penalties, but  
17. they did not, I repeat, did not and do not support the bill  
18. anyway.

19. PRESIDENT:

20. The question is on the adoption of Amendment No....Senator  
21. Nimrod.

22. SENATOR NIMROD:

23. Yes, Mr. President, just in closing, I don't understand  
24. Senator Bruce referring to Senate Bills 5...or House Bills 5  
25. and referring to all the other information. All this does  
26. is take what he's put on when there was no penalty date, put on  
27. an October 1st date, which he put on I'm changing to November 1st.  
28. It's just not humanly possible to notify employers in twelve days.  
29. It certainly is not possible for us to even get out the mechanics  
30. of this bill to get it signed into law and get a letter out.  
31. Certainly people are entitled to have a notice before they are  
32. going to be penalized. And...and certainly they have to gear  
33. up their administrative rank. It...it does not delay the money.



1. It does nothing at all, except change where the amendment...  
2. which we just put on a few minutes ago, to a November 1st  
3. date which makes it...certainly far more effective and certainly  
4. makes it practical and I would urge its adoption.

5. PRESIDENT:

6. Question is on the adoption of Amendment No. 2 to House  
7. Bill 4. All in favor say Aye. Opposed Nay. The Nays  
8. have it. The amendment...a roll call has been requested  
9. on Amendment No. 2 to House Bill 4. Those in favor will vote  
10. Aye. Opposed will vote Nay. The voting is open. Have all  
11. voted who wish? Take the record. On that question the Ayes  
12. are 26, the Nays are 29, with none Voting Present. Amendment  
13. No. 2 fails. Any further amendments? 3rd reading.  
14. House Bill 1, Senator Brady.

15. SENATOR BRADY:

16. Yes, Mr. President. I would like to move to recall once  
17. again, House Bill 1 for the purpose of an amendment.

18. PRESIDENT:

19. Is leave granted? Leave is granted. House Bill 1 is now  
20. on the order of 3rd...of 2nd reading. Senator Brady.

21. SENATOR BRADY:

22. Since we were interrupted originally, I'd like to begin  
23. again by saying that this amendment would strike that part of  
24. House Bill 1 which deals with the spreading of Chicago's  
25. penalty over a three year period. As most of you know, I'm sure,  
26. the question of whether the penalty may be spread, is now  
27. pending before the courts. I want to make it absolutely clear  
28. for the record, however, that in adopting of this amendment  
29. by the Senate is not expressing any legislative intent regarding  
30. the spread question. We're going to leave that to the courts  
31. to decide. We're only adopting this amendment because we believe  
32. the call for the Special Session limiting our consideration  
33. to the substance of House Bill 3518, and the Governor's specific  
34. recommendations for change, restricts our consideration of a spread

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1. issue. The spread was not included in House Bill 3518 or in  
2. the Governor's specific recommendation. We also have written  
3. communication from the Governor's Counsel that supports this  
4. that this is beyond the purview of the Special Session.  
5. I urge your support of this amendment.

6. PRESIDENT:

7. Senator Shapiro.

8. SENATOR SHAPIRO:

9. Well, Mr. President and Ladies and Gentlemen of the Senate,  
10. I, for one, am going to resist this amendment and for...for  
11. a very good reason. Even though the issue of whether the  
12. Chicago penalty should be repaid in one year or over a three  
13. year period is before the courts, it has not been heard and it  
14. is very conceivable that by deleting this three year spread  
15. that the Chicago school system could still end up with the  
16. better of two worlds because it still...House Bill 1 would still  
17. contain a retroactive reduction of the penalty from one percent  
18. to fifty-six hundredths of one percent and it is very conceivable  
19. that the Office of Education could still spread the penalty over  
20. a three year period by administrative fiat. I contend  
21. that the three year spread is a...written into the law is a  
22. much better route to go. For that reason, I am resisting  
23. this amendment because there will be a future amendment offered  
24. to keep the penalty at one percent and to give Chicago a three  
25. year spread of the penalty and I would ask everyone in this  
26. Chamber to resist this amendment.

27. . . . .

28.

29. The following typed previously.

30.

31.

32.

33.

ACI  
Am. 8.1  
7/18/76

1. PRESIDENT:

2. As is the Chair's custom, when there's a State Officer  
3. on the Floor, we recognize that State Officer, our Secretary  
4. of State, Mike Howlett. Senator Davidson.

5. SENATOR DAVIDSON:

6. Mr. President, members of the Senate, Senator Shapiro  
7. stated the opposition to this amendment very well, but I think  
8. I want to reiterate to you that this amendment does, in  
9. fact, give, as he stated, Chicago, the best of two worlds  
10. depending on what the court does or does not do. This is total  
11. unfairness to the rest of the school districts throughout this  
12. State. This does away with the three year spread and if the  
13. court decision comes down in the favor of Chicago, then they're  
14. home free. If it doesn't, then you're spreading that five  
15. one-hundredths over three years rather than a one seventy-six  
16. and it makes the penalty even that much less. I urge the defeat  
17. of this amendment.

18. PRESIDENT:

19. Senator Morris.

20. SENATOR MORRIS:

21. Thank you, Mr. President. I am somewhat confused. This  
22. amendment taking off the Berman amendment with Mike Brady's  
23. amendment will put about twenty million dollars into the downstate  
24. schools. In my county alone, it means a couple hundred  
25. thousand dollars, so I'm kind of confused by the people on that  
26. side of the aisle. This amendment takes off the three year  
27. spread that was put on in the House, Senator Davidson, and I would  
28. urge you to support this amendment because this is a way to put  
29. more money into the downstate schools and I can't quite believe  
30. what I'm hearing that you would like to leave more money in the  
31. City of Chicago.

32. PRESIDENT:

33. Senator Glass. Pardon me. Senator Davidson.

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1. SENATOR DAVIDSON:

2. Since he directed the question, he forgot to say about the  
3. change in the Berman amendment from one seventy-six to  
4. .516. It's a lot of difference, Senator.

5. PRESIDENT:

6. Senator Glass.

7. SENATOR GLASS:

8. Thank you, Mr. President. In...in direct answer to  
9. Senator Morris, I think there are many of us that feel  
10. Chicago with both of these forms of relief is getting more  
11. than it ought to. Under the Berman...or under the bill as  
12. it now stands, there is a reduction of the penalty and  
13. a three year spread and that's simply too much. I, for one,  
14. and I think many others would like to eliminate the penalty  
15. reduction, which I think is wrong to reduce a penalty  
16. retroactively and provide instead, this kind of relief, namely  
17. the three year spread and to put it into the law rather  
18. than rely on administrative action. So, if this amendment  
19. succeeds, of course, we won't be able to do that and I  
20. would join in the opposition to it and...and suggest to you  
21. again that the three year spread of the penalty is a far  
22. better approach than removing it or reducing it retroactively.

23. PRESIDENT:

24. Senator Soper.

25. SENATOR SOPER:

26. Well, Mr. President, thank you. I was concerned with  
27. what Senator Brady was doing with this amendment when  
28. he said he's removing but I know now that he's only removing  
29. one part. He's removing the spread but he's eliminating  
30. the...the...the grant or part of the grant or...and making  
31. it what he says is removing the penalty. Now, you know, we  
32. all talk about penalties. There's no penalty in this...in this  
33. case. The law says that...that it's necessary to have a hundred

1. and seventy-six contact days to have quality education in the  
2. State of Illinois. And if a district has a hundred and seventy-  
3. six days, it shall receive X number of dollars. If they choose  
4. not to have a hundred and seventy-six days and they choose  
5. to fund their own school system, then, they shall not receive  
6. X amount of dollars less one percent for every day that  
7. they choose not to have school. There's no penalty involved here.  
8. There's just a grant that isn't given because of the fact  
9. that the school system believes that it doesn't need a hundred  
10. and seventy-six days for quality education. Now, you hear about  
11. quality education and concerned education, teachers concerned,  
12. school boards concerned, everybody concerned about quality  
13. education. What we're talking about here is sixteen days  
14. the City of Chicago determined that it didn't need for...to have  
15. quality education. Now, what's the big fuss? Years gone by,  
16. everybody got less money if they didn't have the hundred and  
17. seventy-six days. The Statute so reads. Now, if you read  
18. Section 16 under Article I of the Constitution, I think this is  
19. absolutely a...a method that's unconstitutional. I don't think  
20. you can pass anything...any de facto law...ex-de facto law, but...  
21. or retroactive law, if you read that. I...I don't know whether  
22. they got an opinion on this, but if they read...if you read  
23. that, Senator Netsch, you're a constitutional authority and  
24. maybe...maybe you can read Section 16 of Article I.

25. PRESIDENT:

26. Senator Berning.

27. SENATOR BERNING:

28. Thank you, Mr. President. I don't have a copy of the  
29. amendment/ so I am somewhat shooting in the dark, but from what  
30. I gather of the explanation and the responses of others, it is  
31. an amendment, in my opinion, which ought to be defeated. I can  
32. only interpret the effect of it as being deleterious to the best  
33. interests of Lake County and for that reason, I would suggest the  
34. amendment be defeated.

1. PRESIDENT:  
2. Senator Fawell.  
3. SENATOR FAWELL:  
4. I...I just want to be sure if I understand this, also.  
5. Senator Brady is in favor of eliminating the three year spread,  
6. is that...is this what he's saying?  
7. PRESIDENT:  
8. Yes, Sir.  
9. SENATOR FAWELL:  
10. And Senator Berning resists that?  
11. PRESIDENT:  
12. Yes, things happen strangely, sometimes.  
13. SENATOR FAWELL:  
14. Wow, that's...  
15. PRESIDENT:  
16. Senator Philip.  
17. SENATOR PHILIP:  
18. Thank you, Mr. President. I'd like to ask the sponsor  
19. a question.  
20. PRESIDENT:  
21. Indicates he'll yield.  
22. SENATOR PHILIP:  
23. Thank you. I understand by closing the City of Chicago  
24. schools sixteen days early, that they save in teachers salary for  
25. those sixteen days, 8.5 percent of their teacher salaries for  
26. that year. This comes to some eighty-five million dollars. If  
27. the City of Chicago does not receive the fifty-three million  
28. dollars, which is questionable, that would still leave the City of  
29. Chicago school district with a thirty-two million dollar plus.  
30. And I just wanted to know what your attitude and what your comment  
31. is on that.  
32. PRESIDENT:  
33. Senator Brady.

1. SENATOR BRADY:

2. Senator Philip, I don't have those figures that you have.  
3. I have not understood from any source that I have ever talked  
4. to that Chicago School Board is in a positive cash position right  
5. now. I don't know if you've read anything about their recent  
6. budget, but it...it certainly does not appear to be the same  
7. facts that you have and I don't know where you get the figures.

8. PRESIDENT:

9. Senator Philip.

10. SENATOR PHILIP:

11. Thank you, Mr. President. Well, in...let me say this.  
12. The...in the budget, the City of Chicago School Board Budget,  
13. there's one billion, twenty-two million dollars for teachers'  
14. salaries. When they close sixteen days early, they save 8.5  
15. percent of that. That comes to some eighty-five million dollars  
16. in teachers'salary that the City of Chicago School Board is  
17. saving. If they do...if they are penalized the fifty-three  
18. million, you subtract that from the eighty-five million, it still  
19. gives the City of Chicago School District a thirty-two million  
20. dollar plus. Now, I'd like to know how...is that fair?

21. PRESIDENT:

22. Senator Brady.

23. SENATOR BRADY:

24. I don't...I don't know what you mean. Is it a rhetorical  
25. question, is that fair? I...I still am disputing how you're  
26. arriving at these financial figures to say that Chicago is in  
27. a positive cash position and I...I don't think it really addresses  
28. itself to what I'm trying to achieve here in this amendment,  
29. Senator Philip.

30. PRESIDENT:

31. Any further discussion? Senator Bloom, did you seek  
32. recognition? Senator Bloom.

33. SENATOR BLOOM:

1. Yeah. My...Senator Brady, you got your amendment and you  
2. got your bill.

3. PRESIDENT:

4. Senator Brady.

5. SENATOR BLOOM:

6. Yeah, it's a...in the nature of a technical question.  
7. Is this the amendment...mine's not numbered, is this the amendment  
8. that says "amend House Bill 1, et cetera, by deleting line  
9. twenty-nine and inserting in lieu of the following?"  
10. Do I have the wrong amendment? Thank you.

11. PRESIDENT:

12. Any further discussion? Senator Brady, do you desire  
13. any further conversation on the matter? Senator Brady may  
14. close the discussion on the amendment.

15. SENATOR BRADY:

16. Yes, thank you, Mr. President. I...I got a little confused  
17. there because I think we strayed a little from the amendment and  
18. I hope that my statement was clear enough for everybody and for  
19. the record of what we're trying to do with this amendment and I  
20. urge a favorable roll call.

21. PRESIDENT:

22. The question is on the adoption of Amendment No. 1 to House  
23. Bill 1. Those in favor will say Aye. Opposed Nay. The Ayes  
24. have it. The amendment is adopted. House Bill...oh, any further  
25. amendments?

26. SECRETARY:

27. Amendment No. 2 offered by Senator Shapiro.

28. PRESIDENT:

29. Senator Shapiro.

30. SENATOR SHAPIRO:

31. Mr. President and Ladies and Gentlemen of the Senate,  
32. Amendment...Amendment No. 2 does essentially what we argued last  
33. week on Senate Bill 1. It provides formula changes that can be



1. adequately and fully funded by thirty million dollars that  
2. would be provided by accelerating the income tax collections.  
3. It takes and raises...raises the qualifying rates from present  
4. rates and reduces them as it affects House Bill 1, but more  
5. simply stated,...

6. PRESIDENT:

7. Senator Graham is recognized for what purpose?

8. SENATOR GRAHAM:

9. I might suggest that these are important and very technical  
10. amendments and also should suggest maybe that our party  
11. caucuses could be held in the caucus rooms instead of on the  
12. Floor.

13. PRESIDENT:

14. Very good point. Your point is well taken. Will the  
15. members be in their seats.

16. SENATOR SHAPIRO:

17. ..But more simply stated, changes the qualifying rates from  
18. two ninety to two ninety-seven, a reduction of three cents  
19. from present rates for unit districts. In addition, for the  
20. elementary districts, it deletes the 1.90 in the present bill  
21. and raises that to 1.93 which overall is a two cent reduction  
22. from the one ninety-five. Since this...these changes which would  
23. also include...including half of the transportation rate to give  
24. our districts who provide school bus transportation more access,  
25. since it would be fully funded by the thirty million from the income  
26. tax acceleration, there would be no need for the Hold Harmless  
27. because those school districts who do not share in these changes  
28. would not be affected by these changes. And in addition,  
29. it retains the spread of the penalty over a three year period  
30. and changes House Bill 1 so that the Chicago penalty or the  
31. so-called Chicago penalty, or the penalty for any other school  
32. district who closes school early in less than the one hundred  
33. and seventy-six days, would remain at one percent for the school year

1. '75 - '76, but incorporates a reduction in the penalty  
2. for any future school year. I think that this amendment  
3. is fiscally responsible because it fully funds the changes that  
4. we are requesting in the amendment. In other words, it will  
5. not create an unfunded liability such as House Bill 1 in its  
6. present form now does. These changes, whether they are funded  
7. this year or in future years, will cost in excess of a hundred  
8. million. We are already short under present law, a hundred  
9. and ten million, and when you take the weighted ADA on the declining  
10. enrollment, the three year average of it for next year, there  
11. would be an additional cost of thirty million. I would urge  
12. everyone in this Chamber to accept this amendment. I think it's  
13. the responsible way to go. Our school districts will know what  
14. they were getting and they will receive one...not one penny  
15. less than they would under House Bill 1 as it is now because  
16. we will be fully funding the changes requested in the amendment.

17. PRESIDENT:

18. Senator Rock.

19. SENATOR ROCK:

20. Question of the sponsor if he will yield?

21. PRESIDENT:

22. He indicates he'll yield.

23. SENATOR ROCK:

24. Senator, the Amendment No. 2 as proposed, does it, in fact,  
25. contain the substance of House Bill 3518 as amended by the  
26. specific recommendations for change which the Governor made  
27. with respect to that bill?

28. PRESIDENT:

29. Senator Shapiro.

30. SENATOR SHAPIRO:

31. Senator Rock, as nearly as I can recall, there is this  
32. change in that it does incorporate into the law, a three  
33. year spread of the penalty for the year '75 - '76. It would not  
34. apply to future years because this amendment incorporates a reduction

1. of the penalty for future years so therefore, no spread of  
2. the penalty, as far as I am concerned, would be necessary.  
3. There is that one change, but I also think that the call of the  
4. Governor, though I do not have it before me, would allow  
5. this incorporation into House Bill 1.

6. SENATOR ROCK:

7. Well...

8. PRESIDENT:

9. Senator Rock.

10. SENATOR ROCK:

11. Mr. President and Ladies and Gentlemen of the Senate,  
12. there is an awful lot of smoke arising and I think that's  
13. what this amendment represents, simply a smokescreen. I would  
14. suggest to the Chair, that the proclamation calling us into  
15. Special Session is extremely clear and it says, in the alternative  
16. under Alternative, paragraph 2, Section B, "a new bill incorporating  
17. the substance of House Bill 3518 as amended by the specific  
18. recommendations for change which I made," the Governor speaking,  
19. "with respect to that bill". Amendment No. 1 offered by Senator  
20. Brady, deleted a provision that was admittedly outside the purview  
21. of the call. I suggest to the Chair and seek a ruling that  
22. Amendment No. 2 is outside the call and therefore, not germane  
23. and therefore out of order.

24. PRESIDENT:

25. Senator Shapiro.

26. SENATOR SHAPIRO:

27. Well, Mr. President, in rebuttal to that, the amendatory  
28. veto of House Bill 3518 and House Bill 3518 and House Bill 1 do  
29. incorporate changes involving the penalty, the one percent  
30. penalty, whether it be one percent or reduced to one one seventy-  
31. six. It is my contention that spreading the penalty over a  
32. three year period is germane and can be incorporated into this  
33. bill because it involves the subject of the penalty.

1. PRESIDENT:

2. Senator Brady.

3. SENATOR BRADY:

4. In...in just one further response to that last statement,  
5. the bill we have before us, House Bill 1, is exactly the same  
6. language as House Bill 3518 with the Governor's recommended  
7. changes incorporated therein. The penalty as stated in there,  
8. was within his recommended changes as is...as it is presently  
9. done. Not only the penalty in...in this amendment being offered,  
10. but the changing of...of several of the different qualifying  
11. rates were not in the original bill and I think that I would  
12. just like to add the same statement that Senator Rock made,  
13. that it is not germane and I think a ruling of the Chair  
14. would be in order.

15. PRESIDENT:

16. Senator Hynes.

17. SENATOR HYNES:

18. Mr. President, I think the...the point has been well  
19. made by Senator Rock with respect to the scope of the call of the  
20. Session. I would add that if we go beyond that point that on  
21. the merits, this amendment is undesirable. It does not accomplish  
22. the needed relief, particularly for schools outside the  
23. City of Chicago, that we have been trying to bring about. There  
24. is inequity in the formula and this is not going to remedy it.  
25. So, I think it is undesirable on the merits and in the first instance,  
26. it is out of order as not being within the purview of this Session.

27. PRESIDENT:

28. Senator Wooten.

29. SENATOR WOOTEN:

30. Mr. President, I was struck by the drollery of the last  
31. vote and regret that we did not get a record of it and was hoping  
32. we could get a record of these, but they do represent an attempt  
33. at being able to take a posture in order to kill the entire

1. package and I think a ruling would perhaps be the appropriate  
2. response to these amendments.

3. PRESIDENT:

4. Senator Glass.

5. SENATOR GLASS:

6. Mr. President, I'd like to respond both to the arguments  
7. on the merits and...and the germaneness of the...of the...of the  
8. amendment. On the merits, I certainly think Senator Shapiro  
9. covered the salient points that this is, in fact, a change in  
10. the law that the State can afford. To put the changes in that are  
11. now in House Bill 1 would add an additional one hundred and five  
12. million dollars, of which we would be funding this year, with  
13. the appropriation proposed only fifty million. It takes us  
14. further away from full funding and unless the House approves the  
15. speedup bill for sales tax, there simply wouldn't be enough  
16. to fund these changes without the full amount coming in from the  
17. income tax or deficiency appropriation. But, Mr. President, if I  
18. may address remarks to you on the subject of whether this  
19. amendment is germane, I think the argument made by Senator  
20. Rock and others that it is not germane would lead the General  
21. Assembly to a position of not being able to amend any bill that  
22. was introduced pursuant to a proclamation that pointed out specifically  
23. what was to be considered. In other words, the Governor has  
24. rather specifically stated what he believes...or what he wants  
25. this General Assembly to consider. Now, it seems to me implicit  
26. in...in the words consideration of gubernatorial action in  
27. consideration of a new bill, implies the legislative discretion  
28. to make reasonable amendments, to that bill and I...I think a ruling  
29. to the contrary would deny the General Assembly the right to the  
30. legislative process and limit us specifically to...whatever the  
31. Governor wanted us to consider and I certainly don't think that's  
32. the intention of the Constitution.

33. PRESIDENT:

1. Senator Morris.

2. SENATOR MORRIS:

3. Thank you, Mr. President. I, too, would like a ruling  
4. from the Chair, but on the merits, I...I find this probably the  
5. most interesting Session I've been in in the General Assembly as  
6. one who is rather partisan when it comes to downstate or  
7. suburban areas versus the City of Chicago. Today the people on  
8. the other side of the aisle who are generally with me on those  
9. comments are saying let's stick it to downstate and keep  
10. giving benefits to the city and I...I find it amazing. We've...  
11. we've argued with our...our colleagues on this side for two years  
12. to get them to see that the formula was unfair and as Senator  
13. Hynes said, the disparity is terrible. We have an opportunity  
14. in House Bill 1 to eliminate that disparity and say that the  
15. children in Waukegan or Springfield or Pekin or Peoria will be  
16. treated school aid wise as the children in Chicago. And the  
17. people on that side of the aisle keep offering amendments to  
18. continue the disparity. Now something is wrong in the alliances  
19. today and it concerns me a little bit. I wish that the people  
20. on that side of the aisle would go along with some of us who  
21. have fought for two years to get a fair State Aid Formula.

22. PRESIDENT:

23. Senator Berning and then Senator Graham. Senator Berning.

24. SENATOR BERNING:

25. Thank you, Mr. President. I know it's redundant but I  
26. am impelled to comment again that the only fair State-Aid Formula  
27. that we will ever come up with will be the elimination of this  
28. mess we have before us as a formula and go to a flat grant.  
29. However, that's not the issue at the moment. There is a...a  
30. contention that we, as a Legislative Body, are restricted or  
31. constricted by the call of the Governor. I submit to you, Ladies  
32. and Gentlemen of the Senate, that the Legislature, by its very  
33. nature, is empowered to make legislative determinations and if the  
34. Governor then decides that we have acted contrary to what he

1. construes to be the then prevailing situation, let him  
2. amend or veto. I'm somewhat surprised by my colleagues  
3. who are inclined to be so precise in this instance when at  
4. the same time, they are proposing that the penalty abatement  
5. be made retroactive, Mr. President and if I am in proper  
6. legalistic terms, that is ex post facto which I have always  
7. been told by my learned lawyer colleagues, is not possible,  
8. is illegal, is unconstitutional. So we have here a contradictory  
9. position taken by those who apparently see an opportunity to  
10. benefit on the one hand by a position contrary to another. But  
11. let me point out to those of you who are interested, that under this  
12. amendment to House Bill 1 which is proposed by Senator Shapiro,  
13. that my Lake County would achieve an additional seven hundred  
14. sixty-nine thousand dollars, and to me that is important, and  
15. so I suggest to you examine this amendment to see what it  
16. does for your districts and you will find that you are also  
17. benefiting, not suffering.

18.  
19.  
20.  
21. The following typed previously:

22. See next page.  
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AB 4  
Amendment  
# 2  
9/18/76

1. PRESIDENT:

2. Senator Bell.

3. SENATOR BELL:

4. Well,...

5. PRESIDENT:

6. Oh, pardon me, Senator Graham was next. All right. All right.

7. He's waived off. Senator Bell.

8. SENATOR BELL:

9. I'll yield to Senator Graham.

10. PRESIDENT:

11. No, he's waived off. Senator Bell.

12. SENATOR BELL:

13. Thank you, Mr. President. I'd like to address a brief  
14. comment in reference to the amendment that we're seeking to  
15. make a determination on here and I'd also like to make a reply  
16. to Senator Morris, Senator from Waukegan. We've constantly heard  
17. from him about this is...any particular Session about how  
18. great that Session is and learning ability. Well, Senator;  
19. you've been here for two years, I would assume that you've  
20. gotten to the point where you're finding all Sessions somewhat  
21. redundant and pretty much of an interplay of things that we've  
22. heard in the past and that's just pretty much what this Session  
23. is in view of this particular Senator. I'd like to mention the  
24. fact that in reference to Amendment No. 2, that will as...as  
25. proposed by Senator Shapiro and as reposed...proposed by this  
26. side of the aisle, that when you talk on the other side of the  
27. aisle that we're not concerned with our downstate school districts,  
28. well, let me tell you this, in line with what Senator Berning  
29. has just said, Will County stands to come up with almost  
30. three-quarters of a million dollars more for their school systems  
31. than under their present system. And yes, Ladies and Gentlemen,  
32. that's with only a thirty million dollar tax advance. Does a lot  
33. more for Will County than any of the other bills that we're looking



AB 1  
Amendment  
#2  
9/18/76

1. at. I think this amendment deserves to be passed in terms of  
2. what is the interest of this Senator from Will County. I think  
3. it deserves to be passed also in terms of what's to the interest  
4. of not only Will County but the rest of the State of Illinois  
5. for the downstate schools because it represents increases for them  
6. that are significant. I think it deserves to be passed because  
7. it's good for the City of Chicago. And I would certainly ask  
8. all members of this Senate to act responsibly...to act responsibly  
9. and come up with the projected program as we're talking about  
10. here on the Senate Amendment No. 2 to House Bill No. 1.

11. Thank you.

12. PRESIDENT:

13. Any further discussion? Senator Shapiro, do you desire  
14. to close the debate?

15. SENATOR SHAPIRO:

16. Well, Mr. President and Ladies and Gentlemen of the Senate,  
17. as has been my contention for many months now, I think as far  
18. as formula changes are concerned, we ought to do only those  
19. changes that we can fund. This presents a program that can  
20. be funded by thirty million dollars. It presents to our  
21. school districts throughout the State the same amount of gain  
22. for all practical purposes that they would get under House  
23. Bill 1 considering that it will not be fully funded, the changes  
24. incorporated in it. In addition, high school districts will  
25. not be harmed by these changes and there will be no need for  
26. the twenty-five million of Hold-harmless. It comes out the  
27. same in the long run for this fiscal year and in addition, it  
28. does not change the penalty for the Chicago school district  
29. or any other school district that has to go through that  
30. retroactively for last year. I would urge support and adoption  
31. of the amendment.

32. PRESIDENT:

33. For what purpose does Senator Rock arise?

1. SENATOR ROCK:

2. On a point of order, Mr. President. Senator Shapiro, I  
3. do not believe, was speaking to the question. The question  
4. that I have placed before the Chair is one of germaneness of this  
5. amendment at all under the call. Additionally, he mentioned  
6. the word penalty and I just listened to Senator Soper tell  
7. me there was no such thing. I would like a ruling on the question  
8. of germaneness so that we can be about the peoples' business

9. PRESIDENT:

10. Senator Shapiro.

11. SENATOR SHAPIRO:

12. Mr. President, since Senator Rock implies that I missed  
13. a point, do I get to speak again to his appeal or ruling...  
14. request for a ruling?

15. PRESIDENT:

16. Well, does...does the Body desire a request? I think  
17. several members have asked for a...a ruling on germaneness  
18. and the Chair is prepared to give it. It was a few moments ago,  
19. but I didn't want to cut off anything anyone wanted to say  
20. on the question. Now, on this question, I think we should have  
21. the record very clear that on September 2nd, 1976, there was  
22. filed in the Office of the Secretary of State a proclamation  
23. for a Special Session. I have that proclamation before me and I  
24. will file it as of...of the record. It is, of course, already  
25. filed, but this proclamation sets forth in the first three paragraphs  
26. some expository statements with reference to the fact that the school  
27. year is getting underway and school districts need to know how much  
28. State aid they'll get and that to provide State aid for schools above the  
29. level that he has approved, the State must have more resources. The  
30. statement goes on in the proclamation to say where he thinks those  
31. should come from and then in the third paragraph states that school  
32. districts around the State are in a critical stage of budgeting and  
33. planning, et cetera. Then on page two, there is, in fact,

1 the statement that there is...there will be the convening of a  
2 Special Session commencing on September the 8th for the  
3 purpose of consideration of certain legislation. There  
4 are three paragraphs. One, relates to the expediting  
5 of the collection by the State of taxes, second, and this  
6 is the one that is absolutely appropriate for our discussion  
7 here, consideration of: (a) gubernatorial action in regard  
8 to House Bill 358...3518 which changes the formula for distribution  
9 of aid to elementary and secondary school districts pursuant  
10 to the school code and (b) a new bill incorporating the  
11 substance of House Bill 3518 as amended by the specific  
12 recommendations for change, which I made with respect to that  
13 bill. It is not an easy kind of decision to make. I think  
14 prior to the consideration of germaneness we ought to, for  
15 the record, discuss one other thing, whether

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22 End of reel. Continued on next page.  
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1. or not under the Constitution, a governor may enter a proclamation  
2. as restrictive as is this proclamation. That is a question  
3. which the Chair is not called upon nor will decide. It is a  
4. matter for a court interpretation, which leaves us with whether  
5. or not this is germane. Now, much of the debate here today  
6. has been about peripheral... would you hold your voice down a  
7. little bit, Senator Chew. Much of the debate here today has  
8. been about peripheral issues relating to House Bill 3518 and  
9. the general subject of school financing. Now, it's perfectly  
10. clear to the Chair that a call may be made by two different  
11. sources. A governor may call a Special Session or the President  
12. of the Senate and the Speaker of the House may jointly call a  
13. Special Session. On the call, either of those groups may set  
14. forth in that call what is to be considered at the Special  
15. Session. It is quite possible that had the Speaker and I called  
16. a Special Session, the language of the Special Session may  
17. well have been different as to the adjustment question. The  
18. Chair feels, however, under the circumstances and as I read  
19. this proclamation that it is indeed a restrictive proclamation,  
20. and that the House and Senate are indeed restricted to the  
21. specific language of the proclamation. Now, that is not a  
22. purely unilateral opinion. I would also advise you that I have  
23. received a letter from the counsel to the Governor, Mr. William  
24. I. Goldberg, to the effect that the call is indeed restrictive  
25. and it related, of course, to House Amendment 1, which was offered  
26. by Senator Brady, that it was not germane. I would agree that  
27. that amendment was not... that that amendment which took out non...  
28. germane language is proper and that this amendment is, under the call  
29. under which we're operating, not germane. That would be the ruling of  
30. the Chair. Senator Harris.

31. SENATOR HARRIS:

32. Well, Mr. President, I do not have before me the Attorney  
33. General's opinion back in 1970 when we had a Special Session with

1. respect to mass transportation, and in that case and in that instant,  
2. we did pass legislation that was perhaps not precise within  
3. the language of the call by the Governor at that time. The  
4. Attorney General ruled that the General Assembly does have  
5. the obligation to proceed to effectuate and cure problems that  
6. have reached the proportion that prompt a convening of a  
7. Special Session. Now, the fact is, we're here, and the fact  
8. is that we have in this Chamber at this point revenue accelera-  
9. tion yielding additional dollars of an amount of only thirty  
10. million dollars. And one thing that is absolutely clear on  
11. the minds of the people of Illinois is, that they are sick and  
12. tired of a General Assembly voting for things that can't be  
13. paid for. Mr. President, you can equip your downstate Democrat  
14. members with the escape hatch of not voting directly on this  
15. amendment, if you desire, by proceeding in this question of  
16. germaneness, but the fact is that it's probable that not more  
17. than thirty million dollars of additional revenue during this  
18. fiscal year is going to be created by this Special Session,  
19. if any. And Amendment No. 2 to House Bill 1 does provide for  
20. a sensible, and more importantly, a responsible...

21. PRESIDENT:

22. Senator Rock.

23. SENATOR HARRIS:

24. ...attack...

25. PRESIDENT:

26. One moment. For what purpose does Senator Rock arise?

27. SENATOR ROCK:

28. I am reluctant as I have been over these past years to at  
29. any time to interrupt...the distinguished Minority Leader,  
30. however, it seems to me that he is totally out of order. The  
31. Chair has ruled, the only question before the Body at this  
32. point is whether or not there are further amendments on the  
33. Secretary's Desk. If there are not, that bill should be moved

1. to 3rd reading and we should, in fact, proceed.

2. PRESIDENT:

3. Senator, I think the point is well taken. Senator Harris.

4. SENATOR HARRIS:

5. Well, Mr. President, I am talking about the question of

6. whether we get to the germaneness, of this amendment, and in so

7. doing, I am developing some absolutely, directly related con-

8. sequences to the germaneness of this amendment.

9. PRESIDENT:

10. Senator, the Chair ruled on what the Chair considered to be the

11. legal posture in which we find ourselves. That is the ruling

12. of the Chair. Now, the only other procedure which is avail-

13. able is, if you desire it, to seek to overrule the ruling of the Chair,

14. but that's all that remains at this point. Any further amend-

15. ments? Just a moment.

16. SECRETARY:

17. Amendment No. 3...

18. PRESIDENT:

19. Just a moment...one moment. Senator Bell.

20. SENATOR BELL:

21. Well, thank you, Mr. President. I'd like to appeal the

22. ruling of the Chair.

23. PRESIDENT:

24. Is he joined by others? All right. The question is,

25. shall the ruling of the Chair be sustained? Those in favor

26. vote Aye. Those opposed will vote Nay. The voting is open.

27. For what purpose does Senator Harris arise?

28. SENATOR HARRIS:

29. Well, I thought I had the Floor.

30. PRESIDENT:

31. Did he make the motion too early?

32. SENATOR HARRIS:

33. No...

1. PRESIDENT:  
2. All right.  
3. SENATOR HARRIS:  
4. ...Mr. President...  
5. PRESIDENT:  
6. Do you...would you read...  
7. SENATOR HARRIS:  
8. ...while I was...  
9. PRESIDENT:  
10. ...just a moment. There...we have the...the motion is  
11. before us. Senator Bell, do you desire to withdraw the motion  
12. till he can finish? There's an objection. Have all voted who  
13. wish? Well, the motion is technically out of order. The Chair  
14. has tried to accommodate everybody who desired to speak on the  
15. matter. The fact of the matter is, the motion is out of order.  
16. We were in the middle of a roll call. Have all voted who wish?  
17. Senator Harris.  
18. SENATOR HARRIS:  
19. Mr. President, I was, in my judgement, debating the question  
20. raised by Senator Rock with respect to the germaneness of Amendment  
21. No. 2 to House Bill 1. You recognized Senator Rock in the  
22. course of my discourse.  
23. PRESIDENT:  
24. Yes. Only because he raised a point of order and I said the...  
25. SENATOR HARRIS:  
26. That's correct.  
27. PRESIDENT:  
28. ...point was well taken.  
29. SENATOR HARRIS:  
30. And you then disconnected my microphone, recognized Senator  
31. Bell for an appeal from your decision. Is that not...  
32. PRESIDENT:  
33. I recognized...

1. SENATOR HARRIS:  
2. ...what has taken place?  
3. PRESIDENT:  
4. ...Senator Bell. I didn't know what he was going to do.  
5. I didn't recognize him for that purpose. I recognized him  
6. because he sought recognition.  
7. SENATOR HARRIS:  
8. And you communicated to him that he had available the  
9. possibility to appeal from your decision. Is that not correct?  
10. PRESIDENT:  
11. That is correct. That's the only thing that could  
12. happen at that point in time.  
13. SENATOR HARRIS:  
14. And what is the point before us now? The board shows  
15. Amendment No. 2 under discussion.  
16. PRESIDENT:  
17. Well, Amendment No. 2 was indeed under discussion. The  
18. question was then raised as to the germaneness of Amendment No.  
19. 2. The Chair ruled that Amendment No. 2 was not germane.  
20. SENATOR HARRIS:  
21. Yes, and I was in the process of discussing that ruling.  
22. PRESIDENT:  
23. Well, to the Senator...  
24. SENATOR HARRIS:  
25. And I was interrupted in my discourse by your determination  
26. that I was not speaking to the question. Is that not correct?  
27. PRESIDENT:  
28. There was no question, frankly, Senator. I was permitting  
29. you to speak out of courtesy. There was no question. After  
30. there had been a ruling and after the...there had been a state-  
31. ment that it was not germane...  
32. SENATOR HARRIS:  
33. Well, you...now...



1. PRESIDENT:

2. ...and that...

3. SENATOR HARRIS:

4. ...now, what is the question before us, Mr. President?

5. PRESIDENT:

6. ...The question before us is, shall the ruling of the

7. Chair be sustained?

8. SENATOR HARRIS:

9. Is that Senator Bell's...

10. PRESIDENT:

11. ...Senator Bell's motion, and we are in the middle of

12. a roll call on that question.

13. SENATOR HARRIS:

14. ...All right, Mr. President, then if Senator Bell with-

15. draws...

16. PRESIDENT:

17. For what purpose does Senator Rock arise?

18. SENATOR ROCK:

19. I again with great reluctance stand in question on a point

20. of order to the remarks of the distinguished Minority Leader.

21. We are, in fact, in the middle of a roll call. This is highly

22. improper and unusual.

23. PRESIDENT:

24. Now, here. We can...we can, you know, go right around

25. the rose bush for a long, long time. The question is, frankly,

26. if the Chair is going to be sustained in its ruling that the

27. Amendment No. 2 is not germane. Now, anything extrinsic to

28. that is pure rhetoric. We're on a roll call. Have all voted

29. who wish? The question is, shall the ruling of the Chair be

30. sustained? That...that...here. Now, just a moment. The fact...

31. now...now, is there any question on what we're voting on?

32. Fine. Turn on Senator Harris' mike, please.

33. SENATOR HARRIS:

1.           Until you just now enunciated that the question was  
2. whether your ruling should be sustained was, in fact, what was before  
3. us, it was not certainly not clear to us, and I'm not trying  
4. to be cute.

5. PRESIDENT:

6.           Well, I can only say this, Senator, there are an awful lot of  
7. red and green lights there. People must have known what they  
8. were voting on.

9. SENATOR HARRIS:

10.           I did not punch my red light until you just now...until  
11. you just now stated what was before us, because it has certainly  
12. not been clear, Mr. President.

13. PRESIDENT:

14.           So there will be no question and so that the record will  
15. be clear, we are now voting on the question of, shall the  
16. ruling of the Chair be sustained? Let me say it again. Have  
17. all voted who wish? Have all voted who wish? Take the record.  
18. On this question, the Ayes are 30, the Nays are 25, with none  
19. Voting Present. The Chair...the Chair is sustained. For  
20. what purpose does Senator Harber Hall arise?

21. SENATOR HARBER HALL:

22.           Personal privilege, Mr. President.

23. PRESIDENT:

24.           State your point, Senator.

25. SENATOR HARBER HALL:

26.           Mr. President, I'm not a lawyer, but I've seen something  
27. going on here that is patently unconstitutional and I do not  
28. care to sit here and listen to it any longer without pointing  
29. out some things that affect how I serve my constituency and  
30. how you serve your constituency, and I'm going to read from the  
31. Constitution of our State on the powers of the State. Section 1 -  
32. Separation of Powers. "The legislative, executive, and judicial  
33. branches are separate. No branch shall exercise powers properly

1. belonging to the other...another." Now, Mr. President, you  
2. read to us as guidance to this Body a surrogate governor's  
3. advice to us on the germaneness of what we're doing here. Now,  
4. William Goldberg is not my counsel, and I want to read to you,  
5. Mr. President, the proclamation that the Governor, Governor  
6. Walker, handed to us. He says, "to provide State aid for schools  
7. this year above the level I have already approved, the State  
8. must have more resources." I don't quarrel with that. "Those resources  
9. will be available if the General Assembly enacts legislation to  
10. speed up the collection of income taxes withheld and sales taxes  
11. collected by large businesses and the collection of corporate  
12. income taxes." He's wrong there. "Then and only then," and he  
13. emphasizes it with dashes.. "then and only then, can the State  
14. afford additional money for State school aid." Now, Mr. President,  
15. you know and I know that that is not the only way we can solve school  
16. funding problems and we do not act on the direction like this  
17. as proclaimed by the Governor, and I am stating to you, Sir, that  
18. I am not voting for any bill that meets your criteria for germaneness  
19. to this proclamation because it in itself is patently unconsti-  
20. tutional. Furthermore, Mr. President, I'm suggesting to you  
21. that I have on the Secretary's Desk a motion to adjourn until  
22. November 17th, and a...a Senate Joint Resolution to advise the  
23. House of that and I would like, when you have the opportunity to  
24. call those resolutions.

25. PRESIDENT:

26. Thank you, Senator. But what you read from, the proclamation,  
27. the first three paragraphs, I described as expository, and  
28. whatever is in those three paragraphs has nothing to do with the  
29. proclamation itself on Page 2 of the proclamation. And I  
30. purposely did not, since you raised the question of the three  
31. branches of government which is a very fundamental concept in  
32. American History, in government...I purposely did not address  
33. myself to the question of the restrictiveness, because I said it

1. was a question that should not be decided in this Chamber but  
2. by a court, and only confined my ruling to the question of  
3. germaneness consonant with the language of this proclamation,  
4. and not with the expository part from which you read. Any  
5. further amendments? Senator Shapiro.

6. SENATOR SHAPIRO:

7. Mr. President, point of personal privilege.

8. PRESIDENT:

9. State your point.

10. SENATOR SHAPIRO:

11. And I hesitate to use a point, because I want to use it  
12. because I did not get a chance to rebut your decision on the  
13. ruling. Is it your ruling that because of paragraph 2, that  
14. we can not consider changes in the qualifying rates for State  
15. aid other than what the Governor has recommended in House Bill  
16. 3518? In other words, we...that we are restricted to a ten  
17. cent reduction for unit districts, five for elementaries,  
18. full transportation, hold-harmless, weighted ADA over a three  
19. year period? Is...is that what you are saying?

20. PRESIDENT:

21. The question as to germaneness has been put to the Chair.  
22. The Chair has ruled on the question. There are those who are  
23. in disagreement with the Chair on the ruling. The vote has been  
24. taken and is duly recorded. The Chair feels that that matter  
25. is behind us. Are there further amendments?

26. SECRETARY:

27. Amendment...Amendment No. 3 offered by Senator Davidson.

28. PRESIDENT:

29. Senator Davidson.

30. SENATOR DAVIDSON:

31. Mr. President and members of the Senate and particulary  
32. you downstate members of the opposite...side of the aisle, this  
33. amendment will put into the law the three year spread of any

1. penalty for all school districts. The court decision which you  
2. spoke about affects only one school district 'cause it's a  
3. circuit court decision. There's two other school districts in  
4. this State which already been assessed the one hundred percent  
5. of the one percent penalty, Mattoon and Sandwich. This bill...  
6. this amendment which I urge you all to adopt will spread the  
7. penalty for Chicago and the other two districts for '75 - '76  
8. over three years, thereby freeing up an additional thirty-six  
9. million dollars for the rest of the downstate districts and  
10. actually Chicago are not getting penalized this much. Their penalty  
11. under the present one-third, if it's carried through, will be  
12. seventeen and a half or in round figures, eighteen million  
13. dollars. With two-thirds of that money going into the Common  
14. School Fund, which all districts share into including Chicago,  
15. they get approximately one-third of all monies that's funded to  
16. the Common School Fund, they would receive eighteen...twelve  
17. million dollars. They actually only have a net loss of six  
18. million dollars. I urge the adoption of this amendment because  
19. this will put into the law what the Superintendent of Schools  
20. already is...doing currently of a three year spread-out  
21. of payment. This will affect all school districts for the '75 - '76  
22. year and from the future, it will be written into the law that  
23. any penalty will be spread over three years. I had urged the...  
24. urge the adoption of this amendment.

25. PRESIDENT:

26. One moment...one moment. Now, will the members please be  
27. in their seats. Several members have asked to speak on this  
28. matter. Senator Wooten.

29. SENATOR WOOTEN:

30. Mr. President and colleagues, I am amazed at Senator  
31. Davidson's posture, not only on the Brady amendment earlier but  
32. on this, not only because in attempting to speak for downstate  
33. schools, he is, I think, in effect, harming our total agreement

1. which if anyone has any sympathy for the discipline of mathematics  
2. will have to agree is going to be just what we have needed in  
3. our downstate schools. The entire package attempts to dilute  
4. it, to weaken it, to change it, are attempts to destroy the  
5. entire program. I don't think anyone is confused by that. We  
6. know what we're here for and what we have to do. The second  
7. thing that amazes me is...while I understand his attempt to or  
8. maybe soften the impact of earlier statements, but I believe  
9. this has already been ruled on and the...the amendment simply  
10. isn't germane.

11. PRESIDENT:

12. Senator Rock.

13. SENATOR ROCK:

14. Thank you, Mr. President and Ladies and Gentlemen of the  
15. Senate. I was about to make the same point. We went through  
16. this discussion when Senator Brady offered Amendment No. 1 to  
17. specifically delete any language regarding the length of time over  
18. which adjustment, since there is no more penalty as Senator  
19. Soper so well put it, can be made. I...I think that we are  
20. devolving frankly into political rhetoric and I would urge the  
21. Chair to again rule that Amendment No. 3 is in no way germane.

22. PRESIDENT:

23. The Chair is going to rule that it is not germane, but  
24. if you desire to keep talking about it, that's fine. Senator Harris.

25. SENATOR HARRIS:

26. Well, Mr. President, I just have to comment that if your  
27. position is that the General Assembly has no option except to  
28. vote Yes or No precisely on what the Governor proclaims then...  
29. and...and that's your position, Mr. President. You are absolutely  
30. fixed in that position here this morning, then there is absolutely  
31. no purpose for which there to be two hundred and thirty-six  
32. members representative of this great constituency of ours, and  
33. as you, I think, somewhat carelessly affirmed your position a few

1. minutes ago, we might just as well get ratification from Mr.  
2. Goldberg on what the Governor asked. I'm telling, you your  
3. position is just absolutely incredible to me.

4. PRESIDENT:

5. Well, Senator, it may well be. It comes as a result,  
6. however, of legal training and twenty-five or six years as a  
7. lawyer and when I mentioned the letter from Mr. Goldberg, I  
8. said it just in addendum to my own thoughts. I am not asking  
9. you to take his opinion. I'm only suggesting to you that other  
10. lawyers who...are...have some status have the same opinion.  
11. That's all I said. I'm not making the ruling based on his  
12. letter. I just wanted you to have full and complete information  
13. as to what other persons felt. That was all. Senator Harris.

14. SENATOR HARRIS:

15. Well, you are saying to me then, Mr. President, that there  
16. is no option for compromise from this point forward if your  
17. conclusion becomes precedent then, and is observed by succeeding  
18. legislative determination that...that it's a take it or leave it ball  
19. game in Special Sessions from here on and no opportunity for...  
20. for compromise.

21. PRESIDENT:

22. I'm not saying there is no...

23. SENATOR HARRIS:

24. I...I don't understand that.

25. PRESIDENT:

26. ...let...let me make it clear to you. I'm not saying there's  
27. no opportunity for compromise. There always is opportunity for  
28. compromise so long as that compromise is within the restrictive  
29. call of the...of the...of the Special Session. There is a  
30. significant difference between a Special Session and a General  
31. Session. Senator Bloom.

32. SENATOR BLOOM:

33. In other words, Mr. President, what you're saying, this is

1. kind of like a Veto Session. You either take it or leave it.  
2. Is that it?  
3. PRESIDENT:  
4. It's a Special Session. You may denominate it in any way  
5. that you desire. The Chair has ruled that it is a restrictive  
6. call and that anything outside the...  
7. SENATOR BLOOM:  
8. Well...  
9. PRESIDENT:  
10. ...restrictions of that call is not germane.  
11. SENATOR BLOOM:  
12. ...if it looks like a rose and it smells like a rose,  
13. then it's a rose.  
14. PRESIDENT:  
15. You paraphrased it, Senator. Anyway you desire. I made  
16. my ruling. Senator Knuppel.  
17. SENATOR KNUPPEL:  
18. Well, the only thing I want to say about this is, I think  
19. if I understood the Senator Davidson correctly, he said that  
20. a decision of the circuit court of...of Cook County was not  
21. binding on the rest of the State. I don't think that's correct  
22. under the new Judicial Code. I think that the circuit court  
23. is a...is a court of the entire state and a ruling of the  
24. circuit court absent in...a different ruling in a different  
25. circuit court is the law of the State of Illinois. So that if  
26. ...if the circuit court of Cook County holds that the penalty  
27. provisions, and I believe this...that they are correct in that,  
28. that the penalty provisions are unconstitutional as to Cook  
29. County, they're unconstitutional then as to any other part of  
30. this State, and I sincerely believe that the ultimate decision  
31. in this matter and I think most lawyers that have thought about  
32. it would agree is that...that...that anything that assesses it at  
33. more than the daily limit of State...State help will be held to



1. be unconstitutional. I don't think as Senator Soper said,  
2. that there's any basis that...that we can constitutionally  
3. assess a penalty for non...the non-keeping of school, but the  
4. main reason I arose was to say that a decision of the...of  
5. the circuit court of Cook County is binding on the rest of the  
6. State absent a different decision by a circuit court in some  
7. other circuit and that it is binding on...on, I think, the  
8. Superintendent of...of Public Instruction in the State of  
9. Illinois, the same as it would have been if it had come from  
10. Mason County or Cass County or anywhere else.

11. PRESIDENT:

12. Senator Mitchler.

13. SENATOR MITCHLER:

14. Mr. President, I have a number of amendments on my desk  
15. specifically to House Bill 1. Would the Secretary please identify  
16. these amendments in some form so I can have them? Would you  
17. please identify the amendment under consideration at this  
18. time?

19. PRESIDENT:

20. Would you...

21. SENATOR MITCHLER:

22. Just...

23. PRESIDENT:

24. ...here, give me a copy of a each of them...

25. SENATOR MITCHLER:

26. ...a brief one...

27. PRESIDENT:

28. ...please. We can do it. Give me a copy of each of his  
29. amendments. How many do you have, Senator?

30. SENATOR MITCHLER:

31. Two more on 1 here.

32. PRESIDENT:

33. One moment. Let's do one thing at a time. Well, just

1. a moment. Senator Mitchler says he...let me get this straight.  
2. Senator Mitchler, you say you have on the Secretary's Desk some  
3. ...oh, on your own desk. Well, then how can we give them  
4. numbers?

5. SENATOR MITCHLER:

6. Just if the Secretary would just briefly identify the  
7. amendment so I could pick it out and know which one we're  
8. talking about.

9. PRESIDENT:

10. Would you give me a copy of each of his amendments?

11. Oh. All right. Read...read the first part of it so he can  
12. identify it, please. Just a moment. Just a moment. We are...  
13. would you read the first part of...or enough of the...the  
14. Amendment No. 3 so that Senator Mitchler can tell which it is.

15. SECRETARY:

16. Amend House Bill 1 in the Sixth Special Session on page  
17. 19 by deleting line 29 and inserting in lieu thereof the following.

18. PRESIDENT:

19. He has it. Okay, fine. For what purpose does Senator  
20. Soper arise?

21. SENATOR SOPER:

22. A parliamentary inquiry, Mr. President? Now, Senator  
23. Davidson offered an amendment to House Bill No. 1.

24. PRESIDENT:

25. This is the one we're on.

26. SENATOR SOPER:

27. And I understand that you made a ruling that it was not  
28. germane to this Session.

29. PRESIDENT:

30. No, I said I was going to rule to that effect...

31. SENATOR SOPER:

32. Oh...

33. PRESIDENT:

1. ...but I didn't want to...

2. SENATOR SOPER:

3. ...well,...

4. PRESIDENT:

5. ...cut off the debate...

6. SENATOR SOPER:

7. ...all right...

8. PRESIDENT:

9. ...now, here....

10. SENATOR SOPER:

11. ...all right...

12. PRESIDENT:

13. ...let me make this clear. If it is the will of this

14. Body to keep discussing these amendments knowing that the ruling

15. is going to be that it is non-germane, then so be it. Now,

16. everybody...I'm not cutting anyone off. You can talk...you

17. know, all day, but it is going to be ruled that it is not germane.

18. SENATOR SOPER:

19. Now, if that's the...if that's the ruling of the Chair, my

20. parliamentary inquiry is, is that ruling debatable?

21. PRESIDENT:

22. It's appealable, not debatable.

23. SENATOR SOPER:

24. All right. I appeal from the ruling of the Chair.

25. PRESIDENT:

26. The question...wait a minute. He hasn't really...we haven't

27. made the ruling yet. I said I was going to make the ruling, but

28. if you want to speed it up and get to the bottom line, the Chair,

29. pursuant to a request for a ruling, rules that Amendment No. 3

30. to House Bill 1 is not germane. Now, Senator Soper, you desire

31. to appeal the ruling of the Chair?

32. SENATOR SOPER:

33. Well, in due courtesy to Senator Davidson, he had his hand up,

1. when he gets through saying what he wants to say, I would  
2. appreciate being called, and I'll appeal the ruling of the  
3. Chair and ask for a roll call vote on the appeal after Davidson  
4. gets through.

5. PRESIDENT:

6. And you'll be accorded that...that request. Senator Davidson.

7. SENATOR DAVIDSON:

8. Well, Mr. President, the only question I rise to was the  
9. fact that Senator Knuppel saying about Senator...circuit  
10. court may well be, but other legal advice which is given to me  
11. in presentation of this amendment that it did not, so, there is  
12. a difference of opinion that that circuit applying to the rest  
13. of the State and that's part of the reason of this amendment,  
14. so those other two districts that were assessed the full penalty  
15. would have an opportunity of the same courtesy by the Superinten-  
16. dent of Education. Thank you.

17. PRESIDENT:

18. Senator Soper, you ready? Someone else wants to be heard here...

19. SENATOR SOPER:

20. Okay.

21. PRESIDENT:

22. ...Senator Shapiro.

23. SENATOR SHAPIRO:

24. ...Again, Mr. President, a point of personal privilege? A  
25. point of personal privilege?

26. PRESIDENT:

27. Will the members be in their seats, please. Senator Shapiro,  
28. a point of personal privilege.

29. SENATOR SHAPIRO:

30. Mr. President, the point I want to make is that your ruling states  
31. that we can consider no amendments other than...as far as this  
32. bill is concerned, that's before us? In other words, nothing can  
33. be amended because the bill is now in the shape as the Governor

1. amendatorily vetoed 3518 and I think that's wrong.

2. PRESIDENT:

3. Well, what you have just said is completely inaccurate. I  
4. have not said that. I've approached each of these amendments  
5. on an individual basis and as those amendments come in, we then  
6. make a determination as to whether or not they are germane.  
7. That's all I've said. I've made no prospective rulings.  
8. Senator Nimrod.

9. SENATOR NIMROD:

10. Yes, Mr. President, I...I'm really disturbed because I  
11. hear you say in...I heard you say on many occasions that we  
12. should leave it to the courts when they make decisions and yet  
13. I find that with your ruling, you say the General Assembly,  
14. as a Legislative Body of this Senate, cannot do what it wants  
15. to do, so you are, in fact, acting as a court and a judge in  
16. making decisions. Why can't this General Assembly take the  
17. action that it would like to and thirty votes, I've always  
18. been told, can do anything in this...in this particular Senate?  
19. Why are we denying that right to give these Senators a chance  
20. to express themselves and you're denying that right in acting  
21. as a court and acting as a judge.

22. PRESIDENT:

23. That's exactly incorrect. We have to make certain, and that  
24. is the purpose of the Chair's ruling, that the...that the bill  
25. is, in fact, germane. Now, that's the ruling of the Chair.  
26. Senator Weaver.

27. SENATOR WEAVER:

28. An inquiry, Mr. President? During past Veto Sessions  
29. where we've dealt with amendatory vetoes and the language...

30. PRESIDENT:

31. Just a moment...just a moment. Now, will the members be  
32. in their seats and those not entitled to the Floor, please  
33. leave the Floor. Will the members be in their seats please? Thank you.

1. Senator Weaver.

2. SENATOR WEAVER:

3. ...Thank you, Mr. President. I was inquiring as to our  
4. actions in past, say, Veto Sessions where the Governor suggested certain  
5. amendatory language. Have we not in the past in adopting that  
6. language changed or deviated a good bit from the exact language  
7. as suggested by the Governor in adopting those amendatory vetoes?

8. PRESIDENT:

9. If you're speaking about a General Session in which we  
10. are dealing with amendatory vetoes, I would point out that  
11. there's a fundamental difference between that and a Special  
12. Session, whether it's a special call with special restrictive language  
13. which relates to what can or cannot be considered. Senator Weaver.

14. SENATOR WEAVER:

15. Well, in-as-much as we have deviated from the exact amendatory  
16. language in the past, would it not also follow that maybe the  
17. Governor would accept the changes in language that is accepted  
18. by both Houses of the General Assembly, at a Special Session?

19. PRESIDENT:

20. At the risk of repeating myself, and at the risk of boring  
21. you with such repetition, I tried to point out originally that  
22. the question of the restrictiveness of the language in the  
23. special call was or could be troublesome to all of us, but that  
24. that was not a question for decision by the Body. It is a  
25. question for a court interpretation. It is indeed a restrictive  
26. call and I'm just saying...recognizing it as a restrictive call, that  
27. I feel, in terms of germaneness, we have to stay within the restriction  
28. of the call. Whether or not the restrictiveness is valid, is  
29. another question which a court only can decide. Senator...any  
30. further discussion on this amendment? The Chair rules that the  
31. amendment is not germane. Senator Soper.

32. SENATOR SOPER:

33. I'd like to appeal from the ruling of the Chair and have a

1. roll call vote. I think a few on this side will join me.

2. PRESIDENT:

3. Is he joined by others? All right, then, the question  
4. is, shall the ruling of the Chair be sustained? All those  
5. in favor of sustaining the ruling of the Chair vote Aye.  
6. Opposed vote Nay. The voting is open. Senator Harris.  
7. Just a moment. Senator Harris, for what purpose do you arise?

8. SENATOR HARRIS:

9. Well, I...I want to speak in...on the motion that is  
10. before us to communicate to my colleagues in this Body that  
11. your ruling should not be sustained. Now, a few minutes ago,  
12. Mr. President, I referred to a 1970 Attorney General's opinion  
13. with respect to a Special Session under this Constitution  
14. in which I want to make reference to that Attorney General's opinion...

15. PRESIDENT:

16. What is the date of the opinion, Senator?

17. SENATOR HARRIS:

18. June 18, 1970.

19. PRESIDENT:

20. When did the current Constitution...

21. SENATOR HARRIS:

22. Yeah, I guess...

23. PRESIDENT:

24. become effective?

25. SENATOR HARRIS:

26. ...this one went into effect in '71, didn't it?

27. PRESIDENT:

28. I trust it did, Senator.

29. SENATOR HARRIS:

30. All right, fine. I...I...I would just point out...and just  
31. a minute, Mr. President. I point out that...

32. PRESIDENT:

33. For what purpose does Senator Rock arise?

1. SENATOR ROCK:  
2. Point of order? Now, the minority leader knows full  
3. well that he is entitled to speak on a point of personal privilege  
4. however, we are, in fact, in the middle of a roll call. Can  
5. we dispose of that and then he can make whatever point he  
6. feels appropriate?  
7. PRESIDENT:  
8. Senator...Senator...Senator, as long as we have been here  
9. or there, I've never cut you off, I don't propose to today, but we  
10. are in the middle of a roll call, and as soon as this roll  
11. call has been taken, I'll recognize you for whatever remarks  
12. you want to make on the subject. Have all voted who wish?  
13. Take the record. On this question, the Ayes are 30, the Nays  
14. are 24, with none Voting Present. The ruling of the Chair is  
15. sustained. Any further amendments?  
16. SECRETARY:  
17. No further amendments.  
18. PRESIDENT:  
19. 3rd reading. House Bill No. 2, Senator Hynes.  
20. SENATOR HYNES:  
21. This is the appropriation bill. I believe there are amendments...  
22. PRESIDENT:  
23. Just a moment...  
24. SENATOR HYNES:  
25. ...on the Secretary's Desk, I'll...  
26. PRESIDENT:  
27. ...Senator Harris, did you desire to speak now? Fine. Very  
28. good. All right, House Bill 2, Senator Hynes.  
29. SENATOR HARRIS:  
30. Well, I...yeah, Mr. President, I...I am...I am really having  
31. a difficult time understanding your rulings today and I...I just  
32. can't believe that you are suggesting to this Body that we have  
33. no option except to vote Yes or No on House Bill 1 as amendatorily



1. vetoed by the President and by the Governor and nothing else.  
2. Now, Mr. President, you may think otherwise but that is precisely  
3. the posture that you're taking and the restriction that you are  
4. applying to this Body. And I just cannot believe that you are  
5. in favor of shackling this Body to that extent, Mr. President.  
6. Now, I don't know whether it was one of those things that in  
7. the heat of the moment you intended to say it in the fashion that  
8. you did, but you stated that as amendments to House Bill No. 1  
9. were offered, you would rule them not germane. Is there not  
10. the possibility that a majority of the members of this Body  
11. can conclude that improvement to this bill should be made  
12. legislatively operative to redound to the benefit of the people  
13. of Illinois?

14. PRESIDENT:

15. Senator, let me just...

16. SENATOR HARRIS:

17. ...is that...

18. PRESIDENT:

19. ...Senator, let me answer your question. The fundamental  
20. question here is, whether this is a government of laws or a  
21. government of men? I am making a ruling based not on men or  
22. personalities. I am making a ruling based on law, and the only  
23. way a government can survive is that it respects its laws. Now,  
24. when you say you can't understand how I make that ruling, I  
25. would only refer to you to Article IV, Section 5, paragraph (b),  
26. which says...and incidently this is the current Constitution,  
27. "the Governor may convene the General Assembly or the Senate alone  
28. in Special Session by a proclamation stating the purpose of the  
29. Session, semi-colon and only business encompassed by such  
30. purpose together with any impeachments or confirmation or  
31. appointments shall be transacted." Now, that is the law and  
32. that's what we're going to stand by. As long as I have this gavel,  
33. we're going to follow the law and not the notions, ideas, whims,

1. or caprice of men. We're going to follow the law. Senator Hynes.  
2. House Bill 2.  
3. SENATOR HYNES:  
4. Mr. President, according...  
5. PRESIDENT:  
6. For what purpose does Senator Bell arise?  
7. SENATOR BELL:  
8. Well, thank you, Mr. President, I'd only like to point out that ...  
9. PRESIDENT:  
10. For what purpose do you arise?  
11. SENATOR BELL:  
12. ...Point of personal privilege.  
13. PRESIDENT:  
14. State your point.  
15. SENATOR BELL:  
16. Mr. President, I'd only like to point out that you prefaced  
17. your remarks when you took up this whole question of germaneness  
18. that there could be some possibility of some court interpretation  
19. as something entirely different from the way that you're perceiving  
20. it. So let the record stand that this is on the basis of your  
21. perception as President of the Senate, that, in fact, the  
22. courts could interpret such a...such a ruling  
23. as to your aspect of germaneness as being irregular or unconsti-  
24. tutional and that it...as dealing from the position of the Chair  
25. for taking that...  
26. PRESIDENT:  
27. Fortunately, Senator...  
28. SENATOR BELL:  
29. ...particular position, so...  
30. PRESIDENT:  
31. ...Fortunately, our...our...  
32. SENATOR BELL:  
33. ...let...

1. PRESIDENT:

2. ...proceedings are recorded, and I am certain that the  
3. record will more carefully reflect what I have said than what  
4. you remember that I said.

5. SENATOR BELL:

6. ...Well, let me...let me finish off, Mr. President, because  
7. you left the innuendo in the air that Senator Harris or the members  
8. of this particular side of the aisle are not concerned about  
9. the laws of this State.

10. PRESIDENT:

11. I didn't make that innuendo, I made a statement, Senator. You...  
12. if you want to make an innuendo out of it, fine. I didn't make  
13. an innuendo. I made a direct statement that this is a government  
14. of laws and not of men and I'm following the law, purely and  
15. simply.

16. SENATOR BELL:

17. Your interpretation.

18. PRESIDENT:

19. Senator Hynes, House Bill 2. You'll be asking leave  
20. to move it to 2nd reading for the purpose of an amendment.

21. SENATOR HYNES:

22. Yes.

23. PRESIDENT:

24. Is leave granted? House Bill 2 is on the order of 2nd  
25. reading. Senator Hynes is recognized.

26. SENATOR HYNES:

27. I believe there are amendments on the Secretary's Desk.  
28. They are not my amendments.

29. PRESIDENT:

30. For what purpose does Senator Graham arise?

31. SENATOR GRAHAM:

32. Mr. President, we are dealing with some very, very sensitive  
33. pieces of legislation. I think every Senator on this side of aisle is

1. wanting to communicate with his House members regarding the  
2. impact of these proposals. I think that every Senator on this  
3. aisle is entitled to the consideration of those who are on and  
4. off the Floor to the extent that we have enough quiet existing  
5. and we can understand the proposals be propounded and that we  
6. understand the debate. And I would ask for some order. We  
7. have a little order now, I would like for a lot of order.

8. PRESIDENT:

9. Will the members be in their seats and will our friends  
10. who are visiting from the House please hold your voices down.  
11. We appreciate your presence, but we don't care for your noise. Now,  
12. Senator Hynes. Read the amendment.

13. SECRETARY:

14. Amendment No. 1 offered by Senators Glass, Davidson,  
15. Shapiro and Schaffer. Amend House Bill 2 of the Sixth Special  
16. Session on page 1, line 11, by deleting twenty-five million  
17. dollars and inserting in lieu thereof thirty million dollars,  
18. and by deleting lines 12 through 16 and in line 17 by deleting  
19. Section 3 and inserting in lieu thereof Section 2.

20. PRESIDENT:

21. Senator Glass.

22. SENATOR GLASS:

23. Mr. President, I wish to withdraw this amendment.

24. PRESIDENT:

25. Amendment is withdrawn. Any further amendments?

26. SECRETARY:

27. Amendment No. 1 offered by Senator Fawell.

28. PRESIDENT:

29. Senator Fawell.

30. SECRETARY:

31. And...

32. SENATOR FAWELL:

33. Mr. President and members of the Senate, I am presenting this amendment

1. in all seriousness. The effect,, as a practical matter, is to go  
2. on the assumption that we have ninety-five million dollars of  
3. additional funds and therefore, that we should alter the  
4. appropriation for our Common School Fund so that all of the  
5. ninety-five million dollars will be spent to help the public  
6. schools in the State of Illinois...all of the State of Illinois.  
7. Now, therefore, the...the amendment would alter the figure of  
8. twenty-five million dollars which is the appropriation in House  
9. Bill 2 for the Distributive Fund and would hike that to seventy  
10. million dollars or other words, the forty-five million dollars,  
11. which a lot of people have asked the Governor how he plans to  
12. spend. We, as a Legislature, would know exactly where  
13. that money is going. Now, I think when you consider that the  
14. practice of economy that we have practiced here in the Legislature  
15. during this Session, has been to a great degree at the ex-  
16. pense of our public schools, when you recognize what we  
17. have done in cutting down the State reimbursements for a special  
18. education so that our public schools have had to pull that  
19. money out of their local tax funds, when you consider that we  
20. have frozen the assessed valuations at the 1974 level and have  
21. now extended that through 1977 and vitally hurt the ability  
22. of our local school districts to get funds, when you consider  
23. too, that we have failed to eliminate the roll back tax and we  
24. have forced school districts throughout the State of Illinois  
25. to roll back referendum approved tax rates, I think that what  
26. we can do here in putting the full ninety-five million for the  
27. support of our public schools, is entirely reasonable. I don't believe,  
28. Mr. Chairman, if anybody is listening, Mr. Chairman...

29. PRESIDENT:

30. I'm listening, Senator.

31. SENATOR FAWELL:

32. ...thank you. I don't believe that the added accelerations  
33. of revenue which we shall still be voting upon, will pass unless

1. there is an explanation of how the additional funds will be  
2. spent. At this particular time, we have an approval of only  
3. thirty million from out of the House and I...I don't think that  
4. this Body is going to have the votes to be able to do it unless  
5. we all unite as we have not been doing. Unfortunately this  
6. hasn't been an agreed bill status, which I think perhaps might  
7. have been the much better procedure and we've been going in many different  
8. directions, and I think the result will be that perhaps we'll  
9. accomplish very, very little if anything. But if we do, I  
10. think tell the people of the State of Illinois that if we're  
11. going to accelerate, if we're going to utilize this ninety-five  
12. million, we're going to put all ninety-five million dollars  
13. toward the support of our schools and our schools are suffering,  
14. Mr. President, and they're suffering in the suburban areas, they're  
15. suffering downstate, and they're certainly suffering in Chicago.  
16. If we pass what amounts to 3518 in the form of House Bill 1,  
17. and we simply do not put the full ninety-five million dollars  
18. toward it, we're just going to continue doing what we have been  
19. doing that is exasperating our school district officials and  
20. that is, we say - here is what the formula is, it sounds great,  
21. we take our bows in Springfield. As Senator Wooten has said,  
22. this is one of the reasons he failed to vote, I think, for the bill  
23. during the Session. We're doing the same thing, Senator Wooten,  
24. if we cannot stand up and say we're going to put the full  
25. ninety-five million here, because we're talking in 3518 in the  
26. form of House Bill 1 with an increase of one hundred and eleven  
27. million dollars at least for this fiscal year, and then we're  
28. adding about another thirty million dollars because of the  
29. weighted average daily attendance alterations that would take  
30. place in the next fiscal year. And all that we're going to have  
31. to do then if we don't put the money in to back up what we are saying,  
32. is that we simply prorate more and our promises simply aren't  
33. fulfilled. I think the school officials are going to look at

1. this particular House Bill 1, if it passes, and simply say, well, we  
2. ...it doesn't...it doesn't mean a thing, because we fail to  
3. back it up with appropriations, so Mr. President, I do believe  
4. that this amendment to House Bill 2 is a very reasonable one,  
5. and I would hope it can be supported by both sides of the aisle.

6. PRESIDENT:

7. The Chair has had a request from Channel 3 of Champaign to  
8. film portions of the Senate debate on these bills. Is leave  
9. granted? Leave is granted. Senator Hynes.

10. SENATOR HYNES:

11. Mr. President and members of the Senate, I rise in opposition  
12. to this amendment. I think that Senator...Senator Fawell is  
13. well-intentioned certainly by offering it, but I believe at this  
14. point that it is an undesirable amendment, and I believe that for  
15. a number of reasons. First of all, the program that is being  
16. proposed here is a substantial one. It involves an immediate  
17. infusion of an additional fifty million dollars into the educa-  
18. tional system of this State. That in and of itself is very  
19. substantial. Secondly, in House Bill 1, we will make permanent  
20. changes in the School Aid Formula which will bring equity to  
21. all of the school districts of this State, so it will have a  
22. continuing impact in educational finance in the years to come.  
23. Therefore, the program as proposed is substantial, it is desirable,  
24. and it ought to be approved unanimously by this Body. Secondly, I think  
25. at this point in time, it would be undesirable to add the  
26. additional forty-five million dollars through the School Aid  
27. Formula. I think we have a number of options available to us if  
28. we adopt the program as presented. There will, in fact, be an  
29. additional forty-five million dollars of revenue raised. The Governor  
30. has made a commitment that it will not be spent for other  
31. purposes and will be available in the Treasury, and more importantly,  
32. I think we then will have the option in November or at any later...  
33. at any later date to take other steps with respect to the ex-

1. penditure of these funds. For one example, the appropriation  
2. for Special Education was reduced by some twelve million  
3. dollars. We will consider that item reduction in the November  
4. Session. The forty-five million dollars involved here will be  
5. available and if it is the judgement of the General Assembly that  
6. it ought to be restored, there's a potential for financing it,  
7. and so is the case with a number of other items. I think that  
8. this is a substantial, reasonable program. I think it is the  
9. only program that has an opportunity or chance to pass this  
10. General Assembly and be signed into law, and I, therefore,  
11. think this amendment ought to be resisted.

12. PRESIDENT:

13. Senator Graham.

14. SENATOR GRAHAM:

15. Mr. President and members of the Senate. I think everyone  
16. here is abundantly aware of the reason or reasons that we are  
17. here. We are dealing again, crisis and confusion and confrontation  
18. which has been the hallmark of the Walker Administration, and  
19. frankly as we attempt to do some things that will be helpful,  
20. we are completely frustrated by some weak arguments that suggest  
21. to us that we should believe what the Governor says with respect  
22. to what may or may not happen with...with forty-five million  
23. dollars. Frankly, the Senator from Barrington, would be reluctant  
24. to agree to it if he signed a piece of paper, and I certainly  
25. don't want to do it on a face value of some verbal commitment  
26. he made somewhere in order to launch his campaign for 1978. So,  
27. if you want us to say to the people back home that we believe  
28. Governor Walker and to believe he will fulfill his promises, I  
29. vote to harken back to his campaign. He didn't fulfill them then  
30. and he won't fulfill them now and I don't trust him.

31. PRESIDENT:

32. Senator Ozinga.

33. SENATOR OZINGA:



1. Mr. President and members of the Senate, I hesitate  
2. very much to even talk on these bills. I am in bitter feelings  
3. with reference to this whole highly political Session. That's  
4. all it is, straight politics. You know, I know, the Governor  
5. of this State has been antagonistic to this General Assembly  
6. every since he entered that office downstairs. Now, this happens  
7. to be an amendment that...and I'm speaking only to this amendment,  
8. that I can support. Six, seven years ago, we here in the  
9. General Assembly promised full funding to schools. I voted for  
10. that. I wanted that, and I agreed with it. I am in support  
11. of this amendment, but when you stop and think the things that  
12. this Governor promised...what Senator Graham has just said are so  
13. true and he has called this Session even after you and the  
14. leader from the House said that it could be nothing but politics  
15. once we got into this situation. Here we stand right now  
16. exactly. For us that are running, are put to a test as to  
17. whether or not we want this silly stuff on this...acceleration  
18. of taxes and you know as well as I, there will not be one red  
19. dime more, m-o-r-e, because of this acceleration. All that we  
20. are doing is taking away from the future Governor of this  
21. State the right to make that decision, whether we want to  
22. accelerate taxes or whether we don't, and this future Governor  
23. will have the opportunity of tightening the belt. He can then  
24. reduce a lot of this. There's six months in advance that he  
25. will be able to get rid of a lot of this excess patronage that  
26. our present Governor has put on the rolls. There are orders out  
27. to the mental institutions how we are to reduce. This is as  
28. phony as the day is long. You know, I know, we all know that  
29. this governor has not fulfilled his promises as far as reducing  
30. taxes, as far as tightening the belt with reference to his  
31. administration, and therefore, this is one way that we here in  
32. the General Assembly can go a little bit toward full funding  
33. education without having to give him the opportunity to spend it

1. at whim. I am in deep accord with Senator Hynes' idea for  
2. the Special Education, but when it comes to just giving him a  
3. blanket for forty-five million dollars extra, no way.

4. PRESIDENT:

5. The Chair really appreciates your compliment on his sagacity  
6. Senator Knuppel.

7. SENATOR KNUPPEL:

8. Well, Mr. President, I, too, am reluctant to...leave this  
9. much bait on the table to shoot over. And I have a lot of  
10. misgiving, and I have a lot of misgivings about the truthfulness  
11. and veracity of our governor, and I characterized him here on  
12. the Floor of the Senate only last week as one hell of a collision  
13. derby driver because he's always in reverse as opposed to the  
14. direction everyone else is going. But sometimes you have to  
15. get a little...you give a little to get a little and I'm convinced  
16. that he has finally publicly promised the people of this State  
17. that he will not spend that forty-five million dollars. I  
18. have to take the man finally at his word and I would assure him  
19. that his chances of being elected either Governor or Senator if  
20. he doesn't keep his word are about as great as a...as a bucket  
21. that he might have shot that shotgun through the bottom of.

22. PRESIDENT:

23. Any further discussion? Any further discussion? The  
24. question is...Senator Fawell may, of course, close the debate.

25. SENATOR FAWELL:

26. Well, Ladies and Gentlemen, I can only say, we're down here to  
27. help the schools, and the time is now. I can't follow Senator  
28. Hynes' reasoning. He says we're going to infuse fifty million  
29. dollars. Now, stop and think that that means...his assumption  
30. is that we're going to pass the acceleration and we're going to  
31. give the Governor ninety-five million. And the Governor says  
32. he doesn't need forty-five million 'cause it will be left over  
33. anyway. I...I...I don't quite follow that reasoning. I don't

1. think you're going to get the acceleration bills passed unless  
2. we give this aid to our public schools. If we want to help the  
3. local taxpayers and at the same time do what we came down here  
4. to do and that is to help our schools which are in quite a  
5. lot of plight, and I've gone over those points that...that we've  
6. hit them from both sides, we've knocked their assessed valuations  
7. down, we've failed to live up with our promises of reimbursement  
8. in Special Ed, we've failed to live up with our promises on full  
9. funding. We've consistently forgotten our obligations to them,  
10. and then we come back here and we grandiosely again pass  
11. another great change in the formula and we say this is going  
12. to rectify everything and we...we aren't even near funding  
13. it. We're going to make the proration even greater, and...and  
14. we're going to get to the point where the schools have absolutely  
15. no faith in any politician or any legislator who expresses his  
16. great and deep concern for our public schools. This won't  
17. fully fund, but it's a heck of a long...it's a good step in  
18. that direction and it fulfills the...the chest-pounding promises  
19. that we have made and that we have heard so often about why  
20. this Special Session is in Special Session down here in Springfield.  
21. Now, maybe we'll have to come back and consider this later  
22. when these accelerated funding bills don't pass, 'cause I, for  
23. one, don't plan to vote for it again. I voted for it last time.  
24. I did so with some great reluctance, and I have since taken the  
25. view that there's no reason in the world why we cannot do it now.  
26. Senator Hynes says we can consider it in November. My gosh, we've  
27. been down here. The Governor has said we should come down here  
28. and save the plight...save the schools from the plight that they  
29. are in and we should do it now and we have a million and one  
30. reasons over there on that side of the aisle why we really can't  
31. help our school children and the City of Chicago, downstate and  
32. do what we ought to do. Why have you reversed your positions?  
33. I...I can't understand it. We've got the chance to do it now,

1. and Mr. President, I would like to have a roll call on this vote  
2. on the amendment.

3. PRESIDENT:

4. Question is, shall Amendment No. 1 to House Bill 2 be adopted?  
5. Those in favor will vote Aye. Opposed will vote Nay. The voting  
6. is open. Have all voted who wish? Take the record. On this  
7. question, the Ayes are 23, the Nays are 27, with none Voting  
8. Present. Amendment No. 1 to House Bill No. 2 fails. Any  
9. further amendments?

10. SECRETARY:

11. No further amendments.

12. PRESIDENT:

13. 3rd reading. House Bills on 3rd reading. House Bill 5...  
14. 4, pardon me. House Bill 4, Senator Bruce. Pardon me, House  
15. Bill 5, Senator Netsch.

16. SENATOR NETSCH:

17. Thank you, Mr. President.

18. PRESIDENT:

19. For what purpose does Senator Weaver arise?

20. SENATOR WEAVER:

21. Mr. President, I'd like to request a Republican Caucus for  
22. about thirty minutes in Room 400.

23. PRESIDENT:

24. All right. Now, it is now ten minutes of twelve. Can we  
25. have a...an agreement to return not later than twelve-thirty?  
26. He indicates that's agreeable.

27. SENATOR WEAVER:

28. Twelve-thirty should be sufficient.

29. PRESIDENT:

30. Twelve-thirty. Senator Welsh.

31. SENATOR WELSH:

32. Mr. President, there will be a Democratic Caucus immediately  
33. in the President's office.

34. (RECESS)

35. (AFTER RECESS)

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. The Senate will come to order. Senator Partee.

3. SENATOR PARTEE:

4. Mr. President, as it is my usual custom when there is  
5. a State Officer on the Floor of the Senate, I'd like to in-  
6. troduce them, Bill Scott our Attorney General.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. May I call attention to the Body. There has been a  
9. request by the media, electronic to...do we have leave for  
10. them to take pictures and so on? Leave is granted. (Machine  
11. cutoff)...Bills on...House Bills, beg your pardon...House  
12. Bills on 3rd reading. House Bill 5, Senator Netsch. Read  
13. the bill.

14. SECRETARY:

15. House Bill 5.

16. (Secretary reads title of bill)

17. 3rd reading of the bill.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Netsch. Now, will...just a moment. Will all  
20. unauthorized personnel please leave the Floor? We do need  
21. some order. Senator Netsch.

22. SENATOR NETSCH:

23. Thank you, Mr. President. House Bill 5 is a part of the  
24. package which will help to finance the additional school aid  
25. that is sought in House Bills 1 and 2. As most of you know,  
26. this is the Sales Tax Acceleration Bill. My own personal  
27. view is that the bill should be passed on its merits even if  
28. it were not necessary to finance the additional school aid.  
29. I...excuse me, Mr. President. I think that the...Sales Tax  
30. Acceleration should come about whether or not the money was needed  
31. to finance the school aid, because I think it just simply makes  
32. sense. The money is ours, there's no reason why we should  
33. allow the retailers to hold it rather than giving the State the

1 use of the money. So, that on the merits, I think, the bill  
2 deserves our support. I thought that last June, however...  
3 I'm sorry...I'm...I just lost my voice. Don't everyone cheer,  
4 but ... anyway...I thought that last June, however, and obvious-  
5 ly a majority of the colleagues in the Senate did not agree  
6 with it. The...what the bill means, though, is that during  
7 this fiscal year there will be sixty-five million dollars addition-  
8 al available in revenue to help finance the School Aid package.  
9 I think, probably, though, that apart from the merits of accelerat-  
10 ing the sales tax collection, the point that really needs to be  
11 made about this bill, this day, is that it is the only means by  
12 which we can finance House Bill 1 and 2. House Bills 1 and 2,  
13 the additional aid for education. If we pass House Bill 2,  
14 which I for one hope we will pass, we will be appropriating fifty  
15 million dollars additional. That fifty million dollars is being  
16 attached to a budget which is already precariously in balance,  
17 if indeed it is in balance at all. There is no other bill than  
18 House Bill 5 to finance the fifty million dollar appropriation  
19 that is reflected in House Bill 2. It is that simple. The  
20 bill that we...that will speed up the payment of the withholding  
21 funds to the State does provide over the course of the fiscal  
22 year, thirty million dollars additional revenue. It is also  
23 very important. That thirty million dollars comes in somewhat  
24 more slowly over the period of the fiscal year than does the  
25 sales tax acceleration. The other part of the package which  
26 would speed up the date on which the corporate tax returns are  
27 to be filed has no fiscal impact. It does have a very important  
28 impact in terms of the cash flow problem, what I am saying is  
29 that during the period when the State's fiscal picture is in  
30 its most precarious condition, that is from the months of March  
31 through October, where it is nip and tuck whether we can pay  
32 the major bills as they come due, particularly, the school  
33 aid bill, that is when we need the additional money. There is

1. only one bill that is going to make that money available and  
2. that is House Bill 5. It provides the sixty-five million  
3. dollars not next Spring, but now when we need it. It will  
4. become effective, really, within a month and that means that  
5. we will then have the money in the treasury and we will be  
6. able to start drawing on it to finance the fifty million  
7. dollars for education. In addition to just simply making that  
8. sum of money available at an early stage, it also will bring  
9. the money in gradually during the course of the month and is,  
10. therefore, critical to the entire cash flow situation of the  
11. State.

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. May we have not a little but a lot of order. The-noise  
14. is rather heavy and Senator Netsch wants to deliver her  
15. message and could we please have order?

16. SENATOR NETSCH:

17. Your right, the time is now and I will...I can, therefore,  
18. put it very simply, gentlemen, given the nature of this bill  
19. and of the other cash management bills, given the fact that  
20. we are requesting a fifty million dollars additional appropria-  
21. tion for the schools, there is only one way that you are going  
22. to get that additional school aid reflected in House Bill 2,  
23. and that is by passing not House Bill 4 or 3, but House Bill 5.  
24. It is this bill and this bill alone which makes possible the  
25. financing of the fifty million dollars appropriation for aid  
26. to schools. If this bill does not pass there will be no fifty  
27. million dollar additional appropriation for schools. It is a  
28. straight out equation. This bill and...it is possible to  
29. pass House Bill 2. If this bill does not pass then House Bill  
30. 2 is not going to pass or be signed or approved.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. Prior to recognizing the next speaker, I want the...Senator  
33. Netsch, have you completed? Illinois is leading Missouri 10

1. to nothing. Senator Wooten. Senator Wooten.

2. SENATOR WOOTEN:

3. Mr. Speaker and colleagues...

4. PRESIDING OFFICER: (SENATOR DONNEWALD)

5. President.

6. SENATOR WOOTEN:

7. Oh, that's right. Pardon me. I got carried away with  
8. the Speaker's presence here earlier. I simply want to add  
9. to what Senator Netsch has said, the political dimension. I  
10. realize on the other side of the aisle it appears that  
11. we have presented you with an alternative of perhaps swallowing  
12. a bitter pill or cutting your throat. It isn't that bad. I  
13. submit to you that I stood with you in sustaining the Governor's  
14. veto because I believe deeply it was the only responsible thing  
15. to do at that time. The question in my mind then was where is  
16. the money. We have been offered a source of money that does not  
17. involve a tax increase. It certainly meets that criterion. It  
18. is money that already belongs to the people of Illinois,  
19. is now being used by retailers. Our largest retailer in my  
20. home town has it in the bank for thirty days and takes the  
21. profit from that. All the talk about wanting to help the kids,  
22. about wanting to help the schools comes down to this bill, and  
23. if you think about it that has been the theme running through  
24. our deliberations this entire season. It's this bill or nothing.  
25. All the rest is imagery. This is fact. If we want the money,  
26. if we really want to give the schools the money, and I think  
27. there's some who just plain don't, then this is the means to do  
28. it. I happen to believe that the compromise we have reached  
29. in House Bill 1 is an important one. It means a great deal to  
30. my community and to all downstate schools. It was not a compro-  
31. mise easily arrived at. It cost us all quite a bit one way or  
32. another. But, that compromise is meaningless unless we have  
33. some money to back it up. It all comes down to this. This vote



1. on this bill. It is true this is a restrictive Session.  
2. The call was very narrowly put and the Governor has really  
3. put us on a spot. I welcome that. This is the acid test.  
4. Do we really mean all of the flowery things we've said about  
5. education or not? There's only one test and that is, will  
6. we provide the money. It meets the other test that we set  
7. up through the course of the year. No tax increase. It  
8. is there. It is already the people's money. There's some  
9. who will say - well, if it had been ninety-five million we'd  
10. have gone for it. That's a cop out. You know as well as I  
11. do that given our cash flow problems we could not have made  
12. payouts in that amount. Fifty million is a just and reasonable  
13. figure and we'll have money to deal with later on, and I think  
14. the proper time to address the rest of that money is later on.  
15. So, this is the whole ballgame. Now, we separate fact from  
16. illusion. Are we going to help the schools or not? The only  
17. way to help them is to vote for this bill.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Harris. Is there further debate? Senator  
20. Glass.

21. SENATOR GLASS:

22. Thank you, Mr. President, Ladies and Gentlemen, we've  
23. been down here all day hopefully working toward a compromise  
24. solution for the benefit of the schools in Illinois. The position  
25. that has been handed to the Republicans seems to me to be rather  
26. unswerving. I...I think it's an unfortunate position to take,  
27. because as has been said many times both today and last week,  
28. it is not necessary to pass this bill effective in the current  
29. fiscal year in order to provide the amount of money the Governor  
30. has said we should spend for the schools. Our position on this  
31. side of the aisle, at least many of us, has been that the House  
32. action is reasonable. That is approximately the amount of money  
33. that we ought to be dealing with. Their action of making this

1. bill effective July 1, 1977 is what should be before us now  
2. rather than the amendment put on earlier today. For those  
3. reasons I would urge opposition to this House Bill 5. And  
4. I suggest to you that the proper course of action, like  
5. reasonable people, is to sit down and work out a compromise  
6. position and not simply fall down and accept whatever the  
7. Governor happens to hand us in his...in his proclamation call-  
8. ing this Session. This bill should be defeated and I would  
9. urge a No vote.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. Senator Harris. Just a moment.

12. SENATOR HARRIS:

13. Thank you, Mr. President. Mr. President, we're here  
14. in a Special Session called for the purpose of doing some-  
15. thing for education and the alternatives or the provisions  
16. of the call were laid before us in the series of five bills.  
17. One, a bill amending the School Aid Formula and then the  
18. really critical bills, two bills, that provide for additional  
19. money and then a bill providing for a penalty in the event  
20. that that system of new payment of tax monies due the State  
21. is not met and then really last, the Appropriation Bill authoriz-  
22. ing the expenditure of new monies that the General Assembly  
23. might make available to the General Revenue and Common School  
24. Fund for educational purposes in excess of what is now available.  
25. The Session has been called political and the Session was called  
26. unnecessary by the two Presiding Officers as late as the day  
27. before the Governor issued the call. We've been here in this  
28. Special Session long enough to know what is the attitude of  
29. our two respective sides. It seems to me, at least from my view-  
30. point, of what is the attitude of the members of this side,  
31. and simply stated the attitude of this side, as I describe it,  
32. would be that the recommendation of the Governor for the full  
33. ninety-five million dollars of acceleration is not required to

1. do something meaningful for the schools of Illinois. That...  
2. and that our choice being limited to two increased revenue  
3. matters, one providing for an estimated thirty million dollars  
4. provided for in House Bill 4 and the other, the bill before  
5. us at this instant, providing for some sixty-five million  
6. dollars of increased revenue are our only choices. You take  
7. the position now that it's the full ninety-five or nothing.  
8. That is what has been communicated to me through your leader  
9. as your position just now. I want to urge you all that it is  
10. not too late to do something. There are not sufficient votes  
11. here to...to enact this bill. There are the votes here to  
12. enact House Bill 4, and I would point out that as long as we  
13. are here and as long as there is a sufficient majority to  
14. agree that the opportunity to do something meaningful for  
15. education is a possibility. As long as we are here the oppor-  
16. tunity to do something meaningful is a possibility. The Governor's  
17. recommendation is to appropriate an additional fifty million  
18. dollars. Now, that can't be cut into either of the revenue  
19. possibilities separately. The option is to, as far as we view  
20. it, to accept one of the revenue measures and utilize the revenue  
21. that is produced by it to assist in resolving some of the very  
22. serious problems facing the school districts of Illinois. One  
23. of which, of course, is the largest school district of Illinois,  
24. that very frankly of...as a result of its own decisions has very  
25. seriously complicated its circumstance, and we are willing to  
26. be understanding and in the amendment that we were denied the  
27. opportunity even to consider directly. We make provision for  
28. the largest school district in Illinois to have subtracted from  
29. its State School Assistance over a three year basis the money  
30. that it failed to qualify for when it did not meet the criteria  
31. of a hundred seventy-six school days in the school year 1975-76.  
32. We're willing to spread the adjustment that results from that  
33. determination on its own motion to spread it over a three year

1 period. We are willing to provide that the deduction that  
2 will be made for school years of 1976-77, and thereafter  
3 that a prorata deduction be the law of Illinois hereafter  
4 rather than the one percent per day deduction that occurs  
5 now as a result of a law passed a good many years ago.  
6 And, incidentally, I recall the debate at the time that one  
7 percent penalty was enacted into the law. If you could per-  
8 mit just a momentarily a personal digression. I represented  
9 the Sunberry School District in Livingston County at a time  
10 when the administrator improperly calculated their school  
11 year as a result of snow days. It's a small rural district  
12 in the northern part of Livingston County, and in those  
13 days if you didn't meet the minimum requirement you lost it  
14 all, and when the State Office calculated their qualification,  
15 they were denied their entire amount of State aid. I called  
16 that problem to the attention of the School Problems Commission.  
17 That was back in the biennial Session days. We weren't here  
18 all the time and their recommendation after hearings through-  
19 out the State, was that that, of course, was oppressive. In  
20 the next Session we enacted a change in the School Assistance  
21 Law with respect to qualification for it that the one hundred  
22 seventy-six days would be subtracted if...if the one hundred  
23 and seventy-six days were not met that there would be a deduction  
24 from the qualification because it was the State policy to en-  
25 courage the full one hundred seventy-six days, and that has  
26 been the law until now and that is the law still, although it  
27 is at present being litigated. We feel quite sincerely that  
28 when a principle is involved, that when a contractual relation-  
29 ship occurs, that to react and amend it on an ex post facto  
30 basis is inimical to the stability of an organized society,  
31 and in fact that the sovereign does have the option to pro-  
32 scribe performance and qualification for the distribution of  
33 its assistance to its lesser public bodies in an effort to inspire

1. and achieve a determined level of excellence. But, this  
2. side of the aisle is compassionate and we know that the  
3. single largest school district of Illinois has extremely  
4. difficult problems and we are willing to prospectively  
5. adjust the present deduction for a locally determined de-  
6. cision not to meet the State proscribed minimum number of  
7. days for educational fulfillment, and we are willing to  
8. make it easier to absorb the provisions of a preexisting  
9. contractual relationship. And we are willing to spread  
10. thirty million dollars that would be provided by the passage  
11. of House Bill 4 into the School Aid Formula in a fashion  
12. that would aid all of the school districts of the State or  
13. harm none. That is really the matter that is before us.  
14. Whether, in fact, a sufficient majority of this Body joined  
15. in by our colleagues in the House, will enact a partial effort  
16. to assist the schools of Illinois. House Bill 5...I'm sorry,  
17. House Bill 1, in its present form, will cost, if fully im-  
18. plemented, a hundred five million dollars. It is the attitude  
19. of this side of the aisle that we should discontinue the mockery  
20. of writing goodies into the School Aid Formula if we're not  
21. going to fully fund it. We are already a hundred ten million  
22. dollars underfunded with respect to what the State's obliga-  
23. tion is to fulfill the present law. We're not going to be a  
24. part of a program that will continue not to fund, in this in-  
25. stance, fifty-five million dollars of public policy and only  
26. provide fifty million dollars to pay that one hundred and five  
27. million dollar bill. We're not going to be a part of that.  
28. But, we will join in the acceleration of thirty million dollars  
29. of money due the State and spread that in a direct relation-  
30. ship. Thirty million dollars of increased revenue, thirty  
31. million dollars worth of increased assistance to the school  
32. districts of Illinois. That's fundamentally responsible and  
33. we will cure some significant problems. Am I to believe that

1. with you it is all or nothing? I hope not. I hope not.  
2. We have an opportunity now. We're here. Our colleagues  
3. in the House are here. The Governor is keeping himself  
4. readily available to communicate and see if we can't work  
5. out an alternative that is, in fact, meaningful and responsi-  
6. ble that we can, in fact, fully fund. We urge you to  
7. accept our proposal. It has much in it that is good.  
8. Thank you, Mr. President.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Berning. Senator Nimrod. Senator Hynes.

11. SENATOR HYNES:

12. Mr. President and members of the Senate. Senator Netsch,  
13. I think, put her finger on the issue and made the most signifi-  
14. cant point in the debate, namely, that the time is now. We  
15. have been debating and discussing and negotiating with respect  
16. to modification of the School Aid Formula since last April and  
17. even earlier. We have gone through every conceivable kind of  
18. approach and we emerged in June with a proposal that we thought  
19. was workable. This proposal before us today, this package, is  
20. a further modification of that and I think the time has come  
21. for us to cast a vote for what is an extremely reasonable pro-  
22. posal and is, in fact, Senator Harris, a compromise. It does  
23. not give anyone everything that he would ask for, but it gives  
24. a great deal of assistance to all of the schools of this State.  
25. It builds in permanent long term formula changes that are going  
26. to benefit the school districts of all of the members on that  
27. side of the aisle that have been speaking against this proposal,  
28. and you're going to have a difficult time explaining how you  
29. voted against those changes, if you do. And make no mistake that  
30. this bill is pivotal to the entire package. Without this bill  
31. the package is meaningless. I might point out, and I think it  
32. is further evidence of the fact that we...we do, indeed, have  
33. a true compromise here and it is the bill that is going to be

1. passed or we're going to, unfortunately, end up without doing  
2. anything for the schools. There are some on that side of the  
3. aisle that say this proposal gives too little to the schools.  
4. Many of you supported Senator Fawell's ...amendment to  
5. add forty-five million dollars. There are some on that side  
6. of the aisle that says that it gives too much to the schools  
7. and supported Senator Shapiro and Senator Glass in their efforts  
8. to reduce it to thirty million dollars. Others say that the  
9. amount is right, but there's too much revenue coming in, which  
10. I think was Senator Harris' point, and I think many of you, if  
11. we look at the record, have taken all three positions. The  
12. fact of the matter is, that this proposal comes right down the  
13. middle. It does something for the problems of every school  
14. district in this State. It is an equitable solution to the  
15. problem. More than that, it is the only practical chance we  
16. have to do anything and anyone who persists in saying that  
17. something else can be done simply does not understand the  
18. situation. Finally, the Minority Leader repeatedly indicated  
19. that the other side of the aisle has compassion for the largest  
20. school district in the State and I'm certainly happy to hear  
21. that and I would like to ask that you demonstrate that by  
22. voting Aye on this bill.

23. PRESIDING OFFICER: (SENATOR DONNEWALD)

24. Senator Graham. Senator Knuppel.

25. SENATOR KNUPPEL:

26. Well, when we left here a week ago, Gentlemen, I thought  
27. I heard..the last words I heard ringing in my ears were those  
28. words that said they thought they had a...fellow compromise  
29. percolating somewhere here in this Body. I remember a well-  
30. known politician used to say - he smelled the meat a cooking.  
31. Well, I don't smell the coffee perking and it looks to me like  
32. we're going to go out of here today with...without accomplish-  
33. ing anything and...and it's the school children...children who are caught

1. in the middle. I don't see where we've changed our position  
2. on this side of the aisle and I see very little change in  
3. the position on that side of the aisle. I think this is un-  
4. fortunate. I still think what I suggested a week ago is  
5. still the best solution. It comes close to what Senator  
6. Fawell proposed this morning and that is the whole ninety-five  
7. million dollars and from a tax speedup should be earmarked  
8. for education whether it's spent in the Veto Session when we  
9. return or whether it's spent by the fifty million dollars now,  
10. and if something is left over it should go to next year in an  
11. earmarked condition. It doesn't seem like the total group,  
12. the majority of the Body, has been moved toward this central  
13. position and, therefore, I think each of us are going to have to  
14. vote one way or the other and you're caught in a...in a position  
15. where...whatever you vote for may not be entirely palatable to  
16. you, but I don't feel, as I say, that...that the coffee has  
17. perked very much.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Fawell.

20. SENATOR FAWELL:

21. Well, I'll try not to repeat some of the points that have  
22. been made, but I've consistently heard the word compromise  
23. and it seems to me that this really hasn't taken place, at least  
24. as far as this side of the aisle is concerned, because first  
25. we have been told that it shall be nothing except what is in  
26. House Bill 3518, and I think, with all due respect to the  
27. ruling that was made by the Chair, that that is a very questionable  
28. ruling. So, there's no compromise there whatsoever, and I  
29. think you'll recall that the construction of 3518, which is  
30. now House Bill 1, was constructed over there. We have had no  
31. opportunity to really partake in what you call a compromise,  
32. and one must remember that it takes thirty-six votes so, for  
33. the first time, perhaps this Session, there is some deference



1 that you must pay to this side of the aisle and I...in...in  
2 all reasonableness say to you...you have not really approached any-  
3 body here to try to, in the spirit of compromise, to do some-  
4 thing about this perplexing problem, and then when it comes  
5 to the appropriation where words of restriction do not exist  
6 you tell us the same thing. It shall be what you want and  
7 that's all that it shall be. Senator Harris pointed  
8 out a number of salient points. He said that there was only  
9 going to be fifty million to fund the cost of one hundred  
10 and five million, not even that much, because what you're  
11 really doing is to take twenty-five million to fund the  
12 formula changes for just this year and then you have added  
13 costs for next fiscal year. So, you have twenty-five million  
14 to fund what I look at as really being closer to a hundred  
15 and eleven million and then you come along and say - well,  
16 we put another twenty-five million so we can guarantee that  
17 we know a lot of districts are going to come out short here  
18 so, at least you won't get less than what you got the previous  
19 year. There's an admission right there, of course, that an  
20 awful lot of districts in this inflationary time that had,  
21 as I have indicated, been cut on local taxes severely by the  
22 assessed evaluations, the rollback and so forth that you're  
23 not going to get anything more even though your costs are  
24 spiraling and everything else. We're going to fund, hypocritically,  
25 a one hundred and eleven million dollar price tag by twenty-  
26 five million dollars. What you're really saying is, that you're  
27 going to redistribute the money that basically is available and  
28 then you've got some leeway here for the City of Chicago worked  
29 in insofar as that twenty-five million is concerned. Now,  
30 maybe you think we're not reasonable on this side of the aisle,  
31 but to come back and say we would fund thirty million for a  
32 thirty million dollar cost I don't think is irrational at all.  
33 It's...it's one solution that at least you ought to be able to

1 sit down with us and discuss it or the solution that I  
2 have suggested that we have put ninety-five million dollars  
3 in there and adopt the bill that you will not let us change  
4 even one little dot, and we'll at least have ninety-five  
5 million dollars behind what you admit is at least a one  
6 hundred and five million dollar price tag this year. Now,  
7 I don't think that that is an unreasonable reaction on this  
8 side of the aisle. So, that when you say, Senator Hynes,  
9 that this is a compromise, it is not. It is arbitrarily  
10 and capriciously put on us and you say - either do it or  
11 you won't have anything at all. And I almost...I'm of the  
12 opinion that we best wait until Mr. Thompson takes office  
13 right around the first of the year and then let him take a  
14 look at this situation, I believe, much more rationally when  
15 you do have somebody of the opposite party sitting in the  
16 Executive Office that may be able to bring about what really  
17 can be a compromise. I also reiterate that if we were to  
18 take the view that we're going to put the full ninety-five  
19 million in I think you'd have sufficient votes on this side  
20 of the aisle to do something and if you took the other view  
21 that we're going to fund rationally thirty million for a  
22 thirty million cost you'd have enough votes. I think this way  
23 we may all go home without having done anything.

24 PRESIDING OFFICER: (SENATOR DONNEWALD)

25 Senator Partee.

26 SENATOR PARTEE:

27 At the beginning of this debate, Mr. President, Senator  
28 Netsch had something in her throat and started to choke and I  
29 thought it was very symbolic because it portended what a lot  
30 of people here are doing who are going to vote No on this bill,  
31 they are choking. I hadn't heard anyone mention candidates until  
32 the last speaker mentioned a gentleman from Chicago who is a  
33 candidate who he said would be the Governor next January. I

1. had hoped that this debate could have been bereft of that  
2. kind of crass politics. Yes, I said earlier that...yes, I  
3. said earlier that I thought perhaps it would be in the best  
4. interest of the Legislature to defer action on this matter  
5. until November 17th. I said that one day, because I just  
6. sort of envisioned that what would happen is that which is  
7. happening now. However, my counterpart was asking in various  
8. places that there be a Special Session and a Special Session  
9. has been called. A compromise proposal is where we are and  
10. I suppose what we're looking for when we keep talking about  
11. compromise is a compromise on a compromise. Now, I didn't  
12. write the Constitution of Illinois. I voted for it. I took  
13. an oath to uphold it, I jealously guard my right to uphold  
14. the Constitution as I see it and as I expressed myself this  
15. morning, it did cause me some momentary concern to make the  
16. ruling that we made but, on the basis of my training in law  
17. and on the basis of a clear reading of the Constitution, there  
18. was no alternative open except the one we took. Someone says  
19. that we're not unreasonable. I will not question whether you  
20. are reasonable or unreasonable. I'll leave that to your in-  
21. dividual assessments and to the assessments of those who have  
22. the obligations of making that kind of determination and con-  
23. veying that assessment to the public, but I will say that you  
24. are inconsistent of the various proposals offered here by  
25. way of rhetoric, by way of amendments, by way of discussion.  
26. You have been all over the lot and when Senator Harris seeks  
27. to synthesize your position I give him a great deal of credit  
28. in saying that your position is this or that, because as I  
29. listened to you today and as I read the transcript tomorrow,  
30. it is obvious to me that you have no position of firmness.  
31. Some of the proposals were, you said, too little and others  
32. you said were too much, others you said there was too much  
33. revenue. One of you says that thirty million dollars is just

1. fine, another says that ninety-five is what it ought to be  
2. under certain conditions and circumstances. Senator Wooten  
3. mentioned two things that are very, very important. I want  
4. to reemphasize, and this does not denigrate all of the things  
5. that were said by, certainly, Senator Netsch and Senator  
6. Hynes, but, he said two things that there is first of all  
7. no tax increase involved here and secondly, that this is money  
8. that belongs to the State. Yes, it belongs to the State and  
9. if you have a desire to say to school children - there is  
10. money due and owing to the State, but we are not going to give  
11. it to you before an election because it somehow has an affect  
12. on our political future. I think you do a disservice to  
13. every child in this State. Let me suggest to you, that, I am  
14. very aware, painfully aware, that it requires thirty-six votes  
15. to pass this bill. I want you to be aware that there are  
16. thirty votes on this side of the aisle that are going to vote  
17. for this bill and you explain, if you desire, why of the twenty-  
18. five remaining votes in this Assembly, not six of them would  
19. vote for the school children of this State and would rather  
20. go home and let it hang loose. This may well be your last  
21. chance to vote on this series of bills. This is not a threat,  
22. but it is a distinct possibility. We've been down here for  
23. quite a long while now. After the Session was called, I ex-  
24. pressed the desire that two hundred and thirty-six people who  
25. had been all over this State telling people what wonderful  
26. Representatives and Senators they were, telling people in their  
27. district that they were the one person who ought to be here  
28. to solve their problems, and I dare say not one of that two  
29. hundred thirty-six has ever looked the eye...looked into the  
30. eye of an audience when they were campaigning and did not say  
31. - that schools are my number one priority and we'll vote the  
32. money for your schools. This is a part of America. Our schools  
33. are as American as apple pie and we will certainly be supportive.

1. Give us six votes of your twenty-five and let's get moving.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Is there further discussion? Senator Netsch may close  
4. the debate.

5. SENATOR NETSCH:

6. Thank you, Mr. President. Senator Harris said that he is  
7. ready to support something both meaningful and responsible.  
8. I've never heard any very serious dispute that the package  
9. represented by House Bills 1 and 2 is a meaningful package.  
10. It provides both extremely important aid to downstate and  
11. suburban school districts and some extremely needed relief  
12. for the Chicago School District. It is meaningful, so the  
13. dispute must be whether it is responsible. As I understood  
14. Senator Harris he said that he could support House Bill 3  
15. which provides thirty million dollars of additional revenue  
16. to help..this fiscal year, to help fund some school proposal,  
17. but it's a matter of simple mathematics, Senator Harris.  
18. Thirty million dollars does not equal fifty million dollars of...  
19. of additional appropriation. It simply does not match and so  
20. I would like to offer you a last chance for a compromise which  
21. comes completely from myself and that is this. Fifty million  
22. dollars is the appropriation in House Bill 2 which we will  
23. support and we expect we would find some eager supporters on  
24. your side also. Sixty-five million dollars is the additional  
25. revenue in House Bill 5 which is presently before us. At least  
26. House Bill 5 will cover the added fiscal drain on the State of  
27. Illinois if we pass the additional school aid bill. House Bill  
28. 3 will not do that. If it is only House Bill 3 we get we cannot  
29. have the added school aid. So, let's try this. Vote Yes on  
30. House Bill 5. Give us enough money to cover the fifty million  
31. dollars appropriation in the House Bill 1 and 2 package then if  
32. you don't want to vote for House Bill 3 well, you can take that  
33. up when we get to House Bill 3 and reconsider your position on

1. that at the time, but if you don't vote for this one we will  
2. never get to House Bills 1 and 2.

3. PRESIDING OFFICER: (SENATOR DONNEWALD)

4. The...the question is, shall House Bill 5 pass? Those  
5. in favor vote Aye. Those opposed Nay. The voting is open.  
6. (Machine cutoff)...voted who wish? Have all those voted who  
7. wish? Take the record. Senator Netsch. Senator Netsch re-  
8. quests postponed consideration. Consideration is postponed.  
9. Just a moment. Just a moment. Senator Netsch.

10. SENATOR NETSCH:

11. ...I have the absentees first?

12. PRESIDING OFFICER: (SENATOR DONNEWALD)

13. The record has been taken, Senator. It is...Senator  
14. Welsh.

15. SENATOR WELSH:

16. Mr. President, I request a Democratic Caucus. It won't  
17. take more than ten minutes, in the President's Office immediately.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. There will be a recess for ten minutes. The Democratic  
20. Caucus will be held in the President's Office. The Senate  
21. stands in recess.

22. (Recess)

23. (After Recess)

24. PRESIDING OFFICER: (SENATOR DONNEWALD)

25. (Machine cutoff)...will come to order. Resolutions.

26. SECRETARY:

27. Senate...Senate Joint Resolution No. 1, introduced by  
28. Senator Rock.

29. (Secretary reads SJR No. 1)

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Senator Rock.

32. SENATOR ROCK:

33. Thank you, Mr. President. With leave of this Body, I would

1. ask that the Journal reflect the fact that Senator Dougherty  
2. is absent due to illness and Senator Buzbee is absent due  
3. to service in the Armed Forces Reserve, and I would this...  
4. this time move that the Senate, pursuant to that adjourn-  
5. ment resolution, do, in fact, stand adjourned until Wednesday  
6. at 10:00 a.m.

7. PRESIDING OFFICER: (SENATOR DONNEWALD)

8. The motion is to adopt the resolution. All those in  
9. favor indicate by saying Aye. Those opposed. Senator Ozinga,  
10. for what purpose do you arise?

11. SENATOR OZINGA:

12. I had a resolution on the Desk that I would like to get  
13. in before we get in this adjournment resolution, which  
14. was agreed upon pretty much by leadership a couple  
15. of days ago.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. This is just adopting the adjournment resolution, Senator.  
18. The motion will be put after your resolution.

19. SENATOR OZINGA:

20. All right.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. The question is, shall the adjournment...Senate Joint  
23. Resolution 1 be adopted? Those in favor indicate by saying  
24. Aye. Those opposed Nay. The Ayes have it. The resolution is  
25. adopted. And the record will show that Senator Hickey is also  
26. absent due to commitments. Senator...Resolutions.

27. SECRETARY:

28. (Machine cutoff)...Resolution No. 24, introduced by  
29. Senator Ozinga and all Senators.. It's congratulatory.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Before we recognize Senator Ozinga - Illinois is leading  
32. 17 to 6 in the fourth quarter. Senator Ozinga.

33. SENATOR OZINGA:

1. That's good news too. This is merely a congratulatory  
2. resolution congratulating Frank Shirey Cadillac Company from  
3. having made available to all of the facilities in the area  
4. of Cook County and other parts of the State these three  
5. red, white and blue Cadillacs, Eldorados for parade purposes,  
6. and I would move for suspension of the rules for immediate  
7. adoption.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Ozinga moves for the suspension of the rules  
10. for the immediate adoption of the resolution. All those  
11. in favor indicate by saying Aye. Those opposed Nay.  
12. The Ayes have it. Senator Ozinga now moves for the immediate  
13. adoption of the resolution. Those in favor indicate by saying  
14. Aye. Those opposed Nay. The Ayes have it.

15. SECRETARY:

16. Senate Resolution No. 25, introduced by Senators Joyce,  
17. Mitchler and all Senators. It's congratulatory.

18. PRESIDING OFFICER: (SENATOR DONNEWALD)

19. Senator Joyce moves for the suspension of the rules and  
20. immediate adoption of the resolution. All those in favor in-  
21. dicate by saying Aye. Those opposed Nay. Senator Joyce now  
22. moves the resolution...the rules are suspended. Senator Joyce  
23. now moves for the immediate adoption of the resolution. All  
24. those in favor indicate by saying Aye. Those opposed Nay. The  
25. Ayes have it. Resolution is adopted. Senator Rock moves the  
26. Senate stand adjourned until 10:00 o'clock Wednesday morning.  
27. The Senate stands adjourned.