

STATE OF ILLINOIS
88th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

FIRST SPECIAL SESSION

1st Legislative Day

September 2, 1993

Speaker Giglio: "The House will come to order. The Chaplain for today, is the Reverend Herbert W. Coates, of the Knox Knolls Free Methodist Church in Springfield, Illinois. Reverend Coates is the guest of Representative Moseley. The guest in the gallery may wish to rise for the invocation."

Reverend Coates: "Inaudible."

Speaker Giglio: "The pledge by Representative Black."

Black - et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

Speaker Giglio: "Roll Call for Attendance. Representative Flinn, for what purpose do you rise, Sir? Something wrong with the mike, use Representative Dunn's or Representative Giglio's over there. Representative Dunn."

Dunn: "Mr. Speaker, we need to turn on Representative Monroe Flinn's switch, he is no longer absent and he is among us, and we are glad and grateful for that and we would like you to recognize him appropriately when the Republicans come back. I'm sure the Members of the Minority Party would like to welcome him back as well, maybe we could welcome him a little more appropriately when they come back. You can turn his switch on...I'm tired of trying to vote it."

Speaker Giglio: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. There are no excused absences on the Republican side of the aisle."

Speaker Giglio: "Representative Lang."

Lang: "Representative Mautino should be an excused absence today, Mr. Speaker."

Speaker Giglio: "Let the record so indicate, and on that Mr. Clerk, take the record. A quorum called at 115 present,

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and the 1st Special Session of the 88th General Assembly in the State of Illinois, will now come to order. Mr. Clerk, Resolutions. Proclamation."

Clerk Rossi: "Proclamation 93-373. WHEREAS, children in the Chicago Public School system are scheduled to return to the classrooms on September 8, 1993; and WHEREAS, Illinois law requires the Chicago Board of Education to have a balanced budget for the coming year before the schools can officially open, the only school district in the state so required; and WHEREAS, the Chicago Board of Education still faces a shortfall of approximately \$325 million in its proposed budget for the 1993-94 fiscal year; and WHEREAS, action by the General Assembly is needed to give the Chicago Board of Education the flexibility it needs to close its budget gap without additional state resources; THEREFORE, pursuant to Article IV, Section 5(b) of the Illinois constitution of 1970, I, Jim Edgar, Governor of Illinois, hereby call and convene the 88th General Assembly in special session to commence at noon on September 2, 1993, to consider the following bills: House Bill 242, House Bill 1507, or any other legislation (new bill or pending), which will address the ability of the Chicago public schools to open promptly. Signed on the 27th day of August, 1993, Governor Jim Edgar."

Speaker Giglio: "Resolutions."

Clerk Rossi: "House Resolution #1, offered by Representative McPike, resolved that the rules of the House of Representatives, of the 88th General Assembly, be adopted as the rules of this Special Session, so far as the same may be applicable, and that the committees of the House of Representatives of the 88th General Assembly and their

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Membership shall constitute the committees of the House during this Special Session."

Speaker Giglio: "All in favor of the Resolution, say 'aye', opposed, 'no'. The 'ayes' have it, and the Resolution is adopted. Further Resolutions?"

Clerk Rossi: "House Resolution #2, offered by Representative McPike, resolved that a committee of five Members, no more than three from the Majority Party, be appointed by the Speaker to approve the last day's journal and all other journals of the First Special Session of the 88th General Assembly."

Speaker Giglio: "All those in favor of the Resolution, signify by saying 'aye, opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Resolution is adopted. Further Resolutions?"

Clerk Rossi: "House Resolution #3, offered by Representative McPike, resolved that the Clerk and four from the Senate, that a majority of the House has assembled pursuant to the Proclamation of the Governor, convening a Special Session of the General Assembly, and are now ready for the transaction of business."

Speaker Giglio: "All those in favor signify by saying 'aye', opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Resolution is adopted. Introductions - First Reading."

Clerk Rossi: "House Joint Resolution Constitutional Amendment #1, offered by Speaker Madigan. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, That there shall be submitted to the electors of the State for adoption or rejection at the general election next

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occurring at least 6 months after the adoption of this resolution a proposition to amend Section 1 of Article X of the Illinois Constitution as follows: ARTICLE X EDUCATION SECTION 1. FUNDAMENTAL RIGHT GOALS - FREE SCHOOLS A fundamental right goal of the People of the State is the educational development of all persons to the limits of their capacities. It is the paramount duty of the State to shall provide for a an thorough and efficient system of high quality public educational institutions and services and to guarantee equality of educational opportunity as a fundamental right of each citizen. Education in public schools through the secondary level shall be free. The State has the preponderant financial responsibility for financing the system of public education. There may be such other free education as the General Assembly provides by law. ~~The State has the primary responsibility for financing the system of public education.~~ (Source: Illinois Constitution.) SCHEDULE This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading and Introduction of this House Joint Resolution Constitutional Amendment."

Speaker Giglio: "Committee on Assignments."

Clerk Rossi: "Special Session, House Bill #1, offered by Representative Currie. A Bill for an Act concerning education. Special Session, Bill #2, offered by Representative Currie. A Bill for an Act in relation to the schools. First Reading of these House Bills."

Speaker Giglio: "Representative Black. Are you seeking recognition, Sir?"

Black: "Oh, only for about the last 20 minutes, Mr. Speaker. I...I appreciate you calling on me. I have an inquiry of

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the Chair. We are in Special Session, correct?"

Speaker Giglio: "That's correct."

Black: "And the Clerk...the Clerk has been mumbling for the last 10 minutes about Resolutions and Bills. Now I assume that he has been reading into the record, only those items that we're going to consider in Special Session, is that correct?"

Speaker Giglio: "Definitely."

Black: "And would...would it perhaps be...within your power to see that we get a copy of what the Clerk is reading into the record?"

Speaker Giglio: "It should be no problem. We'll call upstairs and we'll get a record of the tape."

Black: "Well, we would certainly appreciate that. I can hear all these Bills and Resolutions in this Special Session, but for some reason, the Clerk is not speaking very clearly this morning; or is it this afternoon?"

Speaker Giglio: "Well it's my understanding that the Assistant Clerk is going to bring you a copy."

Black: "Well, thank you. We appreciate that. We would like to have copies of the agenda."

Speaker Giglio: "The Clerk said he was not mumbling, that's just the way he talks. Representative Dunn, are you seeking recognition? The Chair, would like to make an announcement. We have one of our colleagues that has returned after a little bit of an illness, and we would like to hear from him. Let's welcome Monroe Flinn. Monroe. Representative Flinn, would you like to address the Body?"

Flinn: "Yes, my seatmates suggested I move the previous question. I would like to express my appreciation for all the people

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who took the time to call me and write cards and send flowers and all that sort of thing. You'll never know how much that means to somebody who is seriously ill. It makes a difference whether you can get back or not, and I doubt if I would have made it without all the help and the prayers from all of you, and God bless you all."

Speaker Giglio: "Thank you, Representative. Representative Parke, for what reason do you rise, Sir?"

Parke: "Thank you, Mr. Speaker. I was just curious if...if it would be appropriate for us to stand at ease? Could we have time in which to return so we can do some of our business....legislative business in our offices...and...or grab a sandwich? Do you have any idea when we might be back, or what would be appropriate?"

Speaker Giglio: "No but...I would...my own interpretation would be I think, to have a sandwich would be appropriate at this time. We're waiting for the Governor and the Leaders to come back from their meeting and probably both sides of the aisle will discuss what transpired and we'll carry on from there."

Parke: "So you think perhaps, be back in at least 45 minutes, that would not be out of line?"

Speaker Giglio: "I wouldn't want to put a time on it, but I'm sure you will be in calling distance of the Chair, so, we'll notify you."

Parke: "Thank you very much."

Clerk Rossi: "The Rules Committee is meeting in the Speakers Conference Room."

Speaker Steczo: "Representative Steczo in the Chair. Mr. Clerk, any Committee Reports?"

Clerk McLennand: "Rules Committee has met in pursuant to Rule

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14(a)6, Bills referred pursuant to Rule 37. Rules recommends consideration and Bills be placed on the Order of Second Reading. Bill 132, signed by Chairman Frank Giglio."

Speaker Steczko: "For what purpose does the Gentleman from Jersey, Representative Ryder see recognition?"

Ryder: "Thank you, Mr. Speaker. I would simply bring to the attention of the Chair, that the Rules Committee was improperly conducted. There was no quorum established within the committee because there was no roll call taken. It is a new meeting under the Special Rules that you adopted sometime after twelve o'clock today, that we had Special Rules adopted. However, during the course of the meeting, it first was alledged that it was a calling to order a recess meeting which of course is impossible. There's no recess meeting because this is a Special Session, First Day of the Special Session, so after we were able to straighten that out, then we had a quorum declared by the Chair without the benefit of a roll call, and I would indicate to you that there is no tape of the meeting for just that reason. No quorum was established, no roll call was taken and for those reasons and many others...as a result of the Parliamentary concerns that were expressed by the Republicans in the meeting, the result that you simply reported to the Chair...to the floor is improper and is not according to the Special Rules that were established, in addition to which, the rules require in excess of the three hours posting, the rules were not even established more than three hours prior to the call of the meeting."

Speaker Steczko: "The Chair recognizes Representative Black."

Black: "Thank you very much, Mr. Speaker. I would just simply

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rise to echo the objections on the point of order to the Chair raised by my colleague, Representative Ryder. I believe that if you'll check the applicable rules on posting...if indeed the Rules Committee was even posted, I don't know that it was...but if it was, I think that you will find that it was posted prior to the adoption of any rules of this Special Session, and therefore, the actions of the last three and a half hours should be ruled null and void by the Chair. Whatever you're going to do, we want to help you do that. And we would like to do it as quickly and as...efficiently as possible, but again, I rise to object and echo Representative Ryder's comments. What we do, we should do according to rule, and I think if you'll go back and review the tape...we did not have any rules established at the time the rules was posted, if indeed it was, and any subsequent action is in violation of the rules of this chamber, I would ask the Chair to so rule. Let's just start all over and let's do it right and do it in accordance with the rules."

Speaker Steczo: "Mr. Black, the Chair has had an opportunity to review the proceedings, and after reviewing those proceedings, has determined that the notice was proper, that a quorum was present, however, there was not quorum call requested by any Member, and a proper vote was taken. Mr. Ryder."

Ryder: "Mr. Speaker. I would simply inquire of the Chair, it is not the responsibility of the Members in order to obtain a quorum. It is the responsibility of the Chair to call that roll call, to establish who is present. The Chair did not call a roll call. There was some confusion about whether it was a recess meeting or an original meeting. The Chair

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acknowledged that is was an original meeting, the first meeting of the Rules Committee under the Special Session, and no roll call was taken. So, the Chair's indication of a quorum was simply not correct, and I believe that an error was made in the Rules Committee, and would ask the Chair to acknowledge that. The Chair can accommodate it. We want to move the Bill too, but we're talking about a Bill that deals with the lives of the children of the City of Chicago, ultimately could be hundreds of millions of dollars of bonds that are riding on this issue, and I would simply prefer that we do it correctly, so that no fancy LaSalle Street lawyer in the bond department of some firm can come down and raise questions. We've been through this before, and I would like not to have that problem now. So, it's...all you need to do is repost it, put it out in the correct fashion, so we don't have the problems, but no roll call was taken, and Mr. Speaker, I think you know that because you were in the meeting with us, and we asked for a roll call, indicated that a Roll Call was necessary to be taken. You were in the room when I made that request, and no roll call was taken, Mr. Speaker. I believe you would acknowledge that."

Speaker Steczko: "The Chair recognizes Representative Flinn."

Flinn: "Well, Mr. Speaker. I'm also a Member of the Rules Committee and I was present. I watched the Secretary, I was sitting next to the Secretary of the Committee. Watched her check off the people who were present, but if that's not good enough, I distinctly heard the Chairman of the Rules Committee recess the Rules Committee to the call of the Chair. May I suggest that the Chairman call us back there, and have a roll call and get this all behind us?"

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Speaker Steczko: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I simply rise to join my colleague, Representative Monroe Flinn. In order to echo his request, repost it, let's have the hearing and we'll do it correctly for a change and the vote may not change, but at least you'll have a legal vote, so, Representative Flinn, you had an excellent idea and I stand and join in that request if the...other mighty Member of the Minority on the Rules Committee would join in that request, Representative Churchill. Let's do it again, and let's do it right."

Speaker Steczko: "The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. I believe our side of the aisle has a valid inquiry of the Chair and I think you had ample opportunity to discuss it, and we were joined in this request by one of your own Members. I think the...at the appropriate time, the Chair should rule on that inquiry and we're pleased to be joined by a Member on your side of the aisle, and I think if you would just reconvene the meeting, then everything would be in accordance with the rules and we don't have to waste anymore time as we get down to business arguing about whether or not we have followed the rules of the House. So we would...I would just simply like to remind you that we need that ruling to be made. I think you could reconvene the Committee on Rules and that we could perhaps take some action before the day slips away."

Speaker Steczko: "Mr. Black, we'll get back to you on that shortly. The Chair recognizes the Gentleman from St. Clair, Representative Flinn."

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Flinn: "Thank you, Mr. Speaker. I've been hearing on the speaker that I joined the Republicans in their complaint. I don't recall doing that. I don't recall saying anything about reposting or anything else. In a tongue and cheek statement, I suggested that we reconvene the meeting and go ahead and make a roll call. I was trying to point out how silly it was because I sat and watched the Clerk write down the names or check off the names of those present, and I know there is an official roll call present even though it may not have been spoken out loud, and that's all I was trying to do. I was not trying to join the Republicans. I'm glad to be back in the Democrat's fold. Thank you."

Speaker Steczo: "Mr. Black, Mr. Churchill, Mr. Ryder who have been asking questions. The Chair has ruled previously on this question, and we'll continue to indicate the same as it has in its past ruling. Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. I just rise again to join with my colleague on your side of the aisle, Mr. Flinn, in whatever it is that he said on reconvening, and I don't think it's silly that the roll wasn't called. When the roll is called up yonder, Mr. Speaker, are you going to answer or will you be absent? I again implore the Chair, to follow the rules of this Body, and as was so eloquently stated by Monroe Flinn, who has had many months to recover from the rigors and stress of this Special Session. Why, the work load today alone has caused three or four grey hairs to pop out of my head, Mr. Speaker. If you would but follow the rules so that we could perhaps take some action before midnight. You cannot convene a reconvened meeting of a Rules Committee in Special Session. You haven't been in Special Session on this before, so how can you reconvene

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something you never convened in the first place. Yes, it's silly. The whole process is silly. Do it right, go back into Session, call it over, take the roll, do it right, and let's get down to work. For crying out loud, if I had to leave home and heart to come over here for this ungodly work Session today, the least you can do is to follow the rules of this chamber. I implore you, Mr. Speaker, do what is right and let's get on with the business at hand. You've called everybody down here, now put us to work. We're ready to join with you, Mr. Speaker, but only, only, and I join Mr. Flinn in this, I join with Mr. Flinn, only if you take the rules seriously and furthermore, reconvene a convened meeting of the rules that was convened in error in the first place."

Speaker Steczo: "I would now announce that the Democrats will meet in caucus in Room 114 immediately. So, if there is any Members across the street, please as quickly as possible, come to Room 114 in the Capitol Building. We are still waiting to see what the intentions of the Republicans are. So, Democrats right away in Room 114, for Democratic caucus. Representative Leitch."

Leitch: "Thank you, Mr. Speaker. We would like to call a Republican conference in Room 118, please."

Speaker Steczo: "The Republicans will meet immediately in Room 118, so if there's any Republican Members across the street and any Democratic Members, again should report to Room 118 for the purposes of respective party caucus'. The House will recess for about one hour and we plan to reconvene about 5:15 or 5:30 this afternoon. Representative Currie moves that the House does now stand adjourned until the hour of noon tomorrow. All those in favor will signify by

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saying 'aye', those opposed, 'no', the 'ayes' have it and
the House now stands adjourned until the hour of noon
tomorrow."

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