

79th GENERAL ASSEMBLY

SIXTH SPECIAL SESSION

SEPTEMBER 22, 1976

1. PRESIDENT:

2. The hour of ten having arrived, the Senate will come
3. to order. Will our guests in the gallery please stand as we
4. have the morning prayer by Reverend Robert W. Green, Southside
5. Christian Church, Springfield, Illinois?

6. REVEREND GREEN:

7. Our Heavenly Father, we thank you again for this day,
8. for the opportunities that it brings. We pray that You
9. would give us the good sense and the sound reasoning to look
10. to Thee for guidance and strength this day. Be with these
11. Legislators as they deal with the business at hand, watch
12. over them in the name of Christ, our Savior, we pray. Amen.

13. PRESIDENT:

14. Reading of the Journal.

15. SECRETARY:

16. Friday, September the 10th, 1976, Tuesday, September
17. the 14th, 1976, Thursday, September the 16th, 1976, and Friday,
18. September the 17th, 1976.

19. PRESIDENT:

20. Senator Johns.

21. SENATOR JOHNS:

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

25. PRESIDENT:

26. You heard the motion. All in favor will say Aye. Opposed
27. Nay. The Ayes have it. The motion carries. Senator Johns.

28. SENATOR JOHNS:

29. Mr. President, I move that reading and approval of the
30. Journal of Saturday, September the 18th, 1976 be postponed
31. pending arrival of the printed Journal.

32. PRESIDENT:

33. You heard the motion. All in favor say Aye. Opposed
34. Nay. The Ayes have it. The motion carries. For what purpose

1. does Senator Savickas arise?

2. SENATOR SAVICKAS:

3. I would just like purpose of an announcement that
4. Senator D'Arco...let the record show that he will be absent
5. today due to his father's illness.

6. PRESIDENT:

7. The record will so show. The Senate will be at ease for
8. a few moments until...for what purpose does Senator Don
9. Moore arise?

10. SENATOR MOORE:

11. There's a congratulatory resolution on the Secretary's
12. Desk, Mr. President, if perhaps we could get rid of that while
13. we're waiting for the tardies.

14. PRESIDENT:

15. What is the number, please? Number 26, Senator Don Moore.

16. SENATOR MOORE:

17. Thank you, Mr. President. This is a congratulatory
18. resolution for the Mayor of Country Club Hills and his wife
19. on their twenty-fifth wedding anniversary which is today.
20. I would move to suspend the rules for the immediate consideration
21. and adoption of this resolution.

22. PRESIDENT:

23. You heard the motion. All in favor...Senator Don Moore
24. moves to suspend the rules for the immediate consideration
25. of this resolution. All in favor will say Aye. Opposed Nay. The
26. Ayes have it. The rules are suspended. Senator Don Moore
27. now moves for the immediate adoption of this resolution.
28. All in favor will say Aye. Opposed Nay. The Ayes have it.
29. The resolution is adopted. There's been a request for a
30. Republican caucus immediately in Room 400 and we will be in
31. Session again at eleven o'clock. Fine. The Senate stands in
32. recess until eleven sharp.

33. Recess

1. After Recess

2. PRESIDENT:

3. The Senate will come to order. I've just communicated
4. with Senator Harris and we have a...an understanding that
5. they may continue their caucus and so that you, who are
6. remaining would not be unduly inconvenienced, we are simply
7. going to adjourn until one o'clock. Recess until one, that
8. gives you a chance to have lunch comfortably.

9. Recess

10. After Recess

11. PRESIDENT:

12. The Senate will come to order. There will...there will
13. be a Democratic caucus in the President's Office immediately.
14. Hopefully, it will not last more than fifteen to twenty minutes.
15. The Senate stands in recess.

16. Recess

17. After Recess

18. PRESIDING OFFICER: (SENATOR ROCK)

19. The Senate will come to order. Senator Welsh, for
20. what purpose do you arise?

21. SENATOR WELSH:

22. Mr. President, I rise to announce a Democratic caucus
23. in the President's Office. It...it will only last ten minutes.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. The Senate will stand in recess until five minutes after
26. five. Senator Weaver, for what purpose do you arise?

27. SENATOR WEAVER:

28. Thank you, Mr. President. I just wondered if you want to
29. take a lunch break and come back around seven o'clock and start
30. all over.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. I have...I have...I have noon, Sunday, in the pool, so
33. it's still loose.

1. SENATOR WEAVER:
2. Noon, Sunday.
3. PRESIDING OFFICER: (SENATOR ROCK)
4. Yeah.
5. SENATOR WEAVER:
6. Well, that would be all right then.
7. PRESIDING OFFICER: (SENATOR ROCK)
8. Okay. We'll be...for those in the center aisle, the
9. independents, they will meet at the back of the hall.
10. Recess
11. After Recess
12. PRESIDING OFFICER: (SENATOR ROCK)
13. The Senate will come to order. Senator Berning,
14. for what purpose do you arise?
15. SENATOR BERNING:
16. Mr. President, I move this Senate now adjourn Sine Die.
17. PRESIDING OFFICER: (SENATOR ROCK)
18. Well, might I ask you...Senator Netsch has sought recognition.
19. Will you withhold that motion. Part of the problem has been,
20. as I understand it, that during the course of the day, there
21. have been negotiations pending and going on and resulting in
22. an amendment which was of some length, although not...complicated,
23. it required a little bit of overtime by the Reference Bureau
24. and that's the reason for the delay. If I can have the attention
25. of the Body, we have had...Senator Berning, for what purpose
26. do you arise?
27. SENATOR BERNING:
28. Mr. President, I've been here since ten o'clock this
29. morning and I persist in my motion. I'm not out of order.
30. PRESIDING OFFICER: (SENATOR ROCK)
31. Well, I...that motion is in order. There's no question
32. about that. All those in favor signify by saying Aye. All
33. those opposed. The Noes have it. The motion fails.

1. Well, the Associated Press has asked leave to take still
2. pictures. Channel 19 from Peoria wishes to shoot some film
3. and NBC wishes to videotape the proceeding. Is leave granted?
4. The...oh. Is...there...there apparently is objection.
5. All right, do we have leave to go to the order of Consideration
6. Postponed? On the order of Consideration Postponed is House
7. Bill 5. Senator Netsch.

8. SENATOR NETSCH:

9. I seek leave to bring Senate Bill 5...I'm sorry, House
10. Bill 5 back to the order of 2nd reading for purposes of
11. an amendment.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Netsch seeks to return House Bill 5 to the
14. order of 2nd reading for the purpose of an amendment. Is
15. leave granted? Leave is granted. So ordered. On the order
16. of House Bills on 2nd reading is House Bill 5.

17. SECRETARY:

18. Amendment No. 2 offered by Senator Netsch.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Netsch.

21. SENATOR NETSCH:

22. Thank you, Mr. President. Amendment No. 2 in its hoped
23. for final version, does basically two things. This, incidently,
24. is the sales tax acceleration bill. The amendment first of all...

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Excuse me, Senator. Senator Philip, for what purpose
27. do you arise?

28. SENATOR PHILIP:

29. I was just wondering, Mr. President. I...I do not have a
30. copy of the amendment that the gentlemen seated...sitting around
31. me do not have a copy of the amendment.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. I...I appreciate that. It is being run at this moment. I

1. thought hopefully to expedite things, we have been sitting
2. all day. To expedite things, Senator Netsch could be explaining
3. it while we are being...while they are being reproduced.
4. It will be certainly distributed. Senator Harris has
5. been provided with a copy as have some other members. We provided
6. as many copies as we had. Senator Netsch, please continue.

7. SENATOR NETSCH:

8. Thank you. In the basic section which has to do with the
9. threshold of the retailers who are affected by the bill,
10. Amendment No. 2 will, first of all, increase that threshold
11. from five thousand, which is the figure in the present version
12. of House Bill 5 to twenty-five thousand dollars. That means
13. twenty-five thousand dollars of average monthly tax liability.
14. That will mean that only approximately five hundred retailers
15. in the State of Illinois will be subject to the accelerated bill
16. in this version as it becomes effective immediately. That means
17. translating that into annualized sales, that means approximately
18. six million dollars of sales so that this amendment...this
19. part of the amendment affects only approximately five hundred
20. retailers and only about...those that have about six
21. million dollars in sales. The second critical part of that amendment
22. is that it will mean about twenty million dollars of revenue
23. that will be available during the course of this fiscal year.
24. The amendment does a second thing. Effective July 1, 1977
25. it will drop that threshold from twenty-five thousand dollars
26. of average monthly tax liability to twelve thousand dollars
27. of average monthly tax liability. That will add, according
28. to our best calculations, approximately one thousand to
29. eleven hundred more retailers to the accelerated program
30. and it will, when it becomes effective, add approximately
31. fourteen million dollars in accelerated revenue to the State's
32. resources. That part of the amendment, as I indicated at the
33. outset, does not become effective until July 1, 1977 so that there

1. are then two thresholds which replace the five thousand dollar
2. threshold. One is an immediately effective twenty-five thousand and
3. the next is a twelve thousand threshold which becomes effective
4. at the end of this fiscal year. Now, just a word about how
5. all of this came about. I think some of you, all of us, perhaps,
6. if I were not too foggy at this point, may remember that as
7. this package of bills which was originally introduced, we were
8. talking about a total of ninety-five million dollars of
9. acceleration. Sixty-five million dollars of which was reflected
10. in the sales tax acceleration bill, House Bill 5. That
11. was not acceptable to all members of the General Assembly and
12. certainly not to all members of the Senate. A counter proposal
13. was suggested by the Governor that would have involved putting
14. some forty-five million dollars of the accelerated revenue
15. into escrow so that it would not be available to be used up
16. at the present time. That apparently was also not a total
17. solution to the problem. So, various other thresholds and various
18. other alternatives were suggested by a number of people. We
19. think that the package that has now been presented to you
20. in Amendment No. 2, satisfies most of the concerns of most
21. of the members and it should be a package which everyone
22. can accept. I think it's fair to point out that the
23. concern of a number of the Republican members was not to
24. over accelerate. That is, not to provide more money than was
25. needed to fund the school aid which we are here to bring about.
26. That will now not be the case. The acceleration during this
27. fiscal year will be about twenty million dollars in the sales
28. tax bill, thirty to, sometimes it's estimated thirty-five
29. million dollars, in the income tax acceleration bill for a total
30. of approximately fifty to perhaps fifty-five million dollars.
31. That is exactly the amount of money that is needed to fund
32. House Bills 1 and 2, the school aid package. I think that what
33. we have done in this bill is to...in this compromise, is to respond

1. to that concern on the part of many members, mostly the
2. Republican members of the Legislature, that we not over
3. accelerate. I should say that our feeling was from the beginning
4. that the entire acceleration should be passed in its original
5. form. That clearly was not going to sell as it was. I think
6. what is important to notice now is that everyone has given
7. something in this compromise. The...we have given something
8. in terms of reducing the amount of acceleration. We have
9. also responded to the concern raised by some of the Republican
10. members and Senator Harris, particularly, that we have
11. something effective beginning next July 1 so that we do not
12. lose the momentum for the acceleration. Both of those concepts
13. are reflected in Amendment No. 2. The Governor has given something
14. because he does...not getting the original package that he
15. had put forward and many of us on this side are giving something
16. because we supported that concept in it's entirety and are now
17. compromising that form of support. I don't think it really
18. is important at this stage who thought up this particular
19. proposal and in view of the fact that there have been
20. so many inputs into it, I think it might even be rather
21. hard to trace that. It seems to me that what is important is
22. that a twenty million dollar acceleration in the sales tax
23. bill is a figure which Senator Harris indicated was acceptable
24. to him. It's a figure which Senator Partee has indicated is
25. acceptable to him and it's a figure which Governor Walker has
26. indicated is acceptable to him. So, that it...it reflects now
27. a package which should be acceptable to all of us. We've
28. all given something. I think we have made the legislative process
29. work if we are willing to accept this compromise. I would
30. earnestly urge all members to support the amendment as it is
31. proposed.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Any discussion? If I can have the attention of the membership,

1. Well, as long as everyone is now on the Floor, there has been
2. a request by the Associated Press to take still photographs
3. of the Senate in Session and by NBC News to videotape. Is
4. leave granted? Leave is granted. Any discussion on the
5. adoption of Senator Netsch's motion to adopt Amendment No. 2?
6. Senator Harber Hall.

7. SENATOR HALL:

8. Mr. President, I'm going to be as kind and as gracious
9. as I can be. After ten hours of sitting here waiting for
10. we don't know what, let me...

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Excuse me, Senator. Senator Newhouse, for what purpose
13. do you arise?

14. SENATOR NEWHOUSE:

15. Mr. President, many of us have been here all day without
16. any food. Some of us have sandwiches on our desks now.
17. I wonder if the press would do us the courtesy of permitting
18. us to finish demolishing this before they begin to take the
19. pictures.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. All right. They have acceded certainly to that request.
22. Senator Harber Hall, pardon the interruption.

23. SENATOR HALL:

24. Mr. President, in response to the offering of Senator
25. Netsch to help solve a problem for the schools, I have a few remarks
26. to make. First of all, Senator Netsch would have us believe that
27. this is a compromise and I would suggest to members of this side
28. as well as the other side, that this is an offer of a compromise.
29. It is not a compromise. A compromise is when we solve the school
30. problem and go home. In respect to this amendment, Mr. President,
31. I have to draw attention, again, to the proclamation for a call
32. of a Special Session wherein the Governor of this State mandates
33. us to come to Springfield to solve a school problem and then within

1. that proclamation, states to us that the problem can only be
2. solved through an attack on big business and now we have here
3. a suggestion that some business is bigger than others or less
4. important than others and therefore, we can make any adjustments
5. we want in our attack on business but we're going to continue
6. attacking business. Now, Mr. President, it seems to me that
7. this side of the aisle offered some days ago a compromise
8. that was rejected which is fair ball game in anybody's game,
9. but it seemed to me that we offered to help every school district
10. in this State by collecting at least forty million dollars
11. and offering to distribute it according to the School Aid
12. Formula wherein every school district would receive a portion
13. of that forty million dollars. That was State aid to all our
14. schools. It should have been accepted. It was the Republican
15. position and now we come back here and listen to another attack
16. on business through an unconscionable request that monies
17. already paid of business taxes to the State in advance will be
18. taken from them and they thenceforth will make weekly payments
19. without any regard to the difficult administrative problems
20. that they would have even if they could do it in the dates
21. allotted within the amendment and the bill, even if they could
22. do it, it is unconscionable. They have been paying since
23. last November, Mr. President, money over to the State on
24. advance of its being paid to them. In other words, we really
25. owe business, the income from the...that money that they paid in
26. advance. But, we didn't hear about them yelling on that score,
27. but we're going to hear about relinquishing that money now,
28. taking that money and then requiring them to make weekly or
29. semi-monthly payments.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Senator, will you conclude, your time has expired.

32. SENATOR HALL:

33. Thank you. I, for one, Mr. President, do not anticipate

1. staying here and listening to compromises offered along
2. these lines. I think it's a terrible thing that we have done
3. and I would urge my colleagues to vote against this amendment.
4. PRESIDING OFFICER: (SENATOR ROCK)
5. Senator Mitchler.
6. SENATOR MITCHLER:
7. Thank you, Mr. President. I have a question to ask the
8. sponsor.
9. PRESIDING OFFICER: (SENATOR ROCK)
10. The sponsor indicates she will yield. Senator Mitchler.
11. SENATOR MITCHLER:
12. Senator Netsch, what is the effective date of the increase of the
13. threshold from five thousand to twenty-five thousand dollars?
14. PRESIDING OFFICER: (SENATOR ROCK)
15. Senator Netsch.
16. SENATOR NETSCH:
17. November 1st.
18. PRESIDING OFFICER: (SENATOR ROCK)
19. Senator Mitchler.
20. SENATOR MITCHLER:
21. And the effective date of the reduction from twenty-
22. five thousand to twelve thousand, as I understand, is July
23. 1st, 1977?
24. PRESIDING OFFICER: (SENATOR ROCK)
25. Senator Netsch.
26. SENATOR NETSCH:
27. That is correct.
28. SENATOR MITCHLER:
29. All right.
30. PRESIDING OFFICER: (SENATOR ROCK)
31. Senator Mitchler.
32. SENATOR MITCHLER:
33. When I go back home and tell my retailers that, they say
34. what are you going to do for an encore after that? Then, when are

1. you going to reduce it from twelve thousand down to five
2. thousand down to one thousand? You know, if this is a good
3. idea, you know, it's...it's like we argued for many years
4. about a minimum wage. Finally, Illinois got a minimum wage.
5. Now, the only thing we argue about, what the minimum wage
6. amount is. You're conceding the fact that the original
7. five thousand wasn't acceptable. You say compromise up to
8. twenty-five thousand then down to twelve and sooner or later
9. you'll be back down to the five, so you know, a little
10. bit of pregnancy goes a long way and you're going to take
11. a year or two years to get it down to where everybody's
12. on this tax acceleration type of a program. Now, does this
13. eliminate, Senator Netsch, the deposit that the larger
14. corporations...retailers...the larger retailers make and
15. have on deposit with the State?

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Netsch.

18. SENATOR NETSCH:

19. Yes, it does eliminate the deposit. The first month
20. of acceleration will be a credit against that deposit so
21. it will be used up immediately and it will not thereafter be
22. required and I think, Senator Mitchler, that is the basis
23. on which the retail merchants withdrew their opposition to this
24. form of bill. They found the deposit more burdensome than
25. the weekly payment.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Mitchler.

28. SENATOR MITCHLER:

29. Well, as I understand, you have about seventy-seven
30. million dollars on deposit now with the Department
31. of Revenue and that's in the General Revenue Fund. Now, with this
32. accelerated tax collection, if they're going to use up their
33. deposit, where are you going to get any more money to distribute
34. around and to pass around to the...to the schools or whatever it's

1. going to be distributed to?

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Netsch.

4. SENATOR NETSCH:

5. Well, you use the deposit up, you exhaust that in applying

6. the first period of the acceleration, then at that point,

7. the weekly additional payments come in so that you are, in effect,

8. getting a speeded up...it's not really a double payment, but

9. a speeded up payment in the first month of the effective date

10. of this bill. That is where the additional money, the additional

11. revenue becomes available to the State.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Mitchler, your time has expired.

14. SENATOR MITCHLER:

15. Yes, I understand...

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Please conclude. All right.

18. SENATOR MITCHLER:

19. ...I understand that the first one would produce twenty

20. million in fiscal '76 and the...reducing it to twelve thousand

21. fourteen million, were those the correct figures, Senator Netsch?

22. PRESIDING OFFICER: (SENATOR ROCK)

23. Senator Netsch.

24. SENATOR NETSCH:

25. Yes, the...the second is a...a somewhat rougher

26. approximation, but it is about fourteen million. This bill in

27. the immediate acceleration will be about twenty million dollars.

28. That is correct.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Mitchler, again, your time has expired. Please

31. conclude. Senator Mitchler.

32. SENATOR MITCHLER:

33. Thank you, Mr. President. Now, I don't have any more time

34. but, I think before we act on this, I would hope some member

1. of this Body would find out what the total, and-I put this
2. word compromise that Senator Netsch is offering here, in
3. relation to the other bills that we have before us that involve
4. a speedup in accelerated tax collection, so we can look
5. at the total package of this compromise and aren't picked off
6. feather by feather until we run around with a...like a naked
7. chicken.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Further discussion? Senator Graham.

10. SENATOR GRAHAM:

11. I have a question of Senator Netsch, Mr. President.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Sponsor indicates she will yield. Senator Graham.

14. SENATOR GRAHAM:

15. You are now proposing four payments per month, are you not,
16. Senator?

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Senator Netsch.

19. SENATOR NETSCH:

20. Yes.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Graham.

23. SENATOR GRAHAM:

24. How many other states to your knowledge, use four payments
25. per month?

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Netsch.

28. SENATOR NETSCH:

29. I do not know the answer to that question. We do know a
30. number of states which accelerate as much as will be involved in
31. this bill. But, I...we have never found the figure of how many
32. require four monthly payments.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Graham.

2. SENATOR GRAHAM:

3. I think I can tell you. It's only one. Now, Mr. President
4. and members of the Senate, there are fifteen other states
5. according to my information, who use bi-monthly payments.
6. And in so doing, they reduce the cost of their handling this
7. twice a month as compared to four times a month by fifty
8. percent cost to those who are collecting the tax for us.
9. And they lose less than one-third of the amount of revenue
10. being considered. So here again, we have gone headlong into
11. leapfrogging our position, saddling those who have been over saddled
12. already to make us for a deficiency in management of the
13. State government over which they had no control, over at the
14. ...ballot box. Once again, we're making a proposition to be
15. considered by all of us, in the opinion of many, that will contribute
16. to the delay of the full funding of the common school fund
17. for a long time, perhaps, because in the next Session of
18. the General Assembly, we're going to be caught again with our
19. financial trousers at half mast. I think that we have
20. assembled ourselves here to create an issue rather than solve
21. a problem. The issue has been pretty solidly created. Compromise
22. is a funny word. It's interpreted by those who want to
23. interpret it in a manner which they would like to have it
24. affect them. Ladies and Gentlemen of this Senate, the no tax
25. Governor of this State didn't have the guts six months ago,
26. four months ago, five months ago, eight months ago, when he
27. was told that we were going headlong into this situation to suggest
28. the thing that probably we're going to have to have sometime
29. or other, I think that this has been a great imposition on
30. the taxpayers. I might indicate, too, that it has been the most
31. expensive political program that this State has ever had. And
32. I'm sorry that we have had to spend all this time and they have
33. had to spend all that money for us to accomplish a purpose that

1. gets us only more deeply in trouble.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Nimrod.

4. SENATOR NIMROD:

5. A question of the sponsor, Mr. President.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Sponsor indicates she will yield. Senator Nimrod.

8. SENATOR NIMROD:

9. Senator Netsch...will, you tell me why you have taken the
10. position of only taking the threshold as of July 1st, 1977
11. to the figure of twelve thousand rather back to the five
12. thousand?

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Netsch.

15. SENATOR NETSCH:

16. It was a compromise, Senator Nimrod. There were some who
17. objected to taking it down to five thousand. There were many
18. who felt that it should come down at some point...to some point
19. beginning July 1 and I might say that prominent among those
20. was Senator Harris and part...the second part of this is
21. responsive to a concern that Senator Harris raised with us.
22. We found that there were others on this side of the aisle who were
23. willing to listen to and consider and some who actively supported
24. a different figure and twelve thousand was the figure.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Nimrod.

27. SENATOR NIMROD:

28. Well, I...Mr. President, I'm sure I know...you don't
29. mean to...Senator Netsch, you don't mean to leave us with the
30. impression that Senator Harris says to go to twelve thousand
31. and that...that money, another thirty-five thousand dollars
32. of the so-called sixty-five will not be available at all in any
33. acceleration period and that when next year comes, the next

1 Governor comes they'll be no...that money will not be available.
2 In other words, it appears that your compromise is only that
3 money which can be available for us now is fine, but for the
4 next administration, there will be no monies available to them.
5 I think your compromise is with yourselves. It certainly does
6 not go along with the compromise that was certainly thought
7 of on...on...on...at least as my understanding on this side of the
8 aisle. Number two, Senator, getting these two together with what
9 you're saying implements it now at twenty-five which is the fourteen
10 million and add that to that...I mean the fourteen million
11 for June 1st,...July 1st and twenty million now makes it thirty-
12 four million. You referred to the...the withholding tax revenues
13 but I know that figure now is finally...some people are talking
14 about thirty-five million but I want to tell you that I think for the
15 record, it ought to be known, that in 1974 the withholding tax
16 was six hundred million dollars. And that was actually what
17 was collected during that year. When you divide twelve into
18 six hundred million, that's fifty million a month. Now, I don't
19 care how you cut the pie or what you do with it, between these...in these
20 last two years there's been the increases, we are closer now to a
21 seven hundred and twenty or seven hundred and fifty million
22 dollar availability on the income tax and that would mean that
23 that withholding is closer to an average of sixty million dollars
24 per month. Take three-quarters of that and we're talking
25 about forty-five or fifty million dollars under withholding
26 alone. So, it seems to me that it's a matter of who's dealing
27 with what figures and that we're really not coming through
28 with a particular compromise. Let me ask you one other thing.
29 If it was a compromise with the Republicans, and with particularly
30 Senator Harris, how come you didn't let Senator Harris put
31 on the amendment?

32 PRESIDING OFFICER: (SENATOR ROCK)

33 Senator, I will recognize Senator Netsch for the purpose
34 of answering that and then point out to you your time has expired.

1. Senator Netsch.

2. SENATOR NETSCH:

3. It's my bill, Senator Nimrod.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Nimrod.

6. SENATOR NIMROD:

7. Yes, but amendments certainly are a means of compromise
8. and it seems to me that if you want to compromise, then certainly
9. others...you ought to go along with others on their amendments.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Knuppel.

12. SENATOR KNUPPEL:

13. Mr. President and members of the Body, we're here today
14. where we should have been two weeks ago. I suggested then we
15. cut it into two pieces. We're right there now. Now, you're
16. talking about whether we're going to get some more revenue,
17. well, if things go the way you people think they're going to go,
18. the way your candidates say they're going to go, the economy
19. will take a great upturn, we'll collect a lot more money if
20. your people are elected, we won't have to worry about changing
21. what we do here today. All I want to say is, is that anybody
22. can claim this if they want to but it's in the record who first
23. suggested it and...and I'm not claiming the right to make the
24. amendment. It belongs to Senator Netsch who is the sponsor of the
25. bill. She is the one lady involved. Courtesy alone dictates
26. that.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. Senate...Senator Fawell. Senator Fawell, then Senator Merritt
29. then Senator Glass and I'm you know,...and then whoever, Senator Fawell.

30. SENATOR FAWELL:

31. Well, one of the questions I had was why we were not as
32. of July 1st, 1977, returning to that five thousand threshold and I
33. had not realized that anybody on this side of the aisle was holding

1. out for that. I had...had understood it was the opposite.
2. Now, maybe I'm...maybe I'm wrong. I'm often wrong...but
3. ...so I'm a little bit confused on that, but it's...I think
4. it's natural for many of us to be confused in regard to
5. what is happening on these school bills. I do want to point
6. out this...this very salient fact, though. What we're
7. talking about here is a compromise apparently on the compromise
8. which was last presented which we felt wasn't a compromise
9. at all. I'm not so sure that there's much of a compromise involved
10. here because one very important point to stress is that we have
11. not been allowed to even talk about the merits of House Bill 1.
12. Now, I don't think many people in the State of Illinois, perhaps
13. many people in news media recognize what is happening here.
14. We are taking, and Senator Netsch, you said this, that...that
15. the fifty million will fully take care of the formula changes.
16. I don't think you meant that at all. It will equal what you
17. have rather arbitrarily, I believe, in my view, set as the
18. appropriation, fifty million dollars. The fifty million dollars
19. is the foundation for the house. The house is House Bill 3518,
20. so to speak, in its new form of House Bill 1. And the cost
21. will be one hundred and eleven million dollars approximately
22. for this fiscal year. With an additional thirty million dollars
23. for the weighted average daily attendance changes which are built
24. into it that won't be felt until the following fiscal year. Well,
25. we're talking about a hundred and forty million dollars of brand
26. new costs and insofar as this fiscal year, say a hundred and ten,
27. a hundred and eleven. We're going to finance that with twenty-
28. five million dollars. Now, that's a beautiful example of deficit
29. financing that I don't think really makes a whole lot of sense and
30. why I have continuously said that if we are serious about addressing
31. the problems that exist in public education, which are greater
32. than just the distributive formula is concerned, then we ought
33. to be, I think, candid enough to appropriate the dollars that are
34. necessary or do what Senator Shapiro has said, cut that formula

1. down so that you can adequately fund it so that we're not
2. just really fooling those administrators and teachers and many
3. other people in the State of Illinois who believe that that formula
4. change can actually be put into being. It...it...it can't, not...
5. not with an appropriation of twenty-five million dollars. The
6. other twenty-five million, as I mentioned last week, is simply
7. twenty-five million to say we know that a lot of school districts
8. are going to be hurt by this and we're going to guarantee
9. you for one year and one year only that you won't be hurt
10. in relationship to your last fiscal year. You'll get at least
11. that much but from the point on, we can't even guarantee that.
12. So, as Senator Graham has correctly stated that...that if we really
13. believe that we're going to properly fund this, then we must
14. stand up right now and say, we are for an increase in taxes
15. next year. I am not going to be here to partake in that. I don't
16. believe many people want to say that right now, but you have
17. to say that right now, unless you're going to say that we're
18. doing what we're doing here as deficit financing. We know
19. we can't possibly meet this. We're going to have to prorate
20. even more. There is some merit and equity to the formula changes,
21. but you have to admit there's going to be greater proration,
22. you can't possibly begin to meet these changes obviously this year.
23. and you're going to have as a result and you consider the unfunded
24. portion of the resource equalizer that exists now of a hundred
25. and ten million. There's two hundred and fifty-one million
26. dollars more not counting the ordinary increases in inflation
27. and not counting at all the tremendous underfunding that we have
28. also committed in regard to special education which is worse,...

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator,...

31. SENATOR FAWELL:

32. Than...

33. PRESIDING OFFICER: (SENATOR ROCK)

1. ...will you bring your remarks to a conclusion, please?

2. SENATOR FAWELL:

3. ...the distributive fund. So, the very foundation...

4. I should say the...the very structure that we're supposedly

5. taking care of here, the house that is going to be involved

6. is formula change, we're not going to be able to fund it at

7. all and we're just kidding an awful lot of people, and I think

8. doing a lot of running around down here and not accomplishing

9. very much at all, except getting ourselves in such a position

10. of debt that we'll have to increase taxes next year, which may be

11. the proper thing to do.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Merritt.

14. SENATOR MERRITT:

15. Mr. President, members of the Senate, I certainly

16. hesitate to question Senator Netsch. I know she's a skillful

17. lawyer, able legislator, eloquent debator. None of those

18. qualities of which I certainly possess. But, I feel some

19. deep seeded thoughts in my mind that bring up some questions.

20. Before I ask that of Senator Netsch, I would disagree somewhat with

21. Senator Knuppel when he said we're at this point today where

22. we were...should have been two weeks ago, I say we're at the

23. point where we should have been three months ago. Senator Netsch,

24. I think that you're well aware, you were sponsor of Senate Bill 2004,

25. right?

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Senator Netsch.

28. SENATOR NETSCH:

29. That is...that is correct.

30. PRESIDING OFFICER: (SENATOR ROCK)

31. Isn't that pretty much the concept that now is embodied

32. in...in both Senate Bill 5 and House Bill 5?

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Netsch.

2. SENATOR NETSCH:

3. It is the concept, but with some very major differences,

4. though.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Merritt.

7. SENATOR MERRITT:

8. Yes, I would agree. The major differences is you went

9. from three payments a month under your proposed 2004 to four

10. payments under these...under this current bill under consideration

11. as well as Senate Bill 5. Isn't...isn't that correct also?

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Netsch.

14. SENATOR NETSCH:

15. No, the structure of the bill is the same as it was when

16. it was before the Senate last spring. The only thing that is

17. different now is the acceleration or the threshold acceleration

18. level and the fact that the deposit may now be used to absorb

19. the first month's liability. Those are the two significant

20. differences in the bill. The basic structure is the same.

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Merritt.

23. SENATOR MERRITT:

24. Then what...what was the ultimate outcome of Senate Bill 2004?

25. PRESIDING OFFICER: (SENATOR ROCK)

26. Senator Netsch.

27. SENATOR NETSCH:

28. It did not pass.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Merritt.

31. SENATOR MERRITT:

32. What...what happened in committee or on the Floor?

33. PRESIDING OFFICER: (SENATOR ROCK)

1. Senator Netsch.

2. SENATOR NETSCH:

3. Yes, as you've heard, it did not get enough votes. It
4. was...it did not get enough votes in committee and a motion
5. to discharge was made on the Floor of the Senate and the motion
6. to discharge did not receive enough votes.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Merritt.

9. SENATOR MERRITT:

10. Then, I'll conclude that questioning and indicate to that
11. side of the aisle with thirty-four votes over there according to
12. the Journal you cast twenty-one votes to discharge. Now, I
13. say, if education was that important to your side of the aisle,
14. three months ago on June 24th, you didn't think it was good
15. enough then but apparently you think it must be much better at
16. this time. This is total lack of fiscal responsibility clear
17. down to the second Floor. He came aboard four years ago with
18. nearly a five hundred million dollar surplus turned over to him...

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Please, Senator...

21. SENATOR MERRITT:

22. ...I've never questioned any of you Gentlemen and Ladies
23. on a time situation and he has not only spent all of that,
24. but currently has our current fiscal year's finances in a dangerous
25. low level. It's a sham and it doesn't make it any more palatable
26. to me to cloak it in the purity of giving aid to schools. Thank
27. you.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Senator Glass. Senator Glass graciously withdraws. Senator
30. Harris.

31. SENATOR HARRIS:

32. Thank you, Mr. President. I'm probably going to talk
33. somewhat beyond this amendment but I think it important that we

1 review the entire episode of this Special Session and where
2 we have come since last June when you, with your thirty-four
3 votes did not support the tax acceleration program and in the mean-
4 time have changed your position apparently to some extent and
5 I want to make certain that we...whatever decisions we make
6 here in the remainder of this Special Session that we make
7 them with an understanding of all of the developments involved.
8 To begin with, my position, and I think supported primarily by
9 my colleagues on this side of the aisle, until we had been
10 assured of the program of commitment of obligating the State
11 during the remainder of this Governor's term, that we needed
12 additional assurance that we were not going to be faced for
13 the new Governor with an impossible situation as we moved through
14 the remainder of fiscal '77. And like everyone with the
15 interest of our most priceless possession, the school children
16 of Illinois, we wanted to do something responsible, commensurate
17 with our financial capability for those same school children.
18 And so when we were faced with the choice of supporting the program
19 introduced, or caused to be introduced by the administration,
20 of a hundred ten million dollar price tag school aid benefit
21 program, supported by a fifty million dollar appropriation
22 bill and a revenue acceleration program calculated to amount
23 to ninety-five million dollars, we were persuaded that it was
24 not in the total best interest of the people of Illinois and
25 certain special parts of the people of Illinois, the education
26 group that that was unsatisfactory. And so we offered an
27 alternative last Saturday. That alternative was a two stage
28 possibility. One, to commit the full ninety-five million
29 to education. You chose not to support us in that amendment to
30 the appropriation bill. That failing then, we determined to
31 support Senate Bill 3 of this Special Session...I'm sorry, House
32 Bill 3, which is the withholding tax acceleration and without debating
33 whether it's a thirty or a thirty-five million dollar yield,

1. you chose not to go with us on that, at least understanding
2. that that alone was not sufficient and of course, that involved
3. an amendment to House Bill 1 to reduce the benefits, the increased
4. benefits to the school aid formula to a figure consistent with the
5. revenue product, the new revenue product that we would have
6. available. We think that is the responsible way to go.
7. To synchronize the benefit increase, the appropriation bill
8. and the new revenue product. That's responsible. But, we
9. were informed that it had to be the program introduced
10. by the Walker Administration or nothing. And that essentially
11. was what came out of the conference among the leaders...
12. the legislative leaders and the Governor and those that he
13. invited to join him on Monday morning of this week. Once again,
14. the Walker program or nothing. I began to evaluate whether
15. there might be some opportunity of further compromise, understand
16. that our beginning posture was, at least individually my posture
17. was no to the whole program because it was irresponsible. It
18. continued to kid the school people of Illinois by a...a
19. benefits package of a hundred ten or a hundred eleven million
20. dollars and only funding fifty million of it. And we did find
21. the acceleration of the Retailers' Occupation Tax package,
22. the additional sixty-five million unacceptable because we were
23. not properly persuaded what it would be utilized for. So,
24. I attempted to go even beyond our first compromise position
25. and that was to construct two thresholds. One that would produce
26. a sufficient amount of money immediately to fund the fifty
27. million dollar package program so that we would again have everything
28. synchronize. It is my belief and it has been concurred in today
29. that the withholding tax acceleration program will, in fact, produce
30. thirty-five million. And that a threshold higher than five
31. thousand, in my own judgement, a threshold of fifty thousand
32. will produce fifteen million so that you've got the combination
33. for the fifty million dollar program. And I was willing to do that
34. provided that we reduce the benefits in House Bill 1 from a hundred

1. ten million dollars down to fifty. And in my discussions
2. with your leadership, I was advised that that was unacceptable
3. and I really, really think that it's a very wrong thing to
4. continue to do, as Senator Fawell has pointed out, to pass
5. benefits in the substantive law that we do not have the courage
6. to immediately fund. And so I evaluated further and agreed
7. to attempt to find votes from this side of the aisle to
8. support House Bill 1 in its present form. And it contains
9. a policy that I think is a very serious step in the wrong
10. direction. But in a spirit of willingness to resolve the
11. problem of the schools of Illinois, I've even taken the step
12. that I experienced serious trepidation. I'm willing to embrace
13. House Bill 1 and the principle involved there is the enactment
14. of an ex post facto qualification for a school district that
15. knowingly, knowingly signed a contract that it could not fund
16. under existing law and so when help from the State Treasury
17. was not forthcoming, determined on its volition to disqualify
18. itself for some fifty-three million dollars of State aid
19. by closing early denying to...the pupils of its system, the
20. required minimum of school attendance days. The ex post facto
21. forgiveness may be a principle that will haunt us for a long
22. time in the future, but recognizing the serious problems that
23. faces us with respect to education in Illinois as a whole and with
24. respect to education in the single largest school district that
25. has aggravated the problem facing us all, I determined to accept
26. the very serious negative implications of House Bill 1 with
27. the understanding that we would proceed to pass House Bill 5
28. with a threshold that would provide fifteen million of additional
29. immediate money, joined with the thirty-five million that will be
30. produced by the passage of House Bill 3, but with the understanding
31. that the additional money that will be accelerated by the original
32. five thousand per month threshold be a part of the understanding.
33. Now, I want to make it clear that your leadership did not commit

1. delivery on that last understanding from your side of the aisle.
2. But, it was an understanding between us that we agreed to
3. attempt to synthesize on our two respective sides and now,
4. after many hours of dialogue, separately, you inform me that
5. that understanding is not possible from your side of the aisle.
6. And you offer this, as you say, a compromise, a compromise
7. from your original position of requesting ninety-five million
8. of immediate availability and a fifty million dollar
9. appropriation for a program that really costs a hundred ten to
10. a hundred eleven million dollars. I cannot support this amendment.
11. I propose and I have on the Secretary's Desk, the amendment that
12. I think we really should get to and that is the basis of our
13. discussion today and that is an immediate threshold of twenty-
14. five thousand, which according to our calculations, Senator
15. Netsch said it will produce twenty-four million...I'm sorry,
16. twenty. I'm confident that it will produce twenty-four, the
17. twenty-five thousand threshold. But, at this point in our
18. deliberations, I don't think we should quibble over whether it's
19. twenty-four or twenty. Let it be determined that the twenty-
20. five thousand threshold is acceptable to me, but the de-escalation
21. of the threshold or the lowering of the threshold on July 1
22. ought to be as the original package required and provided for,
23. a five thousand dollar per month Retailers' Occupation Tax
24. liability taxpayer category to accelerate that taxpayer's payments.
25. The twelve thousand dollar threshold may be a compromise among
26. the majority members of the Senate, but it is not a compromise
27. with me or among those among us who will support, in fact, a true
28. compromise program.
29.
30.
31.
32.
33.

1 This is not. If you will join me in the adoption of my
2 amendment, that proceeds with the twenty-five thousand
3 threshold immediately and the five thousand threshold on
4 July 1st, 1977, we'll have, in fact, an honorable com-
5 promise from both points of view in...and in which I
6 must in all candor say provides a great deal more movement
7 from the position taken on this side than from the position
8 that you began from. And I do think that it's appropriate to
9 call attention, again, to the fact that in June you were
10 not sufficiently convinced of the value of this program
11 introduced, that even with your thirty-four vote majority
12 you couldn't pass this program when it only took thirty
13 votes. Even with your thirty-four vote majority you couldn't
14 pass this program or at least didn't pass this program when
15 it only took thirty votes. Senator Netsch, I...I cannot
16 support Amendment No. 2. I hope that it will not be adopted.
17 I really don't know what we will do with respect to this
18 side of the aisle if House Bill 5 is amended as you pro-
19 pose to do in this amendment. But, I will say to you that
20 I will aggressively seek support for the bill if what will
21 be Amendment No. 3 is adopted. Amendment No. 3 will provide
22 for the twenty-five thousand taxpayer threshold immediately
23 and the five thousand threshold on July 1st, 1977. I cannot
24 support Amendment No. 2.

25 PRESIDING OFFICER: (SENATOR ROCK)

26 Senate...Senator Carroll.

27 SENATOR CARROLL:

28 Thank you, Mr. President. I rise to support Senator
29 Netsch's amendment and I do so after listening to the com-
30 ments of the other side of the aisle which, as usual, confuse
31 me. I think most of the people who commented were confused
32 in their own statements. I heard support for ninety-five
33 million, but for thirty million, but not for fifty million.

1. And that I just don't understand. But, the price tag of
2. the package, as it now exists by appropriation, is fifty.
3. Let's talk in terms of fifty. I heard that the majority
4. side of the aisle did not pass in June an identical pro-
5. posal to the one that first came in here. I served on
6. that committee. I heard the Comptroller from the other
7. side of the aisle support this and yet he could not get
8. the votes from his side of the aisle to help pass that
9. package. From what I heard, and I'll assume Senator Merritt
10. was correct, two-thirds of the votes needed to pass the
11. acceleration then, came from this side of the aisle. May-
12. be not all were committed to it then, but two-thirds, better
13. than two-thirds of those needed. Where was the other side
14. of the aisle when it came time for fiscal responsibility?
15. But, again, let's talk now, let's talk about the amount of
16. money. We're talking about the five hundred, the largest,
17. half a million dollars a month or more. The largest businesses
18. in this State turning into us our money, the State's money
19. that they are collecting on behalf of the State of Illinois.
20. We are talking about giving them the advantage of using up
21. their deposit first, for which they get no interest and for
22. which they are very happy, that we allow them to use up. But,
23. then Senator Harris takes it the next step, a step I was will-
24. ing to take until I spoke to a lot of people in my district,
25. and that is the hundred thousand a month guy. The guy with
26. the chain store, the little grocery store, the guy with the
27. clothing store, who's doing about a hundred thousand a month,
28. who doesn't have...who doesn't have the extra help to provide
29. these extra reports. So, what we're saying is, let's first
30. start with those big guys, those big guys who can't afford
31. to send in our money a little bit more on time to help us help
32. the school kids. I think that's where it's at and I think
33. that's where it's at here and now. Let's talk about the big

1 five hundred first, let's bring it down to the twelve thou-
2 sand figure come July 1 and then let's go from there as the
3 need requires. Thank you.

4 PRESIDING OFFICER: (SENATOR ROCK)

5 Further discussion? Senator Hynes.

6 SENATOR HYNES:

7 Mr. President and members of the Senate. I will be
8 extremely brief. I will make one point. Two of the
9 speakers from the other side made the same point, that
10 we're fooling the school administrators because we can't
11 put this formula into affect, that we're kidding the school
12 people because this is a hundred million dollar change and
13 we're only providing fifty. That simply totally misses the
14 point. I think anyone who has looked at the School Aid
15 Formula knows that it's extremely complicated and any discussion
16 of it simply turns off the audience, it clouds the issue,
17 and I'm not going to get into that part of it. The simple
18 fact that we ought to keep in mind is, that if this package
19 is passed there will be fifty million dollars more in school
20 aid distributed to the schools of this State this year than
21 there will be if it is not passed and, therefore, the issue
22 is, do we want to give fifty million dollars right now to the
23 schools of this State.

24 PRESIDING OFFICER: (SENATOR ROCK)

25 Further discussion? Senator Partee.

26 SENATOR PARTEE:

27 Well, Senator Hynes has really said it all in very, very
28 succinct language. You can talk for years about the nuances
29 of this program. You can talk a long time about what happened
30 in June and how many votes were there and all of that, but
31 the fact of the matter is, you'll never erase the fact that
32 at this moment teachers are on strike, there are budget cut-
33 backs, there are program cutbacks, there's increase in class

1. sizes, there are curriculum cuts, there's schools without
2. programs that they have had for years including athletics
3. and others and all over there is an uncertainty as to available
4. dollars. From time to time they have been, on that side of
5. the aisle, like a yo-yo. At one moment saying that thirty
6. million dollars was sufficient to fund fifty and another
7. moment saying no, it ought to be ninety-five and one moment
8. saying we must protect business because we are robbing business
9. and no business is being robbed. They're simply giving
10. up what already belongs to the State, and there's been con-
11. ferences about what it will produce. What will this tax
12. produce, what will that tax produce and for the last two or
13. three years we've had different figures emanating from every
14. single part of this fiscal government as to how many dollars
15. we had. There are those who said we had X number, there
16. were those who said we had X plus 1, there were those who
17. said we had X minus 1 and if we didn't know what we had,
18. how possibly can we know what we can produce by a given tax,
19. given all of the things that can happen between imposition
20. of tax and collection of tax. It certainly...it does not
21. make sense to me to operate within any kind of unworkable and
22. unspeakable kind of economic time frame. The Governor had
23. a conference. He called in both persons who are running for
24. Governor, representatives of both of the parties, to see if
25. it could be worked out. I was there. I'm not telling you
26. what somebody told me, I was there. Nothing is more important
27. than to be there for me and when I left there I thought we
28. had one understanding and a couple of hours later it was some-
29. thing new and something different. It's been suggested now
30. that this twelve...that the threshold, as suggested, coming
31. back to twelve thousand is too large. We should be back to
32. five. Well, what happens to all of the businesses in between
33. that there was the hue and cry about. I find it difficult to

1. understand the inconsistency of the positions that have been
2. taken from time to time since this matter has been discussed,
3. but there's one thing I do understand and that is, that there
4. are budget cutbacks in our schools, that there are program
5. cutbacks, there are increases in class sizes, there are curricu-
6. lum cuts and there's an uncertainty of available dollars.
7. Why do we need to be so concerned, really, about what the
8. threshold ought to be July 1st of 1977? The Legislature
9. comes in Session in January and certainly knowing what the
10. posture is they ought to be able, at that time, to determine
11. what...what kind...what kind of threshold is necessary to
12. run Government. I know the answer to why the five is more
13. important, I know the answer to why the people all between
14. five and twelve are not considered, you know the answer too.
15. It's a very political answer, and I, for one, am never going
16. to let politics preponderate my concern about what is the
17. number one priority, which is for the children of this State.
18. You may hoot, you may holler, you may express your culture
19. in whichever way you desire, but the fact of the matter is,
20. the fact of the matter is, that this is a viable program which
21. takes into consideration what is needed for the school children
22. of this State and I certainly am going to support this amend-
23. ment.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Netsch, do you wish to close the debate?

26. SENATOR NETSCH:

27. I want to. Thank you, yes I will and I will do it largely
28. by summarizing what I think are, perhaps, the three points that
29. are involved in this vote. One, although, we are not technically
30. debating House Bill 1 at the moment, as Senator Hynes noted,
31. that issue has been brought into it and, of course, it is part
32. of the entire package. In a very real sense the cost of the
33. School Aid Bill, the Formula Bill, is the amount of money that

1. we are able to make available to pay for it so long as we
2. make clear what that amount is. The point of the formula
3. changes is a fairer distribution of that which we are able
4. to make available. That is a fairer distribution for every
5. single part of the State and that is the reason why we passed
6. House Bill 3518 last Summer, and I would remind all of you
7. that we did pass that bill last summer even though we did not
8. make available the entire funding that the bill potentially
9. could cost. Our posture now is no different from what it was
10. then. Secondly, to underscore again, those who are affected
11. by this acceleration bill. We have made every effort and that
12. has been compromised on this side and, hopefully, on that side
13. as well, to reach only those who are able to immediately absorb
14. the additional burden if, indeed, it is an additional burden
15. of the acceleration. We are talking only about five hundred
16. retailers right now, retailers who have annual sales of six
17. million dollars or more. Those are not the very small businesses.
18. When it becomes effective the additional acceleration in July,
19. we will still be talking only about another one thousand to
20. what...to eleven hundred retailers, retailers with annual sales
21. of about three million dollars. We are still not talking about
22. the corner grocery store. Both of these...this bill and the
23. income tax acceleration together will make available fifty million
24. dollars. This bill alone will make available twenty million now
25. to help pay for the School Aid Bill and fourteen million dollars
26. for the next Governor, whoever that may be. The point is, we
27. cannot have additional school aid now, we cannot let the school
28. districts know, with certainty, how much they are going to have
29. available this year unless we are willing to fund it, and that
30. funding must take place right now. This bill is an absolutely
31. critical part of that funding. If it is not acceptable in terms
32. of threshold now, that can be changed later, because the second
33. part of the threshold does not become effective until July 1 of

1. next year, ample time to change that. But if this one does
2. not pass we are right back where we were several weeks ago
3. with no reasonable basis for voting for House Bill 1 and
4. House Bill 2. Gentlemen, this is a compromise. A compromise
5. means that everyone gets not everything that they wanted,
6. everyone gets something of what they wanted. That is directly
7. reflected in this bill and it should be supported.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Netsch moves the adoption of Amendment No. 2
10. to House Bill 5. All those in favor signify by saying Aye.
11. All those opposed. A roll call has been requested. The
12. question before the Body is, the adoption of Amendment No. 2
13. to House Bill 5. Those in favor will vote Aye. Those opposed
14. will vote Nay. The voting is open. Have all voted who wish?
15. Take the record. On that question the Ayes are 33, the Nays
16. are 17, none Voting Present. Amendment No. 2 to House Bill
17. 5 is adopted. Further amendments?

18. SECRETARY:

19. Amendment No. 3 offered by Senator Harris.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Harris.

22. SENATOR HARRIS:

23. Thank you, Mr. President. This amendment is, as I ex-
24. plained in my dialogue with...in connection with Amendment
25. No. 2, this would provide for the immediate twelve thousand
26. dollar...I'm sorry, the immediate twenty-five thousand threshold
27. and on July 1, 1977 the five thousand threshold which your
28. side of the aisle was willing to support on Saturday. I urge
29. you that if this amendment is adopted we will have truly a much
30. greater opportunity to wind up this whole Special Session in
31. what will, in fact, be a reasonable compromise. I hope you will
32. join me, Ladies and Gentlemen of the majority side of the aisle,
33. in the adoption of Amendment No. 3.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Any discussion? Senator Glass.

3. SENATOR GLASS:

4. Thank you, Mr. President, Ladies and Gentlemen. To
5. echo what...what Senator Harris has said, I would like to
6. point out to the Body that when we left here last Saturday
7. there was a great deal of discouragement about passing any
8. legislation to correct some of the problems with...with
9. schools in Illinois and...and I, for one, frankly, I had
10. grave doubts as whether that could be accomplished. Senator
11. Harris, among others, but particularly Senator Harris worked
12. hard to put together what really is a fair compromise which
13. is, in fact, represented by this amendment. You will recall
14. that this side of the aisle, at least a number of us, opposed
15. making effective the Sales Tax Acceleration Bill immediately
16. and said, instead, that it should become effective as of July
17. 1. The...the compromise is to allow it to become effective
18. July 1 except as to retailers who pay twenty-five thousand
19. or more sales tax per month, and by accelerating those this
20. year we have...would have an opportunity to raise the additional
21. money to...to pay for the appropriation recommended by the
22. Governor. I...I won't comment on the rest of the package, but
23. certainly this compromise that Senator Harris has stood behind
24. and has spoken for is one that I thought, and I think a lot of
25. us on this side of the aisle thought, had been accepted by the
26. Democrats. We now have an opportunity to put this on the bill
27. and make it a true compromise and I would urge you to join us
28. in doing that.

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Senator Morris.

31. SENATOR MORRIS:

32. Thank you, Mr. President. I rise in opposition to this
33. amendment and the opposition is quite simple. This past weekend

1. and Monday of this week I talked to some of the neighborhood
2. retailers in my district. Those are the people that are the
3. backbones of the neighborhood communities which I represent
4. in Waukegan and Zion and Winthrop Harbor, and the five thou-
5. sand dollar threshold will catch those people. They're
6. the ones who do about a million four to a million nine per
7. year in business and if we go to the five thousand dollar
8. threshold we're catching the neighborhood retailer. I think
9. the twelve thousand dollar threshold is adequate. It will
10. produce some additional revenue in July of next year to get
11. us through any crisis and it will still protect that neighbor-
12. hood independent businessman. And I find it rather interesting
13. that the people on this side of the aisle are standing up to
14. defend that neighborhood businessman from one more onslaught
15. of Government and I find that the people who are promoting this
16. amendment are doing something that is unconscionable and it's
17. one more shot at that neighborhood independent businessman,
18. but then, again, if you look at the statistics in five or ten
19. years maybe all of those independent businessmen will be gone
20. and the large corporations will have their finger in every
21. grocery store, every neighborhood dime store and every neigh-
22. borhood business. And I'm not about to sit down here tonight
23. and take a shot at those neighborhood independent businessmen
24. just because somebody on that side of the aisle wants a few
25. more dollars for whoever the next Governor might be.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. Further discussion? Senator ParTEE.

28. SENATOR PARTEE:

29. Well, just very briefly, what we're doing now is putting
30. on an amendment or attempting to that would provide more money
31. than is needed, with the understanding and knowledge that when
32. the Legislature comes in next year they may then adjust from
33. the twelve...from the amendment we just passed, downward. Let

1. me just say one thing, and I am not one who has ever
2. taken this Floor to espouse the cause of a newspaper,
3. I'll tell you this, that Thomas Jefferson once said -
4. that were it left to me to decide whether we should have
5. a government without newspapers or newspaper without govern-
6. ment, I should not hesitate to prefer the latter. And just
7. this morning a newspaper in the city where I live, the Chicago
8. Sun Times, suggested just what we're about here today in
9. terms of not raising more money than is needed, and the
10. proposal, of course, is implicit in what we have been saying
11. all along here today, that there is a possibility of altering
12. the twelve million dollar threshold...twelve thousand dollar
13. threshold when you come back in January. I see no necessity
14. for straddling a lot of people between five and twelve with
15. additional cost, with additional dollars when we don't need
16. them. If we needed them, perhaps, it would be a different
17. story. It's now determined that it is not needed, so why do
18. we do to people in gover...by government that which is
19. not necessary.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Further discussion? Senator Wooten.

22. SENATOR WOOTEN:

23. Mr. President and colleagues. I think this is as good
24. a point as any to articulate some unthinkable thoughts.
25. I'm interested in the way we have reversed positions over the
26. weekend. On a practical level that's about what we've done,
27. and I'm afraid it's going to lend some weight to suspicions
28. that are abroad in the State, that we truly intend to do nothing.
29. I sincerely hope that is not the case. I would hate to see
30. us get caught in an argument between amendments and that
31. argument reducing the number of votes one way or the other
32. to just below the needed number of thirty-six, so that each
33. party can go out here with something to argue about as we get

1. into the election and we are left without an absolutely
2. essential piece of legislation, several pieces of legisla-
3. tion. I tell you, Ladies and Gentlemen of the Senate, there
4. is nothing that does this Body and the whole process such
5. disservice as a clear demonstration that we cannot act, that
6. we cannot get results. I think these bills are essential.
7. I believe if we consider them alone, in isolation, most of
8. us would agree with that. Personally, I can go for five or
9. twelve almost any number next July. I know we have the time
10. to adjust that figure when we come back in January. I merely
11. want to voice this hope that we are not using the device of
12. a rather small difference in amendments to prevent a sufficient
13. number of votes for passage. This bill, House Bill 5, is the
14. key to it all, and I think we've got to prove to the people
15. that there are some things more important than partisan de-
16. bate.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. Further discussion? Senator Harris may close the debate.
19. I beg your pardon...Senator Berning.

20. SENATOR BERNING:

21. Well, thank you, Mr. President. Since it now appears
22. from the comments, particularly, on the other side by more
23. than one speaker, that we really are addressing ourselves to
24. the whole package and not just to an amendment or to House
25. Bill 5, but essentially to House Bill 1 as well, I, therefore,
26. would like, Mr. President, to state once again what has been
27. completely obvious to most of us from the very beginning.
28. On the eighth of September I said that we should have adjourned
29. Sine Die that day and gone home. This is totally an unnecessary
30. maneuver, it's strictly political and I say that with the ut-
31. most emphasis. The whole process is for the benefit of the
32. School Board in the City of Chicago and amounts to a tacit
33. approval of the teachers' strike tactic. Once we embark on this

1. precedent we can rest assured that it's going to be with us
2. from this day forward. I point out respectfully to the
3. members of the Senate, also, that even fifty million dollars
4. or thirty million dollars is more than this State of Illinois
5. can justify in additional appropriation for anything as long
6. as we are three and a half billion dollars in debt, yes, to
7. the Teachers' Pension Fund, the Judicial Pension Fund, the
8. Employees' Pension Fund and all the rest of them. Ladies and
9. Gentlemen of the Senate, that is a problem we will have to be
10. wrestling with shortly and any dissipation of funds at this
11. time or long range commitments are ill-advised.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Fawell.

14. SENATOR FAWELL:

15. Just one thought and I don't know if the leadership
16. has given a great deal of thought to this, we in the Legisla-
17. ture quite often will arbitrarily classify in our legislation,
18. and we've done so here and I don't know if we've given a lot of
19. thought as to constitutional attack which, therefore, may be,
20. I believe, much more prevalent with Senator Netsch's amend-
21. ment than with what Senator Harris is talking about. To ar-
22. bitrarily set that threshold at twelve is, I think, going to
23. invite constitutional attack on the basis of a improper classi-
24. fication. At least, I think there ought to be some type of
25. wording in the bill that would set forth a basis for the classifi-
26. cation that the Legislature makes. Somebody who is averaging
27. ten thousand, for instance, does not have to be involved, but
28. somebody at thirteen does. Why the distinction? That may not
29. be important to us but it is very important to a court in de-
30. termining whether or not the bill is constitutional. I'm sug-
31. gesting that we, I think, have a much sounder bill constitutionally
32. with Senator Harris' approach even though some of us might feel
33. that it may bring in some business of friends or constituents or

1. what have you, that ought not to be involved. And I offer
2. this very seriously as I'm sure that somebody is going to
3. bring a constitutional case and it's going to be a much
4. easier job, give them more to talk about when we have this
5. higher ultimate threshold.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Further discussion? Senator Knuppel.

8. SENATOR KNUPPEL:

9. Well, I don't see the difference...that there's any
10. difference in five and four or between five and twelve. If
11. you're going to pick a figure it's arbitrary unless you go
12. all the way down, so that argument doesn't hold any water.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Nimrod.

15. SENATOR NIMROD:

16. Mr. President and fellow Senators, I just want to make
17. a statement and an observation. It seems that everytime that
18. a proposition is presented that will pass these bills, you
19. alter your position over there on the majority side, so that
20. the bill cannot pass. I think if you're serious and you had
21. listened and you had listened to what our leader had said,
22. on our side of the aisle, that you would have realized that
23. the bills could pass and it would cost you nothing. I sincerely
24. think you are doing this in bad faith and trying to leave an
25. impression that we do not support the fifty million dollars.
26. We certainly do, but you do not support the concept at all and
27. do not want the bills to pass in any manner, shape, or form.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Further discussion? Senator Harris, you wish to close?

30. All right, a roll call has been requested. Senator Harris
31. has moved the adoption of Amendment No. 3 to House Bill 5.

32. All those in favor will vote Aye. Those opposed will vote Nay.

33. The voting is open. Have all voted who wish? Take the record.

1 On that question the Ayes are 21, the Nays are 25. Amend-
2 ment No. 3 fails. Any further amendments?

3 SECRETARY:

4 No further amendments.

5 PRESIDING OFFICER: (SENATOR ROCK)

6 3rd reading. Senator Howard Mohr, for what purpose do
7 you arise?

8 SENATOR MOHR:

9 Yes, Mr. President. I would like the record to show
10 that I did have some mechanical difficulties here on Amend-
11 ment No. 2 and would have liked to be recorded No.

12 PRESIDING OFFICER: (SENATOR ROCK)

13 The record will so show. For the purpose of intervening
14 business so that we may then return to House Bill 5, as amended, that
15 Senator Don Moore has placed a Senate Resolution, congratulatory
16 resolution. Mr. Secretary, do you have Senator Moore's...there
17 ...there are seven up there, but I think just for intervening
18 business let's just do one, and Senator Don Moore...

19 SECRETARY:

20 Senate...Senate Resolution No. 27, introduced by Senator
21 Don Moore and all Senators. It's congratulatory.

22 PRESIDING OFFICER: (SENATOR ROCK)

23 Senator Moore moves for the suspension of the Rules,
24 for the immediate consideration and adoption of this congratula-
25 tory resolution. All those in favor signify by saying Aye.
26 All those opposed. The Ayes have it. The rules are suspended.
27 Senator Moore now moves the adoption of Senate Resolution 27.
28 All those in favor signify by saying Aye. All those opposed.
29 The Ayes have it. The resolution is adopted. We have, additionally,
30 six congratulatory resolutions. I wonder if there... leave of
31 this Body if we can just run all six of them at once? All
32 right, Mr. Secretary, read the resolutions and we'll...

33 SECRETARY:

1. Senate Resolution No. 28, introduced by Senators
2. Carroll, Welsh and all members.

3. Senate Resolution No. 29, introduced by Senator
4. Davidson and all members.

5. Senate Resolution No. 30, introduced by Senators
6. Mitchler and Senator...and Senator Bell.

7. Senate Resolution No. 31, introduced by Senator Mitchler.

8. Senate Resolution No. 32, introduced by Senator Kosinski
9. and all members.

10. Senate Resolution No. 33, introduced by Senator Carroll
11. and all members.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. Senator Carroll moves for the suspension of the rules,
14. for the immediate consideration and adoption of Senate Resolu-
15. tions 28 to and through 33, all of which are congratulatory.
16. All those in favor signify by saying Aye. All those opposed.
17. The Ayes have it. The rules are suspended. Senator Carroll
18. now moves the adoption of Senate Resolutions 28 through 33.
19. All those in favor signify by saying Aye. All those opposed.
20. The Ayes have it. The resolutions are adopted. With leave
21. of the Body we will now return to the order of House Bills...or
22. consideration postponed for the consideration of House Bill 5.
23. Senator...Senator Weaver, for what purpose do you arise?

24. SENATOR WEAVER:

25. Mr. President, I rise to request a recess for the purpose
26. of a Republican caucus.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. That request is certainly in order. Do you have any idea
29. of time or shall we...all right. The Senate will stand in
30. recess for the purpose of a Republican caucus till the call of
31. the Chair.

32. (Recess)

33. (After Recess)

1. PRESIDING OFFICER: (SENATOR ROCK)

2. The Senate will, again, be in Session. Senator
3. Welsh, for what purpose do you arise?

4. SENATOR WELSH:

5. Mr. President, I rise for the purpose of a Democratic
6. caucus in the President's office. The caucus...the caucus
7. will last five minutes.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Weaver, for what purpose do you arise?

10. SENATOR WEAVER:

11. Thank you, Mr. President. There's a lot of members
12. on both sides of the aisle that are hungry and that last
13. caucus of five minutes lasted about four hours. Do you
14. suppose we'd have time to run out to MacDonalds or come back
15. about midnight or eleven o'clock?

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Senator Partee.

18. SENATOR PARTEE:

19. Senator, I anticipated that we might have that kind of a
20. request and I've sent for some sandwiches, both beef and pork.
21. Very excellent sandwiches that are tastily prepared and they
22. should be here very shortly.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. All right. The Senate will stand in recess for the pur-
25. pose of a...five minute Democratic caucus.

26. (Recess)

27. (After Recess)

28. PRESIDING OFFICER: (SENATOR ROCK)

29. The Senate will come to order. On the order of considera-
30. tion postponed, House Bill 5. Mr. Secretary, read the bill.
31. I appreciate the fact that you think...you know...so, that
32. everybody knows where we're at and what we're doing. Read the
33. bill, Mr. Secretary.

1. SECRETARY:

2. House Bill No. 5.

3. (Secretary reads title of bill)

4. 3rd reading of the bill.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator Netsch.

7. SENATOR NETSCH:

8. I think the bill has been discussed in considerable de-
9. tail over a period of several weeks and does not need any
10. additional discussion right now. This is the sales tax
11. acceleration bill. It now contains a threshold of twenty-
12. five thousand average monthly sales immediately effective
13. twelve thousand beginning July 1, 1977. The main point is,
14. that it provides twenty million dollars of revenue to help
15. pay for the school aid package that we are attempting to put
16. together in this Special Session. I would solicit your favorable
17. consideration.

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Further discussion? Senator Bell

20. SENATOR BELL:

21. Thank you, Mr. President. I'd like to say that, you know,
22. we've been here for over twelve hours and I think this probably
23. typifies much of the whole Special Session for the last several
24. weeks, this kind of wait and see hypocrisy that we've been
25. playing in reference to this whole question. I really think
26. the whole Special Session should be entitled, by hypocrisy...
27. what is the definition of hypocrisy? I haven't looked it up,
28. but in my mind it's where you say that you're intending to do
29. something and in reality you don't intend to do it. I have
30. a question of Senator Netsch, if she'll yield.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. She indicates she will yield. Senator Bell.

33. SENATOR BELL:

1. Senator Netsch, how many members from your side of the
2. aisle do you have on the Floor?

3. PRESIDING OFFICER: (SENATOR ROCK)

4. Senator Netsch.

5. SENATOR NETSCH:

6. I have not counted them. Would you like to fill me in?

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Bell.

9. SENATOR BELL:

10. Well, I don't think it's necessary to fill you in, but
11. I...I think that I'm right when I say that you don't have
12. sufficient numbers over there to pass this legislation this
13. evening, and consequently...consequently, in my mind that's
14. hypocrisy, because probably you might be able to have done
15. it if you had waited until tomorrow. Now, another thing that...
16. that I would certainly...now, just a minute. I've sat here for
17. two or three weeks in reference to this question. I've got some
18. things I want to get off my chest. I plan on doing just
19. that, Senator. Now, we're talking about a hundred and ten
20. million dollars in way of formula and not funding it with
21. more than fifty million dollars. I call that hypocrisy.
22. We're talking about, in this Senate, moving to some form of
23. full funding for education and if we pass this particular
24. package it's going to...change the pro-ration formula from
25. ninety-four percent, where it is currently, down to ninety-
26. one percent. I think that constitutes hypocrisy. I think
27. it constitutes hypocrisy when you're planning to call a vote
28. on a particular bill when you know you don't have the votes
29. for it this evening. I think this whole Session has been
30. typified by this word hypocrisy. I'm not particularly proud
31. of even having played a particular roll in it. I'm going to
32. make my vote as I've made it, what I think is for responsible
33. government in Illinois. I have no problems in explaining my

1. position to the people of Will County, because it does
2. nothing for them. It simply does something for Chicago
3. and very little for any of the rest of the State of Illinois,
4. but that's what we're here for, I guess, is to cloud up the
5. issues and continue on this hypocritical situation. Thank
6. you.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Any further discussion? Senator Harris.

9. SENATOR HARRIS:

10. Just a question. Senator Netsch, in what form is the
11. bill now with respect to the effective date? Is it December
12. 1, November 1, January 1? What...what...

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Senator Netsch.

15. SENATOR NETSCH:

16. November 1.

17. SENATOR HARRIS:

18. November 1 with respect to the twenty-five thousand
19. dollar threshold and July 1 with respect to the twelve thou-
20. sand dollar threshold?

21. PRESIDING OFFICER: (SENATOR ROCK)

22. Senator Netsch.

23. SENATOR NETSCH:

24. Yes, the effective date of the bill is November 1...

25. SENATOR HARRIS:

26. Okay.

27. SENATOR HARRIS:

28. ...That makes the first threshold immediately effective
29. or...

30. SENATOR HARRIS:

31. Yeah...yeah...

32. SENATOR NETSCH:

33. ...more or less immediately. The other by the terms of

1. the bill will be effective July 1.

2. SENATOR HARRIS:

3. Yeah, well, November 1, 1976.

4. PRESIDING OFFICER: (SENATOR ROCK)

5. Senator Netsch.

6. SENATOR NETSCH:

7. Yes.

8. SENATOR HARRIS:

9. Okay. Just...just wanted to be sure.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Further discussion? Senator Netsch...Senator Partee.

12. SENATOR PARTEE:

13. Mr. President and members of the Senate. Normally when

14. I make a statement or ask a question I reasonably know what

15. the result may well be. I'm going to make...answer...

16. ask a question and thereafter I'm going to make a statement

17. and I will tell you that I don't know what the answer is go-

18. ing to be. But, I'll tell you this, if the answer is anything

19. within the bounds of getting this matter settled, if the

20. answer suggests that there is any weakening, I care not, be-

21. cause I'm just up to here, going up and down on a question

22. for school children which has some political overtones that

23. disgust me. Now, I know that I may well incur the disfavor

24. of some members on this side of the aisle. I may incur the

25. disfavor of some members on that side of the aisle, but I

26. do know that if we reach a solution tonight we will not discour-

27. the favor of thousands of school children in this State who

28. desire to know what their educational future is going to be.

29. Now, let's get right down to the bottom line. There are two

30. propositions in here and one of them relates to a twelve million

31. ...a twelve thousand dollar threshold come July 1st, 1977.

32. There's another one that relates to a five thousand dollar

33. threshold come July 1st, 1977. The bill, in its present form,

1. contains a twelve thousand one. That bill could be called
2. and, perhaps, there may or may not be enough votes to pass
3. it. Senator Harris has said that if it were a bill with a
4. five thousand dollar threshold, he would aggressively support
5. it. I want to know if a motion is made to reconsider the
6. vote by which the five thousand vote threshold passed...
7. failed, are you prepared to supply enough votes to pass the
8. bill with a five thousand dollar July 1st, '77 threshold, so that the
9. kids of this State will know where they are? That's what
10. I want to know. Could someone give me an answer?

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Senator Harris is indicating he will yield. Senator
13. Harris.

14. SENATOR HARRIS:

15. Well, Senator Partee, the bill is not in that form.

16. SENATOR PARTEE:

17. I'm so aware of that, it's funny.

18. SENATOR HARRIS:

19. Yeah. Well, call the bill...

20. SENATOR PARTEE:

21. I'm asking you a question.

22. SENATOR HARRIS:

23. ...and quit putting on a grandstand show.

24. SENATOR PARTEE:

25. I'm not putting on any show...

26. SENATOR HARRIS:

27. Call the bill.

28. SENATOR PARTEE:

29. ...I'm asking you a question, Senator Harris. You said
30. you'd take five thousand dollar threshold and you would vote
31. this bill...

32. SENATOR HARRIS:

33. Well, call the bill...

1. SENATOR PARTEE:
2. ...you'd work for it aggressively.
3. SENATOR HARRIS:
4. You wouldn't let us put that amendment on...
5. SENATOR PARTEE:
6. I am asking you to do that...
7. SENATOR HARRIS:
8. ...cutout the baloney...
9. SENATOR PARTEE:
10. I'll put a five thousand dollar threshold...
11. SENATOR HARRIS:
12. Where are the absentees?
13. SENATOR PARTEE:
14. ...on it for the school...for the citizens of this group.
15. SENATOR HARRIS:
16. You're short votes over there. We don't have thirty-four
17. votes. Cutout the grandstanding, candidate for Attorney General.
18. SENATOR PARTEE:
19. Listen, my friend, you are one of the most articulate
20. men in this Senate. You're a man that understands the English
21. language and I'm talking to you in English. I'm saying to
22. you at the risk of my own people...
23. SENATOR HARRIS:
24. Call the bill.
25. SENATOR PARTEE:
26. ...being upset with me. I am saying to you...
27. SENATOR HARRIS:
28. Call the bill.
29. SENATOR PARTEE:
30. ...for the school kids of this State, you said you wanted a
31. five thousand dollar threshold. I'll give you one. I'm asking
32. you how many votes you'll give me.
33. PRESIDING OFFICER: (SENATOR ROCK)

1. Sen...Senator Harris.

2. SENATOR HARRIS:

3. Well, we don't have the absentees on this side that

4. you have. You...you know, you...you're just...

5. SENATOR PARTEE:

6. You're telling me everything but how many votes you

7. have for your five thousand dollar threshold.

8. SENATOR HARRIS:

9. ...well, the fact is, under the rules, Mr. President,

10. this bill has been amended by the majority position of the

11. Democrats with their thirty-four votes...

12. SENATOR PARTEE:

13. What you're saying to me, Senator...

14. SENATOR HARRIS:

15. ...most of the absentees, most of which, of course...

16. SENATOR PARTEE:

17. ...is, I don't think you intended to...

18. SENATOR HARRIS:

19. ...are Democrats. Call the bill you phony.

20. SENATOR PARTEE:

21. ...support it with the five thousand dollar threshold.

22. And your answer.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. All right, hold it now, hold it. Let's get a little

25. order in here. It's getting late, we've all been up late.

26. Senator Mohr and I were up at five thirty this morning, as

27. a matter-of-fact. Senator Partee.

28. SENATOR PARTEE:

29. Someone cut me off. Who was it?

30. PRESIDING OFFICER: (SENATOR ROCK)

31. No, Sir, I cut all the microphones off.

32. SENATOR PARTEE:

33. I just wanted to know. Now, I want to say to the members

1. of this Body that I apologize for screaming, because I'm
2. not a screamer, but I'm just so frustrated and discombobulated
3. by what is going on here. I heard over and over again that
4. a twelve thousand dollar threshold was just unacceptable and
5. that you'd have the votes with a five thousand dollar thresh-
6. old and I'm prepared to suggest and wheedle and cajole
7. with my membership in the interest of school children, to
8. give you a five thousand dollar threshold, which is what you
9. said you wanted, what you said you needed. You may have it.
10. to the distress of a lot of other people, but those other
11. people are, perhaps, not the priority as school children are,
12. and I'm going to go with the priority. Now, I ask again if
13. I may have an answer. If we give you the five thousand thresh-
14. old do we have your support on the bill?

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Howard Mohr, for what purpose do you arise?

17. SENATOR MOHR:

18. Well, partially to respond, Mr. President.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. That is in order.

21. SENATOR MOHR:

22. We came down here, those of us in the leadership, last
23. Monday to talk about this very problem that we're talking
24. about at 10:30 this evening. We came down and thought that
25. we were acting in good faith when we left the Governor's
26. Office to come back with a compromise, and it was said, as
27. we were leaving the room, there would not be a compromise.
28. However, when we came back and all of the members that were
29. in the room prior to our departure, all but two and the Governor,
30. that's the President of the Senate and the ... or the
31. Speaker of the House and the Governor, were there to... to meet
32. and talk about a compromise bill. I would submit, Mr. President,
33. that in this Senator's humble opinion, that we were mislead,

1. not as the Governor stated that we mislead him. He's got
2. a political issue, he's not going to let go of it. The
3. people on the other side, for the most part, are not going
4. to let go of it. It's not a school kid issue. The school
5. kids in my area and most of the members of this Body are
6. not affected by this. It's a rip-off for the most part and
7. we will go back home and won't have any problem at all ex-
8. plaining our vote. I have done it. I would point out, too,
9. that this issue is so important in my district, I have yet
10. to get my first phone call or letter on it. I think that,
11. Mr. President, I will close, but I have...before I do I will
12. just say that as a member that's going to retire I would
13. suggest that, to...to the members that are going to be here
14. in the years to come, that they better really consider the
15. people that pay the taxes of this State. The people that
16. aren't represented here with a strong teachers' lobby, a
17. lobby that's able to buy and control a number of members of
18. this Body, and I think the time is quickly reaching us that
19. they're going to have to make some decisions very shortly on
20. who they're going to represent, the teachers or the rest of
21. the people of the State of Illinois. That's where we are,
22. I'd suggest that we get on with the roll call and let's get
23. out of here.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Further discussion? Senator Wooten.

26. SENATOR WOOTEN:

27. I'm sorry, Senator Philip, but a few more minutes you
28. can take. I'm deeply disappointed at the turn the debate has
29. taken. I'm especially disappointed because, as I said before,
30. I had a rather cynical notion that maybe there was a general
31. agreement, "pass it", on both sides to let this die and be-
32. come a campaign issue. I'm deeply pained at the exchange
33. because I...I'm afraid I know now where that decision comes

1. from and I apologize to Senator Partee.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. Senator Ozinga.

4. SENATOR OZINGA:

5. Mr. President, I've sat and I've listened, I've forfeited
6. my dinner, even though being a diabetic, in good faith. How-
7. ever, it was suggested here this afternoon that...probably
8. this evening, I don't know, time has flown, but it was suggested
9. that three months ago these were not good bills and now all
10. of a sudden they're politically expedient. Why does the
11. Governor demand that he be a hero for education now. Well, I'll
12. tell you, because he has or has been...received the...the
13. political ire, the wrath of education, and he's got to make
14. amends so he can be elected in '78. We are talking about the
15. annual appropriations to the schools. These escalating bills
16. will not bring in one red cent more, remember that. All
17. that they will do is they'll get...be able to have the Governor
18. get his hands on it faster, and I say to you, pass bills on
19. education, one and two. I was ready to vote for them and I
20. said so the last time around when we did have a vote on Senate
21. Bill 1. I voted for it. I'm still ready to vote for 1 and
22. 2, but I in no way...can I vote for these escalating bills,
23. but let the decision to the next Governor, whether it be Demo-
24. cratic or Republican, as to the payment and making up this
25. deficit or as to getting the money to the schools. He will be
26. on the spot, that's great, one time. You Democrats know
27. as well as I there's no love lost between the Chicago Democrats
28. and the downstate Democrats or the Walker Democrats. Let the
29. new Governor come in with clean hands and with clean voice and
30. really set forth and tighten up the belt whether it be Thomp-
31. son or Howlett. Also, if he comes in and says as every past
32. Governor, for you people that have been here more than two
33. terms, you know as well as I that every new Governor is going

1. to do wonders. Okay, this is the one time that we can see
2. that he does. He'll come in right on the spot. Let the
3. Governor come in, let him tighten up his belt, let him
4. tighten up the belt of all of these departments, and I believe
5. and I honestly believe, that if a new Governor says what he
6. is going to do by way of tightening up the belt, there will
7. be no need for new taxes and we can still full fund education,
8. and I would beg of you to call the roll and get it over with
9. and let's go home.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Senator Fawell.

12. SENATOR FAWELL:

13. Well, I just want to say just a few words in...in de-
14. fense of Bill Harris. You know, I...at this point I don't
15. know how in the world anybody can conclude, Senator Wooten
16. or you or anyone else, about hypocrisy. It...it seems to
17. me there's enough smeared on all of us that we very well
18. can't make a whole lot of conclusions about somebody else.
19. But I do want to say, insofar as the leader on this side of
20. the aisle is concerned, I know very well he was absolutely
21. sincere in trying to work out a package, and as you may have
22. noticed over the years the ability of the leader or anyone else
23. on this side of the aisle to necessarily deliver votes is
24. something that just isn't real possible quite often, but I
25. just...I wanted to bring out that perhaps the brinkmanship
26. that has been practiced has hardened lines on both sides. I
27. think not too many hours ago Bill could have gotten in the
28. caucus and worked hard and...and...on the program that he
29. thought he had. And remember that each time you sat down with
30. us understandably, in my opinion, a lot of the give has been
31. on this side. We haven't even had, I repeat, an opportunity
32. to even discuss the merits of House Bill 1, which is the real
33. substance of what we're talking about. Any type of compromise

1. has only been in regard to the appropriations, and I speak
2. as one who plans to support this legislation. At this point
3. I feel it's the only thing that we can do and I feel that
4. I've been backed into a corner, but it's one of those things
5. that I feel that I must do. I think it's extremely unfair,
6. though, not to recognize the fact that Bill Harris has really,
7. I think, broken his neck to try to work this matter out and
8. unfortunately it appears as though we've gotten to those
9. hardened lines where just no more working out can be done. I
10. wouldn't conclude in regard to either leader that at this
11. point that either one wanted to throw the game. It's...we're
12. at the point where, apparently, the game is going to be over,
13. but I do want to make those statements.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Glass.

16. SENATOR GLASS:

17. Thank you, Mr. President and Ladies and Gentlemen. I
18. would echo Senator Fawell's comments about the position of
19. Senator Harris in his efforts to work out a compromise in
20. this legislation, and I would only say...and I see Senator
21. Partee is in a conference, but I would...would point out these
22. things to him and to the others in the Chamber, that it was
23. Senator Harris that offered the amendment to establish the
24. five thousand dollar threshold. That amendment, to my recollection,
25. received twenty-one votes. I don't know how the membership on
26. this side of the aisle would support. I speak, also, as one
27. who not only will support this legislation, but am anxious to
28. see it pass and really anxious to see it pass on the conditions
29. of the compromise as we understood them, and I would point out
30. that the way to find out, and...and to my mind the...the most
31. sensible way of going about this is, to Table the present amend-
32. ment and put Senator Harris' amendment on the bill and vote
33. it on those terms.

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Further discussion? Senator Partee.

3. SENATOR PARTEE:

4. I'm sorry, Senator Glass, during part of your discourse
5. I was otherwise engaged. Now, what is your suggestion, please?

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Senator Glass.

8. SENATOR GLASS:

9. Senator Partee, my suggestion is that...that the...that
10. Amendment 3 or that Senator Harris' amendment be, in fact,
11. voted on in...in place of this one. That would be the five
12. thousand dollar threshold.

13. SENATOR PARTEE:

14. Well, now, just a moment. The amendment under considera-
15. tion at the moment is...the...the bill is under consideration
16. at the moment, Senator. Now...wait just a minute. Let's...
17. let's finalize this, could we? Now...now, that you know that
18. we're not on, the amendment and that we're on the bill, what
19. is your suggestion?
20.
21.
22.
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24.
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33.

1. PRESIDING OFFICER: (SENATOR ROCK)
2. Senator Glass. Senator Glass.
3. SENATOR GLASS:
4. ...Amendment...Amendment No. 3 which was Senator Harris'
5. amendment was written to dovetail with this amendment. My sug-
6. gestion is that we reconsider the vote by which that amendment
7. was defeated and put it on the bill, vote on the bill in that
8. manner.
9. SENATOR PARTEE:
10. Well, I'm asking you, and I...this is what I asked a few
11. moments ago. Now, just a minute, Senator. If I may finish.
12. I recognize it, Sir. I...well, let's just clarify it, you know, we
13. get...sometimes we get so technical we lose the whole thing.
14. Senator, I said a moment ago if...maybe if we're on the same
15. kind of thought pattern, I said a moment ago that we could
16. reconsider the vote by which Amendment No. 3, Senator Harris'
17. amendment, failed. I've certainly attached to that as a
18. condition subsequent, but I have some information as to how
19. many votes are coming from your side of the aisle on the
20. bill as amended by Amendment No. 3. I still have no answer to
21. that, hence, I am not going to make any commitment until I know that.
22. PRESIDING OFFICER: (SENATOR ROCK)
23. Senator Glass.
24. SENATOR GLASS:
25. Well, that, of course, is your privilege, Senator. I, as
26. one, as I spoke earlier, interested in seeing this legislation
27. pass, pointed out to you that while I don't know the answer
28. to your question, I speak as one who would vote for the...the
29. bill in that form. I would...would also point out...
30. PRESIDING OFFICER: (SENATOR ROCK)
31. All right, excuse me, Senator. Excuse me, Senator Glass.
32. Senator Hall, for what purpose do you arise?
33. SENATOR HARBER HALL:

1. Mr. President, we're not on this order of business. This
2. does not pertain to this House Bill 5 and I suggest that the
3. Democrat side call this for 3rd reading and we should stick
4. to it. It was not...

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senator...Senator...

7. SENATOR HARBER HALL:

8. ...we didn't call Senate Bill 5.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. ...Senator...Senator Hall, I will have to rule your point
11. is not well taken. I have tried...I have attempted on a couple
12. of occasions to get back to Senator Netsch to have her close
13. the debate. Senator Glass has the Floor. Senator Glass.
14. Senator Glass has the Floor.

15. SENATOR GLASS:

16. Thank you, Mr. President. ...I...I...I would...I think
17. think that the...the question...indeed has...has been answered that
18. as I pointed out earlier there were, I believe, twenty-one votes
19. to put the...the amendment on. I would also point out that
20. we don't know how many members on that side of the aisle would
21. vote for this bill, nor do we know indeed if...if we adjourn
22. until tomorrow whether there would be additional votes there.
23. But my...my point was that...it seems to me what I would hope...
24. at least what I would hope you would do would be to go to that
25. order of business and...and take a vote on it in that condition.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. All right, further discussion? Senator Partee.

28. SENATOR PARTEE:

29. If...if Senator I...if Senator...if Senator I knew that
30. those...Senator, you...you are going to be recognized I'm
31. sure, Senator. I have the Floor. I have the Floor, Senator
32. Knuppel.

33. PRESIDING OFFICER: (SENATOR ROCK)

1. All right. Excuse me, Senator. Senator Knuppel, for
2. what purpose do you arise?

3. SENATOR KNUPPEL:

4. Point of order. Now, I...

5. PRESIDING OFFICER: (SENATOR ROCK)

6. State your point, Senator.

7. SENATOR KNUPPEL:

8. ...I seldom agree with Senator Hall, but he's one
9. hundred percent right. We're on 3rd reading. We got a bill
10. All this p..... back and forth across the aisle is out. Let's
11. vote on it.

12. PRESIDING OFFICER: (SENATOR ROCK)

13. The...the point is, as I explained to Senator Hall, not
14. well taken. Senator Partee.

15. SENATOR PARTEE:

16. There were twenty-four votes for the amendment...twenty-one.
17. I just wanted to see if you were listening. There were twenty-one
18. votes for the amendment. That to me does not mean that they're twenty-one
19. votes for the bill. Many is the time that people have voted
20. for amendments and didn't vote for the bill. That's why the
21. ...the expression...Bartuliszing came from. So, that still
22. doesn't answer my question. I still want to know. Now, if
23. I am going to...if I am going to agree to take this amendment,
24. I want to know what that agreement means, not to me but to the
25. school children of this State.

26. PRESIDING OFFICER: (SENATOR ROCK)

27. All right, any further discussion? Senator Harris, did you
28. have your light on or is that a mistake? Senator Bloom.

29. SENATOR BLOOM:

30. Thank you. You know, just...just one small point.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. We are...we...we are discussing...the matter under considera-
33. tion is House Bill Bill 5...

1. SENATOR BLOOM:

2. Fine.

3. PRESIDING OFFICER: (SENATOR ROCK)

4. ...Senator Bloom.

5. SENATOR BLOOM:

6. Yeah. I think if we came back tomorrow, the two missing
7. votes on the other side of the aisle as well as the votes on
8. this side of the aisle would pass it. I...I fail to see
9. the problem.

10. PRESIDENT:

11. Senator Mitchler.

12. SENATOR MITCHLER:

13. I move the previous question.

14. PRESIDING OFFICER: (SENATOR ROCK)

15. Senator Mitchler has moved the previous question. All
16. those in favor signify by saying Aye. All those opposed. The
17. Ayes have it. Senator Netsch may close the debate. Senator
18. Netsch, do you...do you wish close the debate? Would you...
19. would you please? I haven't...Senator Netsch may close the
20. debate.

21. SENATOR NETSCH:

22. Well, this one is really going to blow your mind. I
23. would like to yield my closing remarks to Senator Partee.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. Senator Partee. Senator Harris, for what purpose do you arise?

26. SENATOR HARRIS:

27. A point of personal privilege.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. State your point, Sir.

30. SENATOR HARRIS:

31. I've been around for a while, and I want...I...I just want
32. to state publicly that this is the...this is the most unbelievable
33. performance by a majority that I've witnessed in my twenty-two years.

1. We have twenty-five members and the Democrats have got thirty-four.
2. The bill is in its present form as a result of the actions by
3. the majority on this bill, and the stall has been on all day,
4. and it's perfectly obvious that what is wanted by the majority,
5. and particularly by the President is an issue, not an appropriation.
6. We don't have the majority, and this technique now of the
7. sponsor to yield in the closing of the debate on this bill is
8. likewise unique in my experience. The majority...the majority
9. ought to act...

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Thank you. I think on that note, perhaps the...the Journal
12. should reflect with leave of this Body that Senator Dougherty
13. is hospitalized and extremely ill. I wish the Journal would so
14. reflect. Senator McCarthy, for what purpose do you arise?

15. SENATOR MCCARTHY:

16. Point of personal privilege.

17. PRESIDING OFFICER: (SENATOR ROCK)

18. State your point, Sir.

19. SENATOR MCCARTHY:

20. My point of personal privilege is in response to the
21. remarks just made, because I happen to be a member of the majority
22. in this Legislature, and I take exception and think that the
23. characterization made that this is the most unbelievable performance
24. by a majority is out of context, is out of perspective to the
25. required numbers of members to pass on legislation in this
26. Special Session under the rules of the Senate. We indeed do
27. have a majority, but what we're trying to strive for is the
28. passage of legislation by an extraordinary majority. Sixty
29. percent of the membership which is thirty-six which we do not
30. have. My recollection is that when we came into Special Session
31. on a Wednesday, I believe, the bills were moved to 2nd reading
32. without reference and on Friday, the third day of the Special
33. Session, there was a roll call taken on one of the Senate Bills.

1. It fell short by either one or two votes. Some help from the
2. minority party, but always just a little bit less than the
3. extraordinary majority needed in order to be effective. That
4. happened a week ago last Friday. It's been repeated and repeated
5. on the Floor and in the counts that have been taken through
6. attempts to negotiate to get an extraordinary majority which we
7. don't possess. Now, we now have a bill which will come up...
8. I'm speaking as a point of personal privilege in response to
9. the remarks that are made, and if the bill doesn't receive the
10. extraordinary majority of thirty-six that is...will be only
11. consistent with the attitudes through voting patterns that I
12. have observed since that third day of this Special Session.
13. Finally, I point out as a point of personal privilege that there
14. is on this Calendar Senate Bill 5, not House Bill 5, but Senate
15. Bill 5, Mr. President, which, I think, is the type of legislation
16. that might be called if we'd go out of order to Senate Bill 5
17. depending on the outcome of House Bill 5 where the alternative
18. suggestions can be explored, if indeed, we need to reach that
19. point. And I won't impose on the Body any further on a point of
20. personal privilege in trying to speak to the bill, but I did
21. want to make that type of response.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. All right. Senator...Senator Netsch may close the debate.
24. She indicates she will yield to Senator Partee. Senator Partee,
25. to close the debate.

26. SENATOR PARTEE:

27. When I stood on my feet, Mr. President, it was my full
28. intention to ask Senator Netsch to take this bill out of the
29. record, but in light of some things that have been said, I'm
30. going to not make that suggestion. I'm going to ask that
31. the bill be called to determine how many votes there are on
32. either side of this aisle, determine if it can be passed in
33. this form. It's absolutely mandated by some of the strong feeling

1. by members certainly on this side of the aisle that it be
2. called, and that a roll call be made and a record be made
3. of those who opposed this reasonable bill. I'm going to ask
4. that it be called. We'll do some parliamentary voting which
5. perhaps will not...well, I'm just going to call it. Let's
6. call it.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. All right, the question is...the question is, shall House
9. Bill 5 pass? Those in favor will vote Aye. Those opposed will
10. vote Nay. The voting is open. Have all voted who wish? Have
11. all voted who wish? Take the record. There has been a request
12. for a poll of the absentees. Mr. Secretary, call the absentees.

13. SECRETARY:

14. Buzbee, Clarke, Course, D'Arco, Dougherty, Hickey, Nudelman,
15. Soper.

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Well, the...the question has been raised that under Rule
18. 20, and I would direct your attention to Rule 20, that this Act
19. as proposed does contain an effective date prior to the 1st
20. day of July, of the next calendar year, namely November 1,
21. 1976, and we seem to be in the second provision, that if a
22. majority of less than three-fifths of the Senate vote affirmatively
23. on the question, then the vote on the bill shall be deemed re-
24. considered and the bill subject to amendment by striking out
25. the emergency clause and the effective date, and then the bill shall
26. be under consideration on 3rd reading with the emergency clause
27. and the effective date stricken. That is the current posture
28. of this legislation. Senator Netsch.

29. SENATOR NETSCH:

30. Given that posture, Mr. President, I would like to direct
31. an inquiry to you. May I hold the vote on that until tomorrow?
32. Is there anything which prohibits me from doing that?

33. PRESIDING OFFICER: (SENATOR ROCK)

1. There is nothing in the rules which prohibits that.
2. Senator Harris, for...
3. SENATOR NETSCH:
4. Then I request that it...
5. SENATOR HARRIS:
6. Well...
7. PRESIDING OFFICER: (SENATOR ROCK)
8. ...All right....
9. SENATOR HARRIS:
10. ...just a minute...
11. PRESIDING OFFICER: (SENATOR ROCK)
12. ...that...that will be the request under discussion.
13. Senator Harris.
14. SENATOR HARRIS:
15. ...Now, that very point, Mr. President, was evaded last
16. week when this very same bill was placed on the order of Considera-
17. tion Postponed. It's now...I mean..
18. PRESIDING OFFICER: (SENATOR ROCK)
19. Can the Chair respond to that part of it?
20. SENATOR HARRIS:
21. ...Sure.
22. PRESIDING OFFICER: (SENATOR ROCK)
23. The point...it...we never got to that point.
24. SENATOR HARRIS:
25. Well, it's automatic. That...the rules says automatic.
26. PRESIDING OFFICER: (SENATOR ROCK)
27. It...it...there was an intervening, might I say, intervening
28. motion...
29. SENATOR HARRIS:
30. Now, come on now...
31. PRESIDING OFFICER: (SENATOR ROCK)
32. ...to postpone. No, no...
33. SENATOR HARRIS:

1. ...this bill...

2. PRESIDING OFFICER: (SENATOR ROCK)

3. ...I'm quite serious.

4. SENATOR HARRIS:

5. ...ought to be declared passed by you when, in fact, the
6. absentees were called. The bill ought to be declared passed
7. effective July 1, 1977. That's what our...rules provide for.
8. There's been no motion to suspend the rules.

9. PRESIDING OFFICER: (SENATOR ROCK)

10. No. I...I...I...what I'm pointing out is that under
11. Rule 20 absent such a motion as happened last week with respect to
12. Postponed Consideration which is the sponsor's prerogative, that this is
13. an automatic provision. Senator Netsch has now raised the
14. question as to whether or not the amendment must of necessity
15. be immediately forthcoming. The Chair is prepared to rule that
16. it need not be. Senator Partee, for what purpose do you arise?

17. SENATOR PARTEE:

18. Well, I certainly agree with the ruling, but I was going
19. to say that the bill still has to go back to the House. I
20. think someone has forgotten that. Not tonight. No, the House
21. isn't in Session tonight.

22. PRESIDING OFFICER: (SENATOR ROCK)

23. All right, the bill is automatically reconsidered and is
24. on 3rd reading and subject to an amendment to strike those
25. provisions. Senator Moore, for what purpose do you arise?

26. SENATOR MOORE:

27. Well, I...the board went of, Mr. Chairman or Mr. President.
28. Would you be kind enough to tell me what the vote was on that
29. bill?

30. PRESIDING OFFICER: (SENATOR ROCK)

31. I'm...certainly will. The...the record...yes, and on...on that
32. question, the Yeas were 35, the Nays were 16, and none Voting
33. Present, and the Chair has ruled that under the provisions of

1. Rule 20, there is automatic reconsideration and is...the bill
2. is on 3rd reading subject to an amendment from the sponsor which
3. she indicates she is not prepared to deal with at this moment.
4. And I think she is quite correct.

5. SENATOR MOORE:

6. Well...

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Senator Moore.

9. SENATOR MOORE:

10. ...Mr. President, what type of an amendment does the
11. sponsor desire to give tomorrow to this bill?

12. PRESIDING OFFICER: (SENATOR ROCK)

13. I'm sorry. I'm...I've...I've got two parliamentarians and
14. I'm...would you repeat the question, Senator Moore, please?

15. SENATOR MOORE:

16. Yes, if...if...perhaps the President or the sponsor of
17. the bill could reply what...

18. PRESIDING OFFICER: (SENATOR ROCK)

19. Can I...

20. SENATOR MOORE:

21. ...type of an amendment does she desire to give tomorrow
22. to this bill whenever we go back into Session tomorrow? I
23. assume it would be an amendment to strike the...the emergency
24. clause and the bill would become effective on July 1. I assume,
25. but I'm not certain. I would like an indication from the...
26. the President or from the sponsor of the bill.

27. PRESIDING OFFICER: (SENATOR ROCK)

28. ...I have my own suggestion, but Senator ParTEE.

29. SENATOR PARTEE:

30. Just so that we can keep the record straight, the rule
31. that you just read said that the bill...read the rule again, please.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. All right. We have... I am reading from Rule 20. It says

1. when an Act contains...

2. SENATOR PARTEE:

3. Wait. Just a minute, I want the Parliamentarian to hear
4. this because it's...yes, go ahead.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. ...When an Act contains a clause or proviso fixing the
7. effective date prior to the first day of July of the next calendar
8. year, the question shall be, shall the bill pass and if declared
9. affirmatively by a vote of three-fifths of the Senators elected,
10. then the bill shall be deemed passed. If a majority of less
11. than three-fifths of all Senators vote affirmatively on the
12. question, then the vote on the bill shall be deemed reconsidered
13. and the bill subject to amendment by striking out the emergency
14. clause and the effective date and then the bill shall be under
15. consideration on 3rd reading with the emergency clause and the
16. effective date stricken.

17. SENATOR PARTEE:

18. Now, in the absence of the sponsor of the bill filing
19. such a motion, does not the bill go to the House in the form
20. in which it was passed under the first part of the rule?

21. PRESIDING OFFICER: (SENATOR ROCK)

22. In...in the opinion of the Chair, it does not, because it
23. says, then the vote on the bill shall be deemed reconsidered.

24. SENATOR PARTEE:

25. In other words, for the bill to go to the House, then she must
26. make the motion to take off the effective day?

27. PRESIDING OFFICER: (SENATOR ROCK)

28. That is correct.

29. SENATOR PARTEE:

30. Fine.

31. PRESIDING OFFICER: (SENATOR ROCK)

32. And then it must be voted on.

33. SENATOR PARTEE:

1. Fine.

2. PRESIDING OFFICER: (SENATOR ROCK)

3. All right. There are...there are, in fact, a number of
4. requests to speak apparently. I wonder at this point in time...
5. the...the only thing that's before us is the question under
6. Rule 20. Senator Netsch, for what purpose do you arise?

7. SENATOR NETSCH:

8. I have filed a motion with the Secretary with respect to
9. House Bill 5.

10. PRESIDING OFFICER: (SENATOR ROCK)

11. Read the motion, Mr. Secretary.

12. SECRETARY:

13. Pursuant to Rule 20, I move to strike Section 3 of House
14. Bill 5. Signed, Senator Dawn Clark Netsch.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Senator Netsch.

17. SENATOR NETSCH:

18. The...this...the section to which I referred is the effective
19. date provision. Before I'd ask for a vote on that motion, might
20. I direct a parliamentary inquiry to the Chair?

21. PRESIDING OFFICER: (SENATOR ROCK)

22. You certainly may. Yes, you are in order.

23. SENATOR NETSCH:

24. If this motion prevails and the bill is then passed with a
25. majority vote, and goes to the House and the House refuses to
26. concur in Amendment No. 3 which was put on the bill earlier this
27. afternoon and the bill returns to this House and I refuse to
28. recede from Amendment 3, will the

29. PRESIDING OFFICER: (SENATOR ROCK)

30. Two...I think it is Amendment No. 2...

31. SENATOR NETSCH:

32. I'm sorry.

33. PRESIDING OFFICER: (SENATOR ROCK)

34. Yes.

1. SENATOR NETSCH:
2. It is Amendment No. 2. I beg your pardon.
3. PRESIDING OFFICER: (SENATOR ROCK)
4. Yes.
5. SENATOR NETSCH:
6. Will the bill then be in a Conference Committee?
7. PRESIDING OFFICER: (SENATOR ROCK)
8. That would be the ruling of the Chair. That is correct.
9. SENATOR NETSCH:
10. Then I would move, that pursuant to Rule 20, Section 3 of
11. House Bill 5 be stricken.
12. PRESIDING OFFICER: (SENATOR ROCK)
13. You've heard the motion. All those in favor signify by
14. saying Aye. All those opposed. The Ayes have it. The motion
15. carries. The question now is, shall House Bill 5 pass? We
16. are on 3rd reading, Mr. Secretary. Let the board so indicate.
17. You got Motion up there. All right, the question is, shall
18. House Bill 5 pass? Senator Mitchler, for what purpose do you
19. arise?
20. SENATOR MITCHLER:
21. Parliamentary inquiry, Mr. President.
22. PRESIDING OFFICER: (SENATOR ROCK)
23. State your point.
24. SENATOR MITCHLER:
25. Senator Netsch made a motion. Does not Rule 20 require that
26. the bill would be subject to amendment?
27. PRESIDING OFFICER: (SENATOR ROCK)
28. I...I think...
29. SENATOR MITCHLER:
30. Is the motion an amendment?
31. PRESIDING OFFICER: (SENATOR ROCK)
32. ...The...the motion under the provisions of Rule 20 does
33. effectively strike the effective date section and therefore, does

1. qualify.

2. SENATOR MITCHLER:

3. It says the bill subject to amendment by striking out the
4. emergency...clause in the effective date. Now, is that same
5. as a motion?

6. PRESIDING OFFICER: (SENATOR ROCK)

7. That is...that is correct. All right, the question is
8. shall House...Senator Nimrod, for what purpose do you arise?

9. SENATOR NIMROD:

10. Parliamentary inquiry.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. State your point, Sir.

13. SENATOR NIMROD:

14. The motion now which a...in fact, amended the bill to
15. strike Section 3, was that not a part of the...prior Amendment 3?

16. PRESIDING OFFICER: (SENATOR ROCK)

17. Now, there...there was an amendment...Amendment 3...2...

18. SENATOR NIMROD:

19. Amendment 2...Amendment 2.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Amendment No. 1...Senate Amendent No. 1 was the effective
22. date amendment. It added Section 3.

23. SENATOR NIMROD:

24. 2...2 was not.

25. PRESIDING OFFICER: (SENATOR ROCK)

26. 2 had to deal only with the threshold question about which
27. we have spoken at length this evening. All right, the question
28. is shall House Bill 5 pass? Those in favor will vote Aye. Those
29. opposed will vote Nay. The voting is open. Have all voted who
30. wish? Take the record. On that question, the Ayes are 33,
31. the Nays are 16, none Voting Present. House Bill 5 having
32. received a constitutional majority is declared passed. Senator
33. Newhouse, for what purpose do you arise?

1. SENATOR NEWHOUSE:

2. Mr. President, I was unable to get my button down before
3. the...I'd like to be recorded as having voted...as intending to
4. vote Yes on that bill.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. The Journal will so reflect, Senator Newhouse. The
7. record...the record will so show. Senator Harber Hall, for
8. what purpose do you arise?

9. SENATOR HARBER HALL:

10. Mr. President, on the Secretary's Desk, there is a Senate
11. Joint Resolution that I'd like to have considered if you want
12. to go to the order of resolutions.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Well, we are not on that order of business. Senator Partee,
15. for what purpose do you arise?

16. SENATOR PARTEE:

17. Well, Mr. President, I had made an assessment of the
18. mood and temper and temperament, physical condition of the members,
19. and just out of some thought of security for the health of our
20. members, I was going to make a motion that we adjourn until
21. one o'clock tomorrow. Many of our members are really...extremists,
22. having worked these long hours and been here these long hours,
23. I was going to move that we adjourn until one o'clock tomorrow.

24. PRESIDING OFFICER: (SENATOR ROCK)

25. I think that motion is in order. Before we get to that order
26. of business, there...there is, with leave of the Body, the Chair
27. would like to consider a...a resolution. It's a congratulatory
28. resolution, and it also has an immediate effective date. Mr.
29. Fernandes, please. Read the resolution, Mr. Secretary.

30. ACTING SECRETARY: (MR. FERNANDES)

31. Senate Resolution No. 34 offered by Senator Carroll and
32. all members of the Senate.

33. (Acting Secretary reads Resolution No. 34)

1. PRESIDING OFFICER: (SENATOR ROCK)

2. Senator...Senator Carroll.

3. SENATOR CARROLL:

4. Thank you, Mr. President. I move that we suspend the
5. rules for the immediate consideration and adoption of this
6. resolution, that all Senators be shown as cosponsors thereon.

7. PRESIDING OFFICER: (SENATOR ROCK)

8. Is leave granted for all Senators to be shown? Leave
9. is granted. Senator Carroll moves to suspend the rules for
10. the immediate consideration of Senate Resolution 34. All
11. those in favor signify by saying Aye. All those opposed.
12. The Ayes have it. The rules are suspended. Senator Carroll
13. now moves for the adoption of Senate Resolution 34. All
14. those in favor signify by saying Aye. All those opposed.
15. The Ayes have it. The resolution is adopted. Pursuant to
16. Senator Partee's motion to adjourn until one o'clock tomorrow, the
17. Senate...all those in favor signify by saying Aye. All
18. those opposed. The Ayes have it. The Senate stands adjourned
19. until Thursday, September 23 at the hour of one o'clock.

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