

SEPTEMBER 23, 1976

1. PRESIDENT:

2. The hour of one...the hour of one having arrived, the
3. Senate will come to order. The prayer will be by Monsignor...
4. Monsignor John J. McGrath, St. Agnes Church, Springfield,
5. Illinois.

6. MONSIGNOR JOHN J. MCGRATH:

7. God our Heavenly Father, we thank you again for all the
8. blessings that you have bestowed upon each one of us. The good
9. things that we have received we express our grateful thanks, the
10. trials and tribulations that come into each of our lives, we ask for
11. the grace and the strength to make decisions that would be favor-
12. able to our constituency, favorable to our devotion and our
13. allegiance to you. We ask this through Christ our Lord.

14. PRESIDENT:

15. Reading of the Journals, Senator Johns.

16. SECRETARY:

17. ...Saturday, September the 18th, 1976.

18. SENATOR JOHNS:

19. ..Mr. President, I move that the Journal just read by the
20. Secretary be approved unless some Senator has additions or
21. corrections to offer.

22. PRESIDENT:

23. Heard the motion, all in favor will say Aye. Opposed Nay.
24. The Ayes have it. The motion carries. Senator Johns.

25. SENATOR JOHNS:

26. Mr. President, I move that reading and approval of the
27. Journal of Wednesday, September the 22nd, 1976, be postponed pending
28. arrival of the printed Journal.

29. PRESIDENT:

30. You heard the motion. All in favor will say Aye. Opposed
31. Nay. The Ayes have it. The motion carries. The House has just
32. gone in Session. Hopefully, they will be dealing with the bills
33. which we have sent there and they will be returning it to us in

1. a few moments perhaps. In any event, the House will...the Senate
2. will...remain at ease till we have our message from the House.
3. Recess...Senator Graham.

4. SENATOR GRAHAM:

5. I rise for the purpose of making an...an announcement,
6. Senator, so that it'd be reflected in the record that Senator
7. Weaver was here until ten minutes to twelve about, this morning
8. and received word that his father-in-law did pass away. He is
9. being laid out in the Weaver-Henderson Funeral Home in Urbana.
10. Visitation will be Sunday, nine...from...Sunday the 26th, from
11. two to four. Family requests that memorials, in case someone
12. is...so desires, would be made to the Cancer Fund. I want the
13. record to show and I'm sure that all of us join together in
14. extending to Mrs. Weaver and the Weaver family our condolences.

15. PRESIDENT:

16. We certainly do. Senate will stand in recess till the
17. call of the Chair.

18. (RECESS)

19. (AFTER RECESS)

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senate will come to order. Message from the House.

22. SECRETARY:

23. Message from the House by Mr. O'Brien, Clerk.

24. Mr. President - I am directed to inform the Senate
25. that the House of Representatives has refused to concur with
26. the Senate in the adoption of their amendment to a bill with
27. the following title: House Bill 5, which amendment is Amendment
28. No. 2. Nonconcurrent in by the House September 23rd, 1976 at
29. the Sixth Special Session.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Netsch.

32. SENATOR NETSCH:

33. Mr. President, it is my motion and hope that the Senate will

1. refuse to recede from Amendment No. 2 to House Bill 5 and request
2. the appointment of a Conference Committee.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Okay. You've heard the motion. All those in favor signify
5. by saying Aye. Those opposed. The Ayes have it. The motion
6. carries, and the House...the Secretary will...so inform the
7. House. The Senate will stand in recess until the call of the
8. Chair which we expect will be...a little after three-thirty.

9. (RECESS)

10. (AFTER RECESS)

11. PRESIDING OFFICER: (SENATOR ROCK)

12. The Senate will come to order. Leave of the Body,
13. we'll go to the order of Conference Committee Reports. Is
14. leave granted? So ordered. Just for the benefit of membership
15. so that we can stand at ease, the Conference Committee Report
16. has, in fact, been...prepared and signed. We are now having
17. it duplicated so all the members will have an opportunity to
18. read it. I would hope that everybody would stay where they
19. are so that they can receive a copy and read it at their leisure.
20. The Senate will come to order. On the order of Conference
21. Committee Reports, Conference Committee Report on House Bill
22. 5.

23. SECRETARY:

24. First...First Conference Committee Report on House Bill 5.
25. Senator Netsch is the sponsor.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Netsch.

28. SENATOR NETSCH:

29. Thank you, Mr. President. I will move that we adopt the
30. First Conference Committee Report on House Bill 5. Let me first
31. of all explain briefly what is in the Conference Committee Report.
32. First of all, the twenty-five thousand dollar threshold for sales
33. tax collections that the Senate adopted has now been accepted by

1. both Houses and that will be effective immediately which is to
2. say, beginning November the 1st. The... a second threshold has now
3. been compromised at ten thousand. It was... twelve thousand when
4. it left this House originally. That was not agreed to by the
5. House on the other side and that the Conference Committee Report now
6. reflects the compromise. It is at ten thousand and that will
7. be effective on July 1, 1977. That means that we are talking
8. about additional revenue this year from this bill of approximately
9. twenty million dollars and we have built into the bill, the
10. potential for an additional revenue resource of between twenty-five
11. and thirty. Our best estimate is about twenty-eight million
12. dollars when the second threshold becomes effective on July 1,
13. 1977. The Conference Committee Report was signed by eight of
14. the ten members of the Conference Committee Report and I think
15. represented a fair exchange and a fair reconciliation of points
16. of view. I will move that it be adopted by the Senate. If
17. there is debate or discussion first, I'll be happy to answer
18. questions.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Any discussion? Senator Philip.

21. SENATOR PHILIP:

22. Thank you, Mr. President. I have a copy of the Conference
23. Committee Report and I don't see anybody signing my copy at all.
24. And I'm just wondering if there's a purpose behind that or
25. who signed it, who didn't sign it. Mine is completely blank.
26. Now, I could understand why...

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Well, we did, in fact, I am told, have a mixup with
29. respect to copies of the Conference Committee Report. There are
30. copies here on the Secretary's Desk. Just hand Senator Philip
31. a copy, will you please? There are copies... there are copies
32. available with the eight signatures and I... Sergeant-At-Arms
33. has copies, the Secretary has copies. There are copies upon
34. copies. Well, apparently, somebody passed out the wrong copies.

1. They were informational copies without signature. We had copies
2. made of the report as adopted by the Conference Committee and that's
3. the one you should have on your desk. I'm sure you will find
4. them identical. Further discussion? Senator Harris.

5. SENATOR HARRIS:

6. I just...for the record and I'm not hassling it, but
7. I just want to comment that this combination in House Bill
8. 5 now, I think, will comfortably produce immediately the
9. twenty million. In fact, it's...it's my belief that it will
10. produce more than twenty million. I don't want to take
11. up time later on, but I would just also comment that I think the
12. thirty-five million that is anticipated, at least from my viewpoint
13. with respect to the acceleration of the withholding, clearly
14. makes the fifty million appropriation justifiable and I just
15. hope that the future does prove that more than the fifty to
16. fifty-five million will be produced and to that extent it will
17. ease the cash flow problem that we all expect in January,
18. February and March to be quite critical. I'll leave unsaid
19. why the cash flow problem will be so critical. You know, I don't
20. want to get into management and those things.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Any further discussion? Senator Nimrod.

23. SENATOR NIMROD:

24. Yes, Mr. President and fellow Senators. I concur with what
25. Senator Harris has said about there being more money than we
26. think there's going to be. And in that sense, this bill is totally
27. unnecessary. In order to fund the fifty million dollars, it
28. certainly is...is very evident to me from the figures that I have
29. and the information that I have that the withholding tax alone
30. will bring us the fifty million dollars. And what we're really
31. doing with this bill as it is presently, is bringing in ninety
32. to ninety-five million dollars in additional money and of this
33. some seventy-five...seventy to seventy-five that will be available

1. when they...when the bill is implemented and it seems to me
2. that this is totally unnecessary and I certainly feel that it's
3. ...it's not the kind of bill that we ought to be passing if
4. you really want to fund the fifty million dollar program that
5. you're talking about.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Further discussion? Senator Netsch may close the debate.
8. Senator Netsch has expressed the desire for a roll call.
9. The question is shall the Senate adopt the Conference Committee
10. Report on House Bill 5? Those in favor will vote Aye.
11. Those opposed will vote Nay. The voting is open. Senator Harris,
12. for what purpose do you arise?

13. SENATOR HARRIS:

14. Parliamentary inquiry. How many votes does this bill...
15. this Conference Committee Report take?

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Conference Committee Report, as I understand it, has an
18. immediate effective date. It will require thirty-six affirmative
19. votes.

20. SENATOR HARRIS:

21. Not an immediate effective date.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. November 1st.

24. SENATOR HARRIS:

25. Prior to...

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Prior to July 1...

28. SENATOR HARRIS:

29. Yeah.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. ...of the next Calendar year. Yes, Sir.

32. SENATOR HARRIS:

33. As a matter-of-fact, I think it's a November 1st effective

1. date. Is it not...

2. PRESIDING OFFICER: (SENATOR ROCK)

3. That is correct.

4. SENATOR HARRIS:

5. Yes. Thank you.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Have all voted who wish? Take the record. On that
8. question, the Ayes are 37, the Nays are 12, none Voting Present.

9. The Senate does adopt the Conference Committee Report on
10. House Bill 5 and the bill having received the affirmative vote
11. of three-fifths of the members elected, is effective...is
12. effective immediately upon the date set forth therein, and having
13. received the...required constitutional majority is therefore
14. declared passed. Senator Ozinga, for what purpose do you arise?

15. SENATOR OZINGA:

16. Well, I don't know what purpose it really would be, but
17. I'm just wondering if I could possibly have a copy of this roll
18. call?

19. PRESIDING OFFICER: (SENATOR ROCK)

20. I'm sure that will be provided to you, Sir. With leave of
21. the Body, we will go to the order of House Bills on 3rd reading.
22. If you will turn to your Calendar, House Bills on 3rd reading.
23. Mr. Secretary, House Bill No. 3. Read the bill Mr. Secretary.

24. SECRETARY:

25. House Bill 3

26. (Secretary reads title of bill)

27. 3rd reading of bill.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Bruce.

30. SENATOR BRUCE:

31. Thank you, Mr. President. We've had a discussion of this
32. bill in the past. This is a bill that accelerates the withholding
33. on employers who have a withholding tax liability in excess

1. of five hundred dollars. They would make payments on the
2. 7th, 15th, 22nd, and the last day of the month. Presently would
3. apply only to employers who have a hundred dollar withholding
4. amount due and they were presently paying on a monthly basis.
5. This would accelerate that to be on a weekly basis. Also, the
6. bill requires that corporations will file their income tax
7. returns one month earlier on the 15th of March, rather than on
8. the 15th of April. The anticipated additional revenue in this
9. fiscal year is thirty million dollars and it also with the
10. changing the corporate returns will help the cash flow problems
11. in March. With that very brief explanation and...October 1st
12. effective date, I would ask for a favorable roll call, Mr.
13. President.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Is there any discussion? ...Senator Harris.

16. SENATOR HARRIS:

17. Just a question. How many votes does this bill require?

18. PRESIDING OFFICER: (SENATOR ROCK)

19. This bill will require thirty-six affirmative votes.

20. Question is, shall House Bill 3 pass? Those in favor will vote

21. Aye. Those opposed will vote Nay. The voting is open. Have

22. all voted who wish? Take the record. On that question, the

23. Ayes are 38, the Nays are 10, none Voting Present. House Bill

24. 3 having received a constitutional majority is declared passed, and the

25. bill having received the affirmative vote of three-fifths of

26. the members elected is effective immediately upon its becoming a

27. law. On the order of House Bills on 3rd reading is House Bill 4.

28. Senator Bruce. Read the bill, Mr. Secretary.

29. SECRETARY:

30. House Bill 4

31. (Secretary reads title of bill)

32. 3rd reading of the bill.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Bruce.

2. SENATOR BRUCE:

3. Thank you, Mr. President. This is a...a bill that's been
4. before this Body three separate times. It is the penalty for
5. underpayment or late payment of withholding taxes, a companion
6. bill to the bill we just passed, a five percent penalty for
7. late payment of withholding if the amount withheld is ninety
8. percent or less than the amount actually due. There is no
9. penalty if the taxpayer shows that a failure to pay promptly is
10. ...is due to reasonable cause and not due to willful neglect.
11. The bill is effective October 1st, 1976. It will require
12. three-fifths vote as I understand the rules of this Body.
13. Ready to go.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Any discussion? Question is, shall House Bill 4 pass?
16. Pardon me, Senator Nudelman, for what purpose do you arise?

17. SENATOR NUDELMAN:

18. Would the sponsor yield for a question?

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Indicates he will yield. Senator Nudelman.

21. SENATOR NUDELMAN:

22. As I read the bill, it's just contrary to how it was
23. explained. It...it...there need not be a willful failure to
24. pay for there to be a penalty. Says if...there...if there is
25. a willful failure to pay, then there is one penalty which is
26. already in the Act if you...Section D and so forth, but if there
27. is a nonwillful payment to pay, there is still a penalty, I guess
28. with less...less strict provisions, but nevertheless a penalty.
29. Is that not correct?

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator Bruce.

32. SENATOR BRUCE:

33. That is correct. They would still would pay the five percent

1. if their...if their payment was less than ninety percent of
2. what was due. You're only penalized on a difference between
3. ninety percent and one hundred percent. If there is willful
4. cause, obviously you will pay a penalty.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Nudelman.

7. SENATOR NUDELMAN:

8. Well, if there's nonwillful cause, you pay a penalty.

9. It says...it says in the bill.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Bruce.

12. SENATOR BRUCE:

13. Well, it also indicates that...you can have a showing
14. of reasonable cause of failure to pay. Am I not...okay.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. All right, any further discussion? Then the question is,
17. shall House Bill 4 pass? Those in favor will vote Aye. Those
18. opposed will vote Nay. Passage requires thirty-six affirmative
19. votes. The voting is open. Have all voted who wish? Take
20. the record. On that question, the Ayes are 38, the Nays are
21. 11; none Voting Present. House Bill 4 having received a con-
22. stitutional majority is declared passed, and the bill having
23. received the affirmative vote of three-fifths of the members
24. elected is effective immediately upon the date stated therein.
25. Senator Harber Hall, for what purpose do you arise? We are on
26. the order of House Bills on 3rd reading.

27. SENATOR HARBER HALL:

28. Mr. President, I'd like the record to show that I was off
29. the Floor at the time that House Bill 3 was called, and had I
30. been here, I would have voted for it.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. The record will so show. On the order of House Bills on
33. 3rd reading, House Bill 1. Read the bill, Mr. ...Senator Brady,

1. do you wish this bill called? All right, read the bill,
2. Mr. Secretary.

3. SECRETARY:

4. House Bill 1

5. (Secretary reads title of bill)

6. 3rd reading of the bill.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Brady.

9. SENATOR BRADY:

10. Yes, Mr. President and fellow members, this has been the
11. much debated House Bill No. 1 of the Sixth Special Session
12. introducing the formula revision changes in the School Code.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Discussion? Senator Shapiro.

15. SENATOR SHAPIRO:

16. Mr. President and Ladies and Gentlemen of the Senate, I
17. know what I have to say may be futile and it's going to be repetitious,
18. but I think it bears repeating. Probably the crux of my
19. opposition to this entire package resides in House Bill 1 and
20. Senate Bill 1. This bill provides formula changes far in excess
21. of the amount of money that we are appropriating and because
22. we are doing this, we literally are taking twenty-five million
23. dollars of the taxpayers fund and just pouring them down a rat
24. hole. In other words, we are making formula changes so far
25. reaching and so profound that would hurt other school districts
26. that do not share in them. And as a result, we have to provide
27. a so-called twenty-five million of Whole Harmless. I want to
28. point out to this Body that in this fiscal year we have only
29. increased distribution to our State-aid...to our school districts
30. throughout the State by an additional thirty million dollars of
31. General Revenue Funds and here in order to fund partially and
32. only partially formula changes, we are appropriating an additional
33. twenty-five million and an additional twenty-five million for

1. Whole Harmless. We have other programs to consider as far as
2. funding is concerned. That includes Special Ed, school bus
3. transportation, school lunch program, gifted programs, which
4. we aren't even considering here which will add to the further
5. burden that this General Assembly is going to have to face...

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Pardon me, Senator. May we have some order, please. We
8. are on the order of House Bill 1. Senator Shapiro has the
9. Floor. Please continue.

10. SENATOR SHAPIRO:

11. ...All right. Thank you. In...and we're going to have to
12. face those problems in the next Session of the General Assembly.
13. By passing this type of a formula change and creating a liability
14. of this year of around a hundred and fifteen million and only
15. funding it with fifty million plus the hundred and ten million
16. that we are already short, it's going to take years to achieve
17. full funding of the State-aid Formula. I don't think that's a
18. wise action to take at this particular time. Also, in view of
19. the fact that the Illinois Office of Education has already
20. formed a task force to look into proposed changes in the State-aid
21. Formula and more than likely they will be coming in next Spring
22. with their recommendations. I think it's sheer folly to even
23. consider changes of this type at this particular point in time.
24. The State is in dire fiscal straits. We are going way over
25. board on formula changes. I happen to feel that we should make
26. only those changes that we can fund properly. I would urge
27. everyone to consider that. We are doing nothing but increasing
28. the probability and likelihood that this General Assembly in
29. the next Session is going to have to face a tax increase of some
30. type in order to provide the necessary dollars to fund these
31. changes plus the deficit. It's sheer folly. It should not be
32. done, and I would urge everyone who has an ounce of conscience
33. and a ounce of good faith toward the taxpayers of this State to

1. vote No on this bill.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Schaffer.

4. SENATOR SCHAFFER:

5. The sponsor would yield for a question?

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Sponsor indicates he will yield. Senator Schaffer.

8. SENATOR SCHAFFER:

9. I believe the bill still contains a reduction in the

10. penalty to be paid primarily by the school district from the

11. City of Chicago.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Brady.

14. SENATOR BRADY:

15. The bill presently reads that there is a change in the

16. statute in the penalty provision which in effect does affect

17. the City of Chicago. That's correct, Senator.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Senator Schaffer.

20. SENATOR SCHAFFER:

21. I believe it's what we call ex post facto effect. I'm not

22. a lawyer, I'm proud to admit that. I...I question that particular

23. clause. I question the validity of that particular clause, but

24. I'm going to support this bill even though I have serious reserva-

25. tions about that and about the points that Senator Shapiro has just

26. raised, but I want you to know that if I thought for a moment

27. that there was even one chance in three that the Supreme Court

28. would overrule that unbelievable decision that came out of the

29. courts in Chicago here a couple of weeks ago, I'd be probably

30. very reluctant to vote for it. So, I think in part, my Aye vote

31. is a vote of no confidence for the Illinois Judicial System,

32. and I might add a vote of no confidence for Superintendent Cronin

33. who I think is more interested in the school students in one part

1. of the State than he is in others, but otherwise I think the
2. bill does have merit and it does have favorable impact on my
3. district and I'm prepared to support it.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Further discussion? Senator Davidson.

6. SENATOR DAVIDSON:

7. Mr. President and members of the Senate, I'd like to rise
8. in support of this bill. Now, we've argued about school formulas...
9. we've talked school formulas since 1973, all four years I've
10. been here. This bill put together a better operation, better
11. opportunity for the downstate unit districts and all unit districts
12. and all school systems within the State of Illinois to fairer share
13. whatever monies available, and that's what this thing has
14. been all about, and I urge everybody to vote Aye on this bill.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Further discussion? Senator Graham.

17. SENATOR GRAHAM:

18. I don't want to say this to you. I hope those who have
19. tried to justify what is going to be their wrong action in the
20. very next few minutes will remember that we are now with our
21. proverbial financial pants clear off and I hope you got the
22. guts next year to vote for the income tax to provide the money.
23. It's going to be fun to watch it then.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Nimrod.

26. SENATOR NIMROD:

27. Yeah, Mr. President and fellow Senators, I think Senator
28. Shapiro has already stated that some of the reasons that I feel
29. very strongly against this bill, but I do want to point out
30. that I am very concerned about the rollback provision and the
31. declining enrollments within my districts and within the...the
32. suburban area. But I will tell you this, that this is too high
33. a price to pay, and certainly, I in no way can support this. It's

1. a rip-off against the suburbs. It give us nothing back. The
2. rollback costs nothing, and you've held it ransom all this
3. time, and I do think you do...a disservice to the people of this
4. State, and I do believe that as a result of these additional
5. funds which you're going to have to spend to have full funding, that
6. you're going to be faced with a income tax raise on the next year.
7. PRESIDING OFFICER: (SENATOR ROCK)

8. Any further discussion? Senator Palmer.

9. SENATOR PALMER:

10. Mr. President and members of the Senate, I am just happy
11. to say that I made it here to be able to vote for these bills,
12. and also to vindicate and substantiate what I told the local
13. press in my area and neighboring city. When they was asked...
14. when I was asked...all right, one sentence. I just want to
15. get one sentence...

16. PRESIDING OFFICER: (SENATOR ROCK)

17. You're out of order. You're out of order, Senator Knuppel.

18. SENATOR PALMER:

19. ...I just want to get...I just told him I wanted the
20. children to win.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Palmer has the Floor.

23. SENATOR PALMER:

24. I...I wanted the children to win and I'm glad they're...
25. they're winning. I vote Aye.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Further discussion? Senator Brady may close the debate.

28. SENATOR BRADY:

29. Yes, Mr....Mr. President and fellow members, I will sum up very
30. briefly by saying that what we have done here in the opinion of
31. many is create a more equitable formula for more members and
32. more school districts and more children throughout the State of
33. Illinois than any other method that could come about by way of

1. compromise. If this is an...an increase in liability on future
2. years, then it is an increase in liability that we will have to
3. fund and we'll have to pay for because quality education is
4. the primary goal that we sought after. We did not address
5. ourself to answer the question of the validity of the penalty
6. provision because we amended it back by taking out the spread
7. so that that was not answered in this question. At this time, I
8. would urge your favorable support on this bill.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. All right, the question is, shall House Bill 1 pass?
11. Those in favor will vote Aye. Those opposed will vote Nay. The
12. voting is open. Have all voted who wish? Take the record.
13. On that question, the Ayes are 37, the Nays are 10, none Voting
14. Present. House Bill 1 having received a constitutional majority
15. is declared passed, and the bill having received the affirmative
16. of three-fifths of the members elected is effective immediately
17. upon its becoming a law. There has been a request I'm...
18. Senator Harber Hall has requested a verification. Is he joined
19. by any other Senators in that request...sufficient number?
20. All right, will the members please be in their seats. Senator
21. Harber Hall has requested a verification. Will all the Senators
22. please be in their seats. The affirmative roll call I expect
23. you wish. All right...all right, that's second. He didn't ask
24. for both. ...Secretary will read the affirmative votes.

25. SECRETARY:

26. The following voted in the affirmative: Bloom, Brady, Bruce,
27. Carroll, D'Arco, Daley, Davidson, Demuzio, Donnewald, Egan, Fawell,
28. Glass, Kenneth Hall, Harris, Hynes, Johns, Joyce, Knuppel,
29. Kosinski, Lane, Lemke, McCarthy, Morris, Netsch, Newhouse, Nudelman,
30. Palmer, Rock, Roe, Savickas, Schaffer, Smith, Sommer, Vadalabene,
31. Welsh, Wooten, Mr. President.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. All right, the roll has been verified. The Ayes are 37.

1. All right, there has been...all right, just relax. There has
2. been...Senator Morris has requested a verification of the
3. negative votes. Will all the Senators please be in their seats,
4. especially those who are recorded Absent. Secretary will read
5. the negative votes.

6. SECRETARY:

7. The following voted in the negative: Bell, Graham, Harber
8. Hall, Latherow, Merritt, Mitchler, Nimrod, Philip, Regner,
9. Shapiro.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. All right. Senator Regner, present? Take him...Senator
12. Regner in the Chamber? Doesn't do anything. Strike him from
13. the roll. All right, the roll has been verified. On that
14. question, the Ayes are 37, the Nays are 9, none Voting Present.
15. House Bill 1 having received a constitutional majority is again
16. declared passed, and the bill having received the affirmative
17. vote of three-fifths of the members elected is effective immediately
18. ...upon its becoming a law. Yes, Sir. Senator Graham, for
19. what purpose do you arise?

20. SENATOR GRAHAM:

21. I wonder if the taxpayers lobby would be willing to submit
22. to the commission that's studying statutory rape if they'll
23. take a look into what happened here today.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. I am sure that the gentleman from the Taxpayers Federation
26. is in the gallery. I'm sure that he will bring that message home.
27. On the order of House Bills on 3rd reading is House Bill 2.
28. Senator Johns, for what purpose do you arise?

29. SENATOR JOHNS:

30. Mr. President, I'd like to move to reconsider the vote
31. by that...by which that was cast.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Senator Johns has moved to reconsider the vote by which

1. House Bill 1 was passed. Senator Bruce moves to Table. All
2. those in favor signify by saying Aye. All...the Ayes have it.
3. So ordered. Well, the...the...I'm...there has been a request
4. from, I'm told, both sides over there, that they're still working
5. on the Conference Committee Report on 5. Well, the only thing
6. it has to do with us is that we have, in fact, adopted a Con-
7. ference Committee Report which they have not, in fact, yet...
8. yet adopted. And we have sent two bills with Senate amendments,
9. so that we...we are still in Session awaiting House action.

10. Senator Harris.

11. SENATOR HARRIS:

12. Well, I don't understand what that has to do with us, Mr.
13. President. There are some among us who would like to get on
14. with the business of this House, and I...I think we ought to
15. proceed or recess, one or the other.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. The...the...that...that is a fair request. Senator ParTEE.

18. SENATOR PARTEE:

19. Well, Mr. President, I've heard a lot of expressed anxiety
20. on some of the members to leave, and I just simply would like
21. to make a parliamentary inquiry of...of the bills that have been
22. passed, how many of those have to go back to the House for action
23. of any nature?

24. PRESIDING OFFICER: (SENATOR ROCK)

25. There are two. We have passed thus far, four and a Conference
26. Committee Report. I am reliably informed that there are ninety-eight
27. affirmative votes on the House board for the adoption of that
28. Conference Committee Report and then there are messages containing
29. ...concerning two bills with Senate amendments awaiting action
30. by the House.

31. SENATOR PARTEE:

32. So what you're saying is, even if we went ahead at this
33. moment, we still would have to wait until we hear from the House.

1. Is that right?

2. PRESIDING OFFICER: (SENATOR ROCK)

3. That...that is my understanding.

4. SENATOR PARTEE:

5. Thank you.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. And House Bill 1 we just passed.

8. SENATOR PARTEE:

9. Right.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. That's...that's the second of two bills. Yeah, there are just

12. two bills that we have amended. That's correct. No, 1 and...

13. 1 and 4. 5 is a Conference Committee Report. Senator Harris.

14. SENATOR HARRIS:

15. Well, I don't understand. This bill does not have to go

16. back to the House.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. That is correct.

19. SENATOR HARRIS:

20. And why don't we move it. You know...

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Well, I...I don't have any...you know...I'm...

23. SENATOR HARRIS:

24. Well, who is the sponsor of this bill?

25. PRESIDING OFFICER: (SENATOR ROCK)

26. ...The sponsor of this bill is Senator Hynes. He has not

27. yet asked that this bill be called for passage.

28. SENATOR HARRIS:

29. Well...well then, I...I just say that...that I...I sure

30. don't understand what's going on and...

31. PRESIDING OFFICER: (SENATOR ROCK)

32. All right.

33. SENATOR HARRIS:

1. ...and there has been a commitment made by this Senator...

2. PRESIDING OFFICER: (SENATOR ROCK)

3. That is correct.

4. SENATOR HARRIS:

5. ...and I would like to have the bill called.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Hynes.

8. SENATOR HYNES:

9. I would like to have the bill read a third time, Mr....

10. PRESIDING OFFICER: (SENATOR ROCK)

11. All right...

12. SENATOR HYNES:

13. ...Mr. President.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. ...read the bill, Mr. Secretary. On the order of House

16. Bills on 3rd reading is House Bill 2.

17. SECRETARY:

18. House Bill No. 2

19. (Secretary reads title of bill)

20. 3rd reading of the bill.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Hynes.

23. SENATOR HYNES:

24. Mr. President, members of the Senate, this is the

25. appropriation that is part of this package. It amounts to

26. fifty million dollars. Twenty-five million for distribution

27. through the School Aid Formula as amended. An additional twenty-five

28. million dollars to fund the Whole Harmless provision that guarantees

29. that no district would get less money under the amended formula

30. than it would have received had no formula change been made, and

31. I would urge your support of this measure.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Any discussion? This has an immediate effective date. It

1. will require thirty-six affirmative votes. The question is,
2. shall House Bill 2 pass? Those in favor will vote Aye. Those
3. opposed will vote Nay. The voting is open. Have all voted
4. who wish? Take the record. On that question, the Ayes are
5. 42, the Nays are 6, none Voting Present. House Bill 2 having
6. received a constitutional majority is declared passed, and the
7. bill having received the affirmative vote of three-fifths of
8. the members elected is effective immediately upon its becoming
9. a law. If I can just have the attention of the membership. We
10. are now in the posture where there are a hundred and eleven
11. affirmative votes on the Conference Committee Report in the
12. House. We have sent two bills over for concurrence in Senate
13. amendments. We have two resolutions. One will be the...the
14. standard Housekeeping Resolution to have the Committee on
15. Committees appoint five members to approve and ratify the Journals
16. of this Sixth Special Session. The other, of course, will be
17. the Sine Die Adjournment Resolution. We were just...we have to
18. hold that until the House finishes with their proper course of
19. action. In the meantime, Mr. Secretary, if we can have leave
20. of this Body, we'll go to the order of resolutions and we can get
21. that Journal Resolution, the Housekeeping Resolution out of
22. the way. Resolutions.

23. SECRETARY:

24. Senate Resolution No. 35 introduced by Senator Donnewald.

25. (Secretary reads SR 35)

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Donnewald moves for the suspension of the rules
28. for the immediate consideration and adoption of Senate Resolu-
29. tion 35. All those in favor signify by saying Aye. All those
30. opposed. The Ayes have it. The rules are suspended. Senator
31. Donnewald now moves the adoption of Senate Resolution 35. All
32. those in favor signify by saying Aye. All those opposed. The
33. Ayes have it. The resolution is adopted. Senator Harber Hall.

1. SENATOR HARBER HALL:

2. Mr. President, the Secretary has on the Desk a Senate
3. Joint Resolution that would propose adjournment of the Sixth
4. Special Session until November 17th. I'd like to have that
5. resolution called.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Well, there...there is a resolution also on the Desk
8. calling for a sine die adjournment.

9. SENATOR HARBER HALL:

10. Well, that's very interesting. I wonder if you could call
11. my resolution.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Well, I think at this moment and time, we're going to kind
14. of stand at ease, waiting to see what the House does.

15. SENATOR HARBER HALL:

16. Well, vote...vote...vote my...vote my resolution down if
17. you want to, but I would like to have it called, Mr. President.
18. I think that's a...

19. PRESIDING OFFICER: (SENATOR ROCK)

20. We...we are not going to sit around here all night again.
21. Senator Partee.

22. SENATOR PARTEE:

23. I'm...I'm just trying to understand what would happen
24. parliamentarily and procedurally if we adopted this resolution
25. Now, we are in the process of awaiting the return on some bills
26. that we've dealt with in this Session and if we passed Senator
27. Hall's Resolution, would it not virtually nullify what we've
28. been doing here for three weeks?

29. PRESIDING OFFICER: (SENATOR ROCK)

30. I'm...I'm sorry. I've...I've missed...the word from the
31. House ...that the Conference Committee Report just was adopted
32. with a hundred and twenty-three affirmative votes. There was
33. no verification. Well, I think Senator Partee's question is in

1. order. The resolution pending on the Desk concerns sine die
2. adjournment of this Sixth Special Session. That in my...in the
3. judgment of the Chair will take precedence.

4. PRESIDENT:

5. The Senate will come to order. Senator Rock is recognized.

6. SENATOR ROCK:

7. Thank you, Mr. President. On the Secretary's Desk is
8. Senate Joint Resolution 2 which I would ask the Secretary to
9. read and I will make the appropriate motion for its immediate
10. consideration and adoption.

11. PRESIDENT:

12. Read his resolution.

13. SECRETARY:

14. Senate Joint Resolution No. 2 introduced by Senator Rock.

15. (Secretary reads SJR 2)

16. PRESIDENT:

17. Just before we call the motion, is that committee report
18. up there? Is it? Is it filed? All in favor of the motion say
19. Aye. Opposed Nay. Ayes have it. Senator Rock moves that
20. the Senate stand adjourned sine die. All in favor say Aye.
21. Opposed Nay. The...the Ayes have it.

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