

NOVEMBER 2, 1977

1. PRESIDENT:

2. The Second Special Session will please come to order.
3. Reading of the Journal.

4. SECRETARY:

5. Monday, October 24th, 1977, Tuesday, October 25th,
6. 1977.

7. PRESIDENT:

8. Senator Johns.

9. SENATOR JOHNS:

10. Mr. President, I move that the Journals just read
11. by the Secretary be approved unless some Senator has
12. additions or corrections to offer.

13. PRESIDENT:

14. You've heard the motion by Senator Johns. Is there
15. any discussion? If not, all those in favor signify by
16. saying Aye. Opposed. The Ayes have it. The motion is
17. adopted. Journals are approved. Committee Reports.

18. SECRETARY:

19. Senator Ko'sinski, Chairman of the Committee on
20. Elections and...Reapportionment, reports out Senate
21. Bills No. 3 and 7 with the recommendation Do Pass.
22. Senate Bill No. 2 with the recommendation Do Not
23. Pass.

24. Senator Savickas, Chairman of the Committee on
25. Labor and Commerce, reports out Senate Bill Number
26. 6 with the recommendation Do Pass as Amended.

27. PRESIDENT:

28. At the last Session, the last Session of the Second
29. Special Section of the 80th General Assembly, Senator
30. Rock requested a ruling of the Chair with respect to
31. Senate Bills 9, 10, 11, 12, 13, 14, 15 and 16. And...
32. the Chair is prepared to make that ruling. Senator
33. Rock.

1. SENATOR ROCK:

2. Thank you, Mr. President and Ladies and Gentlemen of the
3. Senate. The last meeting of this Special Session I requested
4. in writing that the Chair rule that Senate Bills No. 9, 10,
5. 11, 12, 13, 14, 15 and 16 introduced in the Second Special
6. Session are not within the purview of the call of the Second
7. Special Session of the 80th General Assembly as called by
8. the Governor in his proclamation dated October 19, 1977.
9. I would point out to the members, all of whom have received
10. a copy of the proclamation of the Governor, that the call
11. specifically says, "enactment or amendment of laws relating
12. to unemployment insurance," and there are three subsections,
13. A, B, C...four subsections, A, B, C, and D, none of which,
14. I maintain, are addressed by these aforementioned Senate
15. Bills. I would ask the Chair to rule that in accordance
16. with Article 4, Section 5-B of the Constitution of Illinois,
17. wherein it states the Governor may convene the General
18. Assembly or the Senate alone in Special Session by a
19. proclamation stating the purpose of the Session and only
20. business encompassed by such purpose together with any
21. impeachments or confirmation of appointments, shall be
22. transacted. That under that Constitutional provision these
23. bills are not, in fact, within the purview of the call
24. and as such should not be addressed.

25. PRESIDENT:

26. It is the ruling of the Chair that Senate Bills 9,
27. 10, 11, 12, 13...for what purpose does Senator Walsh arise?

28. SENATOR WALSH:

29. Well, Mr. President, and before you make your ruling,
30. I was wondering if you might hear some points that might
31. be made contrary to those that Senator Rock made. If
32. your...maybe heard both sides of the story you might rule
33. a different way.

1. PRESIDENT:

2. The Chair has given consideration to the merits and
3. the Chair wishes to give its ruling pursuant to Senator Rock's
4. request and then I think any debate that you wish to make
5. is in order in terms of possible overruling of the decision
6. of the Chair.

7. SENATOR WALSH:

8. Well, but, Mr. President, we all know that to appeal
9. from the ruling of the Chair requires an extraordinary
10. majority of the Senators present and I think that the
11. President might make a...possibly a better ruling if he
12. heard both sides of the story.

13. PRESIDENT:

14. I think I...the Chair has heard...both sides of the
15. story, but Senator Walsh you are so persuasive that if
16. you wish to continue, I, the Chair will defer the ruling
17. until you have completed your remarks. Senator Shapiro,
18. for what purpose do you arise?

19. SENATOR SHAPIRO:

20. Mr. President, what are...are we ruling on the request
21. in writing made by Senator Rock?

22. PRESIDENT:

23. That is correct.

24. SENATOR SHAPIRO:

25. Well, what is it? It isn't a motion. It says I
26. request that the Chair rule that Senate Bills number
27. so and so are forth. I mean the language is inappropriate.

28. PRESIDENT:

29. Senator Rock requested a ruling of the Chair at the
30. last meeting and pursuant to agreement with both sides of
31. the aisle, specifically at the request of your side of the
32. aisle, Senator Shapiro, that ruling by the Chair was deferred
33. until today's Session. And therefore, the Chair will treat

1. it as a request for a ruling, which is in order and the Chair
2. has prepared to make that ruling. Senator Walsh.

3. SENATOR WALSH:

4. At the outset, Mr. President, I'd like to...to point
5. out to a...to the President as Parliamentarian, Senate
6. Rule 5, which requires that all bills introduced in the
7. Senate shall be read by title a first time, ordered printed
8. and automatically referred on the same day to the Committee
9. on Assignment of Bills. Now I...I know that last week we
10. agreed that this matter would be taken up today rather
11. than last week, but it would seem that Rule 5 is quite
12. clear on the point that they're...the function at the
13. time of introduction of bills is purely a ministerial
14. one that all bills at that time be referred to the
15. Committee on Assignment of Bills. And if there is a
16. question as to germaneness, it would be brought up at
17. the time the bill is called, rather than at the time a
18. bill is introduced because it's obvious that the Senate
19. could never proceed if we were going to have to analyze
20. every bill at the time it is introduced to determine whether
21. it is germane to the call of the Session. So, I think
22. procedurally, Mr. President, the bills must be permitted
23. to be introduced and referred to hold otherwise would...
24. would be to say that our constituents, who are represented
25. here in this Body by their elected Senators, would not
26. have the right of petition, but for an extraordinary
27. majority of the Senators agreeing with the position taken
28. by their elected Senator. If you're going to require that
29. an extraordinary majority of Senators agree to the
30. substance of a bill as introduced, in effect, we might
31. never pass any legislation. And so on the procedure, it
32. would seem to me it is necessary to permit the bill to be
33. introduced and it should be referred to the Assignment.

1. Now, on the merits, Mr. President, I would like to just
2. observe on page 2 of the Proclamation. The Governor states
3. as follows, "Federal Law permits a two year deferral in
4. repayment. If some changes are made in the tax structure
5. to insure that money paid in exceeds benefits paid out."
6. Now, we all know that the...the crisis in the Unemployment
7. Insurance Fund is brought about by two things; one, the
8. economic recession of 1974-'75 and also the excessive
9. liberal standards that have been applied to claims filed
10. by Unemployment, unemployed people. So it's...there's
11. two aspects to this seven hundred and fifty-one million
12. dollar appropriation that is going have to be made, one
13. is the economic recession, the other is excessive liberal standards.
14. These bills that Senators Hall and I introduced address
15. themselves to standards of eligibility. It seems to
16. me that this Senate should address itself to both aspects
17. of the problem, not just one. And if we're going to
18. require the taxpayers of Illinois to cough up seven hundred
19. and fifty-one million dollars, we should also be damn sure,
20. Mr. President, that anyone getting Unemployment benefits is
21. entitled to Unemployment benefits. And I would hope the
22. President will rule that these bills be...allowed to be
23. introduced and referred to the Assignment of Bills Committee.
24. PRESIDENT:

25. The Chair is prepared to rule, but I might say, Senator
26. Walsh, with respect to the procedural point that you made.
27. It is proper to raise the issue of germaneness or coverage
28. within the scope of the call, either upon introduction of
29. the bill or at any subsequent point. And it seems to me
30. to make a great deal of sense to allow that challenge to
31. be made ab initio rather than have a committee of this
32. Body spend substantial time deliberating the matter and
33. then find that it was not within the scope of the call.

1. So I think it can be raised at any time and if a matter is
2. obvious or is clearly subject to the question, it seems to
3. me, the sooner the better to have the issue raised. Secondly,
4. with respect to the opportunity of individual members of
5. this General Assembly to...petition of behalf of their
6. constituents for a redress of grievances, that opportunity
7. is present in the Regular Session. There is no limitation
8. on the right of any Senator to introduce the same bills
9. in the Regular Session and seek Rules Committee approval
10. for consideration. The purpose of a Special Session is
11. to limit the scope of the issues to the narrow call of
12. the Governor or the Legislative leaders and it is the
13. purpose of this ruling to define that call with respect
14. to these bills. Therefore, it is the ruling of the Chair
15. that Senate Bills 9, 10, 11, 12, 13, 14, 15 and 16 in
16. the Second Special Session are not within the stated
17. purposes of the Governor's Proclamation of October 19, 1977,
18. calling this Second Special Session of the 80th General
19. Assembly. In that Proclamation the Governor specified
20. the two issues in the area of Unemployment Insurance which were to
21. be considered in this Second Special Session. Those two
22. issues were in conformance to Federal Unemployment Insurance
23. requirements and the repayment of seven hundred, fifty-one
24. million dollar in advance in advances made by...to the State by
25. the Federal Government. Further, in his address to the
26. joint Session of the General Assembly on October 24, 1977,
27. the Governor stated, and I quote, "on Unemployment Compensation,
28. consideration of substantive changes may await the next Session,
29. but it is imperative that we deal with the problems of con-
30. formance to Federal Law and repayment of the Federal debt."
31. Senate Bills 9 through 16, in the Second Special Session,
32. address substantive changes in our Unemployment Insurance
33. Laws which are not within the stated purposes of the Governor's

1. Proclamation of October 19, 1977, nor his explanation of
2. that Proclamation of October 24, 1977. Therefore, pursuant
3. to Article IV, Section 5-B of the Constitution of the State
4. of Illinois, it is the ruling of the Chair that Senate
5. Bills 9 through 16 in the Second Special Session are not
6. within the jurisdiction of the Senate in the Second Special
7. Session and cannot be considered. For what purpose does
8. Harber Hall arise?

9. SENATOR HARBER HALL:

10. Mr. President, with respect, I would like to take
11. exception and...move that the Chair be over...overruled
12. in the case of this decision.

13. PRESIDENT:

14. Senator Harber Hall has moved to appeal the ruling
15. of the Chair. And the question is shall...

16. SENATOR HARBER HALL:

17. Mr. President...

18. PRESIDENT:

19. What purpose does Senator Hall arise?

20. SENATOR HARBER HALL:

21. To make a brief comment regarding this vote. May I
22. proceed?

23. PRESIDENT:

24. Senator Hall.

25. SENATOR HARBER HALL:

26. Fellow Senators, I would like first to draw your attention
27. to the call, Paragraph 6, Page 4 and 5 of the Governor's
28. call for this Special Session. If you will follow me on
29. Paragraph 1, enactment or amendment of laws relating to
30. unemployment insurance. Then in A and B it relates to the
31. particular problems that you and I have been talking about
32. for many days in respect to conformance and deferral. But
33. Subparagraph C says which relate to payment of extended

1. benefits to unemployed persons and D, and this is the
2. crucial one, which make changes appropriate to the
3. implementation of the foregoing. Now, Mr. President,
4. I would suggest to you that when this Body imposes a
5. tax of seven hundred and fifty-one million, yes, eight
6. hundred and fifty-one million dollars before we're
7. finished, we will be imposing upon the business-
8. men of the State of Illinois and therefore I would
9. think it's certainly appropriate, I would certainly
10. think it germane and I would certainly think
11. it would fall under Subparagraph D, which make changes
12. appropriate to the implementation of these taxes,
13. mind you, when we talk about eligibility standards,
14. standards that permit in the State of Illinois, anyone
15. to quit work for any reason, reason of his own, mind
16. you, and ten weeks later begin collecting Unemployment
17. Compensation and for awhile this year, he could draw
18. it for up to sixty-five weeks. I would suggest to you
19. that a standard that permits a young lady to marry her
20. boss and do as she would like to do, be a housewife
21. and stay home, automatically be entitled to Unemployment
22. Compensation. I would...suggest to you it would be
23. germane to look at the Illinois Law that permits...

24. PRESIDENT:

25. Excuse me, Senator Harber Hall,

26. SENATOR HARBER HALL:

27. Yes.

28. PRESIDENT:

29. Senator Rhoads, for what purpose do you arise?

30. SENATOR RHOADS:

31. Senator Hall, excuse me, I...I don't think that Senator
32. Rock, Senator Glass, Senator Hall, Senator Shapiro are
33. getting the courtesy they deserve. It's extremely

1. difficult to follow this debate. I'd hate to take
2. Senator Graham's usual line, but it is, it's very tough.
3. And I think the speaker deserves a little bit more
4. quiet and a little bit more courtesy.

5. PRESIDENT:

6. You are correct, Senator Rhoads. Will the Senate
7. please be in order. Will the members please be in
8. their seats. Senator Harber Hall.

9. SENATOR HARBER HALL:

10. I'm perfectly aware of the vote that it takes
11. to overrule the Chair and the seriousness of it. I
12. very seldom am on the side that moves or votes to...
13. overrule the Chair on a decision that the Chair has
14. made. However, I'm very concerned when we're talking
15. about implementing a tax of seven hundred and fifty-
16. one million dollars. Never before collected, in
17. addition to all other taxes. In addition, if you
18. will, to the other Unemployment Tax presently levied
19. and collected. So I think it deserves some attention.
20. And I'm very concerned that the State of Illinois has
21. and has...it is not denied, has the most liberal
22. qualifications for claiming Unemployment Compensation
23. of any state in our Nation. And I'm very concerned
24. that even should we pass these bills and should we
25. provide this additional tax, to pay back the Federal
26. Government their seven hundred and fifty-one million
27. dollars. Even should we do that, we will still be in
28. trouble because of our overly liberal laws. Now I've
29. had people on both sides of the aisle, this...I hope
30. this is not a partisan issue, I've had both sides of
31. the aisle, Senators on the other side, tell me that
32. they agree in principle with what I have suggested
33. and others have suggested in respect to this question.

1. I respectfully reiterate my motion to overrule the Chair.

2. PRESIDENT:

3. For what purpose...Senator Glass.

4. SENATOR GLASS:

5. Thank you, Mr. President and Ladies and Gentlemen.

6. I would speak in support of the motion to overrule
7. the Chair and point out one additional factor. Senator
8. Hall read the call, enactment or admendment of laws
9. relating to Unemployment Insurance dealing with both
10. compliance and deferral. Senator Hall spoke to the
11. issue of deferral. But I would call your attention
12. also to the fact that if we pass this legislation
13. bringing all of our local governments and their
14. employees under Unemployment Compensation, we will
15. bring into play the part time employees, the seasonal
16. employees, the substitute teachers, the entire
17. question of eligibility. The bills that have been
18. offered for introduction, certainly bear on that
19. question. And I think with the Governor calling
20. the Special Session to focus on this problem, we
21. would be remiss not to get to the core of what has
22. been one of the major causes of...of the situation
23. we're in now as well as...ways that we can reduce
24. the impact on our taxpayers. And I think certainly
25. the call, particularly under Paragraph D,
26. which says, laws which make changes appropriate to
27. the implementation of the foregoing, that that is
28. broad enough for us to read into it the omission
29. of these bills and I would therefore support the
30. motion and urge the rest of the Body to do so as
31. well.

32. PRESIDENT:

33. Senator Wooten.

34. SENATOR WOOTEN:

1. Thank you, Mr. President. I rise in opposition to
2. the motion. As one who...supported Senator Hall in
3. discharging House Bill 1155, as one who intends to
4. introduce legislation if I don't find satisfactory
5. legislation, to tighten up eligibility requirements
6. during the Regular Session in the Spring. I still
7. find that more appropriate to follow the call, which
8. is obviously and sharply limited. I suggest to you
9. that this exercise is out of place now, unless you
10. really intend for the Special Session to go on an
11. almost daily basis through December, January, February.
12. Because I, for one, am not going to move rapidly
13. on this issue. I did before and I regret it today.
14. I am determined, as I think many are, on this side
15. of the aisle and that side of the aisle, that we
16. shall tighten up eligibility. And we shall end
17. abuses in this field. But I think it is appropriate
18. to hue to the call and these bills clearly are outside
19. the purview of that call. And I think there is ample
20. time and I am sure that we are going to change that.
21. If we...if for some reason somebody needs a roll call
22. for a primary, all right, but I think when we go down
23. to the General Election you are not going to have to
24. worry about it. We are going to get bills out of here
25. that will accomplish these purposes, but clearly, this
26. is not the place to do them in this Special Session.
27. PRESIDENT:

28. Is there any further discussion? Senator Rock.

29. SENATOR ROCK:

30. Thank you, Mr. President. Parliamentary inquiry.
31. How is the question put with respect to Senator Hall's
32. motion and how many votes are required?

33. PRESIDENT:

1. The question will be put, shall the ruling of the
2. Chair be sustained. Those supporting the ruling of the
3. Chair will vote Aye. Those opposed to the ruling of
4. the Chair in supporting Senator Harber Hall will vote
5. Nay. It requires 36 negative votes to overrule the...the
6. Chair. If there's no further discussion, the question
7. is shall the ruling of the Chair be sustained. All
8. those in favor of sustaining the ruling will vote Aye.
9. Those opposed Nay. The voting is open. Have all
10. voted who wish? Have all voted who wish? Take the
11. record. On that question the Ayes are 29, the Nays
12. are 27, none Voting Present. The ruling of the Chair
13. is sustained. There any further business to come
14. before the Senate? Senator Shapiro.

15. SENATOR SHAPIRO:

16. Mr. President, where are these bills at now?

17. PRESIDENT:

18. They are in limbo. They are physically somewhere
19. in the vicinity of the Secretary's Desk available
20. for the sponsor to pick them up, but they have no
21. official standing in the Second Special Session.

22. SENATOR SHAPIRO:

23. Well, I...I want to raise...I want to raise this
24. point. I think our rules were violated in this
25. particular matter. Those bills were introduced and
26. they were read by title the first time, assigned
27. numbers and automatically should have been printed and
28. referred to the Committee on the Assignment of Bills.
29. It appears to me that for the procedure to have been
30. proper that the...our Rule 5 should have been suspended
31. in order to allow the procedure to take place, which
32. did. I...I think it's a gross misinterpretation of
33. our rules and that I hope in the future that the Chair

1. would pay a little more attention to what's going on.

2. PRESIDENT:

3. Well, Senator Shapiro, the Chair was prepared to
4. rule that the bills were not within the scope of the
5. call. At the moment they were introduced pursuant
6. to Senator Rock's request and it was to accommodate
7. you and the members of your side of the aisle that that
8. ruling was deferred. And that is the reason that
9. the bills, "were considered today," in fact, they
10. are not within the scope of the call and cannot be
11. considered by this Special Session. Is there any
12. further business to come before the Senate? If
13. not, Senator Johns moves that the Senate, the
14. Second Special Session stand adjourned until 11:00
15. a.m. tomorrow morning. All those in favor signify
16. by saying Aye. Opposed? The Ayes have it. The Senate...
17. Second Special Session stands adjourned.

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